Wednesday, June 17, 2020
Regular City Council Meeting

Under authority granted by House Bill 197 signed by Governor Mike DeWine on Friday March 27, 2020, Kent City Council will be meeting electronically for Committee and Regular Council Meetings. The public may hear and observe this electronic meeting by visiting the City of Kent’s YouTube Channel available at: https://www.youtube.com/channel/UCDZz0s44DJUxKhQ3WDMqGeQ

Any members of the public wishing to make a public comment must provide their name, address, and comment in writing to the clerk of council (councilclerk@kent-ohio.org) by 4:30 p.m. June 17, 2020 to be read by the clerk during the meeting.

AGENDA

7:25 P.M. BOARD OF CONTROL

7:30 P.M. REGULAR COUNCIL

1. Roll Call
2. Opening Remarks and Pledge of Allegiance (Mr. Ferrara)
3. Approval of Minutes
   3.1 Regular City Council Meeting of May 20, 2020
4. Communications
   4.1 Public Comment
      4.1.1 Anyone wishing to address Council must submit their written comments to the Clerk of Council at councilclerk@kent-ohio.org by 4:30 p.m. on the day of the meeting. If also requesting to speak at the meeting, comments are limited to three (3) minutes.

4.2 Written Communication (All placed on file in the Clerk of Council’s office)
   4.2.1 Architecture Review Board Agenda for June 2, 2020 and Meeting minutes from May 5, 2020 meeting were received on May 28, 2020.
   4.2.2 Planning Commission Agenda and Staff Report for June 2, 2020 was received on May 26, 2020.
   4.2.3 Sustainability Commission Meeting Agenda for June 1, 2020 and minutes from February 2, 2020 were received on May 29, 2020.
   4.2.4 Board of Health Minutes and Statistical report from May 12, 2020 and Agenda for June 9, 2020 was received on June 4, 2020.
4.2.5 Board of Zoning Appeals Agenda and Staff Report for June 15, 2020 was received on June 5, 2020.

4.2.6 Letter from the Portage Substance Abuse Community Coalition was received and forwarded to Council members email on May 29, 2020

4.3 City Manager’s Report

5. Standing Committees & Legislation

5.1 Committee of the Whole (Mayor Fiala)
   5.1.1 Committee Meeting Minute Approval: NONE
   5.1.2 Action Recommended: NONE

5.2 Community Development (Kuhar/Rosenberg)
   5.2.1 Committee Meeting Minute Approval: May 20, 2020 and June 3, 2020
   5.2.2 Action Recommended:
      1) Authorize the proposed amendment to the City’s regulations of farm animals in residential areas
      2) Authorize submission of the DORA application

5.2.3 Draft No. 2020-39 AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE APPLICABILITY OF SECTION 1191.13 OF CHAPTER 1191, TITLED “CAPITAL IMPROVEMENT FUND; MATCHING AMOUNT” AS IT PERTAINS TO THE CITY’S OBLIGATION TO MATCH DEVELOPER FEES PAID INTO THE PARKS AND RECREATION DEVELOPMENT FUND, AND DECLARING AN EMERGENCY (Authorized)

5.2.4 Draft No. 2020-48 AN ORDINANCE AMENDING CHAPTER 505, SECTION 505.19 TITLED “FARM ANIMALS/LIVESTOCK”; AND DECLARING AN EMERGENCY (Authorized)

5.2.5 Draft No. 2020-49 AN ORDINANCE CREATING A DESIGNATED OUTDOOR REFRESHMENT AREA KNOWN AS THE DOWNTOWN KENT DESIGNATED OUTDOOR REFRESHMENT AREA, ENACTING REGULATIONS, AND DECLARING AN EMERGENCY. (Authorized)

5.3 Finance Committee (DeLeone/Wallach)
   5.3.1 Committee Meeting Minute Approval: June 3, 2020
   5.3.2 Action Recommended:
      1) Approve the conversion of the City’s short-term debt in bank bonds
      2) Authorize the placement of the West Side Fires Operating Levy (.73 MIL) on the November 2020 ballot
      3) Authorize the proposed revolving loan fund
      4) Approve the Budget Appropriations Amendment

Regular Council Meeting Agenda
June 17, 2020
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5.3.3 Draft No 2020-50 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN A MAXIMUM PRINCIPAL AMOUNT OF $2,145,000, TO PROVIDE FUNDS TO PAY COSTS OF CONSTRUCTING A SAFETY CENTER, AND TO RETIRE OUTSTANDING NOTES THAT WERE PREVIOUSLY ISSUED FOR THAT PURPOSE; AND DECLARING AN EMERGENCY (Authorized)

5.3.4 Draft No 2020-51 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN A MAXIMUM PRINCIPAL AMOUNT OF $200,000, TO PROVIDE FUNDS TO PAY COSTS OF REPLACING, UPGRADING AND EXTENDING SANITARY SEWER TRUNK LINES, AND TO RETIRE OUTSTANDING NOTES THAT WERE PREVIOUSLY ISSUED FOR THAT PURPOSE; AND DECLARING AN EMERGENCY. (Authorized)

5.3.5 Draft No. 2020-52 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN A MAXIMUM PRINCIPAL AMOUNT OF $930,000, TO PROVIDE FUNDS TO PAY A PORTION OF THE COSTS OF RECONSTRUCTING ALLEY 5, ERIE STREET, AND DEPEYSTER STREET AND OTHERWISE IMPROVING NEARBY STREETS, INCLUDING BY RELOCATION OF PUBLIC UTILITIES, LANDSCAPING, AND INSTALLING PARKING PAYMENT DEVICES, STREET SIGNAGE AND SITE IMPROVEMENTS, AND TO RETIRE OUTSTANDING NOTES THAT WERE PREVIOUSLY ISSUED FOR THAT PURPOSE; AND DECLARING AN EMERGENCY (Authorized)

5.3.6 Draft No 2020-53 A RESOLUTION DECLARING IT NECESSARY TO RENEW THE CITY’S EXISTING 0.73-MILL TAX LEVY FOR THE PURPOSE OF PROVIDING SUFFICIENT FUNDS FOR THE CURRENT EXPENSE OF MAINTAINING AND OPERATING A FIRE STATION IN THE CITY OF KENT WEST OF THE ERIE RAILROAD; REQUESTING THE COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THAT RENEWAL LEVY, PURSUANT TO SECTIONS 5705.03, 5705.19(1) AND 5705.191 OF THE REVISED CODE, AND DECLARING AN EMERGENCY. (Authorized)

5.3.7 Draft No. 2020-54 AN ORDINANCE AUTHORIZING AMENDING THE CITY’S FIVE-YEAR REVOLVING LOAN FUND PLAN, ADOPTED ON JANUARY 16, 2020, TO INCLUDE TEMPORARY FLEXIBILITIES FOR CERTAIN ECONOMIC DEVELOPMENT ADMINISTRATION (EDA) REQUIREMENTS IN RESPONSE TO THE COVID-19 PANDEMIC, AND DECLARING AN EMERGENCY. (Authorized)

5.3.8 Draft No. 2020-55 AN ORDINANCE AMENDING ORDINANCE NO. 2019-139, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 18, 2019; SO AS TO ADJUST APPROPRIATIONS, TRANSFERS AND ADVANCES FROM THE VARIOUS FUNDS OF THE CITY OF KENT TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020; AND DECLARING AN EMERGENCY. (Authorized)

5.4 Health & Safety Committee (Amrhein/Sidoti)

5.4.1 Committee Meeting Minute Approval: NONE
5.4.2 Action Recommended: NONE
5.5 Land Use Committee (Ferrara/Schafer)

5.5.1 Committee Meeting Minute Approval: **May 20, 2020**
5.5.2 Action Recommended: **NONE**

5.6 Streets, Sidewalks and Utilities (Sidoti/Wallach)

5.6.1 Committee Meeting Minute Approval: **June 3, 2020**
5.6.2 Action Recommended:
1) **Grant the administration temporary licensing authority for outdoor dining.**
2) **Authorize the proposed temporary street closure on a portion of Franklin Avenue to ensure public health and safety during the Haymaker's Farmer's market on Saturdays**

**5.6.3 Draft No 2020-56** AN ORDINANCE ESTABLISHING APPROVING TEMPORARY LICENSE AGREEMENTS FOR OUTDOOR PATIO DINING AREAS, AND DECLARING AN EMERGENCY. (Authorized)

**5.6.4 Draft No 2020-57** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ALLOW THE HAYMAKER FARMERS' MARKET TO USE A PORTION OF FRANKLIN AVENUE THAT WILL ENSURE SOCIAL DISTANCING CAN BE MAINTAINED FOR VENDORS AND PATRONS IN RESPONSE TO THE STATE OF OHIO’S COVID-19 PANDEMIC HEALTH ADVISORY, AND DECLARING AN EMERGENCY. (Authorized)

6. Unfinished Business
7. New Business
8. Councilmembers’ Comments
9. Mayor’s Report
10. Adjournment

Posted June 10, 2020
Amy Wilkens, Clerk of Council
Visit [http://www.kentohio.org](http://www.kentohio.org) for up to the minute Agenda Amendments

Any person who requires an auxiliary aid or service for effective communication or a modification of policies and procedures to participate in any City or City Council public meeting or event should contact the Clerk of Council at 330-676-7555 or councilclerk@kent-ohio.org. Any request for auxiliary aid or other accommodation should be made as soon as possible, but no later than forty-eight hours prior to the event.
Ordinances and Exhibits

- 2020-39 Impact Fees Moratorium (from 5/20/20 meeting)
- 2020-48 Farm Animals/Livestock
- 2020-49 DORA Application
- 2020-50 Issuance/Sale of Bonds/Safety Center
- 2020-51 Issuance/Sale of Bonds/Sanitary Sewer Lines
- 2020-52 Issuance/Sale of Bonds/Reconstructing Alley 5
- 2020-53 Fire Levy
- 2020-54 Evolving Loan Fund Plan
- 2020-55 Budget Appropriation
- 2020-56 License Agreements for temporary outdoor dining
- 2020-57 Haymaker Farmer's Market Temporary Use of Franklin Avenue
ORDINANCE NO. 2020-39

AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE APPLICABILITY OF SECTION 1191.13 OF CHAPTER 1191, TITLED “CAPITAL IMPROVEMENT FUND; MATCHING AMOUNT” AS IT PERTAINS TO THE CITY’S OBLIGATION TO MATCH DEVELOPER FEES PAID INTO THE PARKS AND RECREATION DEVELOPMENT FUND, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent, Ohio (the “City”) is a legally and regularly created, established, organized and existing municipal corporation under the provisions of the Constitution of the State of Ohio and the home rule charter of the City (the “Charter”); and

WHEREAS, Sections 5.12(8) and 5.13 of the Charter authorize the City Council to enact emergency ordinances for the preservation of public, health, peace, or safety upon the vote of seven (7) members of City Council; and

WHEREAS, the City of Kent currently regulates land uses within the City limits in accordance with Chapter 11 of the Kent Municipal Code pursuant to its Home Rule Constitutional authority and the Ohio Constitution; and

WHEREAS, the fees required by the Chapter 1191 may require amendment to comply with current law and the economic realities of the City; and

WHEREAS, the Kent City Council desires that the staff of the Law and Community Development Departments conduct a thorough analysis and assessment of the Chapter 1191, titled “Parks and Recreation Fees “and regulations affecting those fees within a six (6) month window; and

WHEREAS, a moratorium through an emergency ordinance suspending the applicability of Section 1191.13 of Chapter 1191, titled “Capital Improvement Fund; Matching Amount” as it pertains to the City’s obligation to match developer fees paid into the Parks and Recreation Development Fund will enable a reasoned discussion and consideration of desired amendments to that Chapter; and

WHEREAS, the City Council has determined that it is necessary to declare an emergency for the preservation of public property, health, peace, and safety with the imposition of a temporary moratorium on the applicability of the provisions of Chapter 1193 in toto.

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 Kent City Council hereby authorizes a temporary moratorium suspending the applicability of Section 1191.13 of Chapter 1191, titled “Capital Improvement Fund; Matching Amount” as it pertains to the City’s obligation to match developer fees paid into the Parks and Recreation Development Fund to enable a reasoned discussion and consideration of desired amendments to that Chapter for a period of six (6) months from the date of the adoption hereof.

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: ______________________________
Date              Jerry T. Fiala________________________
Mayor and President of Council

EFFECTIVE: ________________________
Date

ATTEST: ______________
Amy Wilkens
Clerk of Council

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

(SEAL)

______________________
AMY WILKENS
CLERK OF COUNCIL
(SEAL)
ORDINANCE NO. 2020-48

AN ORDINANCE AMENDING CHAPTER 505, SECTION 505.19 TITLED "FARM ANIMALS/LIVESTOCK;" AND DECLARING AN EMERGENCY.

WHEREAS, the Law Director has recommended that Chapter 505 of the Codified Ordinances of the City of Kent, Section 505.19 titled “Farm Animals/Livestock” be amended to add a criminal penalty thereto.

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 Section 505.19 Farm Animals/Livestock be amended to read as follows (new language in bold):

As used in this chapter:

(a) Definitions.
(1) "Chickens" and "fowl" include chickens, duck, geese and any other similar type of fowl.
(2) "Domestic farm animals" includes sheep, goats, cattle, swine, and any other similar type of animal.
(3) "Livestock" means horses, ponies, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine and any animals normally found in the wild state which are being kept for exhibition purposes or as private pets. Not included are animals identified as "Dangerous Animals" as defined in Codified Ordinance 505.17.

(b) Permit Necessary. No person shall keep or harbor domestic farm animals or livestock within the City without having first obtained a permit from the Director of Public Safety. Such permit shall contain the name, age, breed, description and any special markings peculiar to such animals.

(c) Agricultural Exemption. Those property owners who have a minimum of two acres and are engaged in commonly approved agricultural practices are exempt from the permit requirements as stated above.

(d) Penalty Violation of this provision shall be a misdemeanor of the third degree, unless the person has previously been convicted of a violation of this provision, in which case the offense shall be a misdemeanor of the first degree.

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

(SEAL)

______________________________
AMY WILKENS
CLERK OF COUNCIL
ORDINANCE NO. 2020-49

AN ORDINANCE CREATING A DESIGNATED OUTDOOR REFRESHMENT AREA KNOWN AS THE DOWNTOWN KENT DESIGNATED OUTDOOR REFRESHMENT AREA, ENACTING REGULATIONS, AND DECLARING AN EMERGENCY.

WHEREAS, a municipality with a population of less than thirty-five thousand (35,000) is permitted to create a Designated Outdoor Refreshment Area ("DORA") pursuant to the provisions of Section 4301.82 of the Ohio Revised Code; and

WHEREAS, on May 11, 2020, the Mayor and City Manager submitted an application to Council for approval of a DORA in a specified section of the City of Kent to establish the Downtown Kent Designated Outdoor Refreshment Area (the "DORA" Application). The DORA Application is attached and incorporated herein as Exhibit A; and

WHEREAS, pursuant to Section 4301.82(C) of the Ohio Revised Code, notice of the filing of the DORA Application was published in a newspaper of general circulation in the City; and

WHEREAS, Section 4301.82(F)(1) requires the City to establish requirements that the City determines necessary to ensure public health and safety in the area and Section 4301.82(F)(2) of the Ohio Revised Code provides for notice of this proposed action to be published in a newspaper of general circulation once a week for two (2) consecutive weeks, such notice having been published on May 13, 2020 and May 20, 2020; and

WHEREAS, the public hearing on June 2, 2020 during which public testimony was solicited; and

WHEREAS, the DORA Application as submitted to include the premises of the permit holders located at the street addresses in Section IV of Exhibit "A", meets the requirements of Section 4301.82(B)(1 through 5) of the Ohio Revised Code, it being further clarified that the boundary of the DORA includes the premises of the permit holders located at the street addresses listed in Exhibit "A"; and

WHEREAS, approval of the Designated Outdoor Refreshment Area will serve to enhance the experiences of the patrons of the business establishments and special events within Downtown Kent Designated Outdoor Refreshment Area.

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 approves the DORA Application as having met the requirements of Section 4301.82(B)(1-5) of the Ohio Revised Code, and approves the establishment of a Downtown Kent Designated Outdoor Refreshment Area comprised of the area as depicted on Exhibit "A", attached hereto and made a part hereof, such area to include and encompass the premises of the permit holders located at the street addresses listed in Section IV of Exhibit "A", as is required to be included pursuant to Section 4301.82(F)(1)(a) of the Ohio Revised Code.

SECTION 2. Council determines that all public notice requirements of Section 4301.82 of the Ohio Revised Code prior to the passage of this Ordinance have been met.

SECTION 3. In order to ensure public health and safety and in accordance with Section 4301.82(F)(1)(b) of the Ohio Revised Code, the number, spacing, and type of signage designating the DORA boundary shall be as set forth on page 5 of Exhibit "A."
SECTION 4. The DORA encompasses not fewer than four (4) qualified permit holders, all of which are identified in Section IV of Exhibit “A,” by business name, address, liquor permit type and liquor permit number. Also included in Section I(B) of Exhibit “A” and in accordance with Section 4301.82(F)(1)(c) of the Ohio Revised Code are the hours of operation for the DORA, which will apply to all activities within the DORA, only as may be limited or suspended by approval of special event planning or at the request of City safety forces. Hours of operation shall be Sunday through Saturday from the hours of 12:00 PM to 10:00 PM. The City shall have the right to suspend a qualified permit holder’s ability to serve DORA beverages for any violation of the DORA rules.

SECTION 5. The Public Health & Safety Plan as described in Section VI of Exhibit “A,” is hereby approved as meeting the requirements of Section 4301.82(F)(1)(d) of the Ohio Revised Code, including the manner in which the number of personnel needed to carry out the plan shall be determined.

SECTION 6. The Sanitation Plan that will help maintain the appearance and public health of the area as described in Section VI of Exhibit “A,” is hereby approved as meeting the requirements of Section 4301.82(F)(1)(e) and 4301.82(F)(1)(f) of the Ohio Revised Code, including the manner in which the number of personnel needed to carry out the plan shall be determined.

SECTION 7. As is required by Section 4301.82(F)(1)(g) of the Ohio Revised Code, beer and intoxicating liquor shall only be served in plastic bottles or other plastic containers, which shall be provided by the qualified permit holders in a readily-identified container that identifies the name of the establishment that is serving the beverage, as approved by the City’s Police Department.

SECTION 8. City Council shall review the requirements of the DORA, as established herein, one year from the effective date of this Ordinance, to determine whether to continue the DORA under the same or modified terms and conditions, or to dissolve it according to statutory provisions.

SECTION 9. The Clerk of Council is hereby instructed to forward a copy of this Ordinance to the Ohio Division of Liquor Control and to the investigative unit of the Ohio Department of Public Safety, all in accordance with Sections 4301.82(C) and 4301.82(F)(3) of the Ohio Revised Code.

SECTION 10. 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 11. 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: ________________________________  Jerry T. Fiala
                                      Date                     Mayor and President of Council

EFFECTIVE: ________________________________
                                      Date

ATTEST: ________________________________
Amy Wilkens
I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN
WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS
OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No.
______________, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON ________________________, 20____________.
(SEAL)

________________________
AMY WILKENS
CLERK OF COUNCIL
(SEAL)
APPLICATION TO THE CITY OF KENT CITY COUNCIL

- for the establishment of a –

DOWNTOWN KENT DESIGNATED OUTDOOR REFRESHMENT AREA (DORA)

The Mayor and City Manager respectfully submit the following application to the Kent City Council to approve and enact the Downtown Kent Designated Outdoor Refreshment Area, in accordance with O.R.C. 4301.82.

Mayor Jerry Fiala

City Manager Dave Ruller
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IV. QUALIFYING PERMIT HOLDERS 7
V. LAND USE & ZONING 8
VI. PUBLIC HEALTH & SAFETY 9
I. INTRODUCTION AND SUBMITTAL OF APPLICATION

Section 4301.82 of the Ohio Revised Code (ORC) authorizes, effective April 30, 2015 and subsequently amended, municipalities under 35,000 in population to create a Designated Outdoor Refreshment Area or "DORA" up to 150 acres. In order to consider creation of a DORA, the Executive Officer of the City of Kent must file an application with the Kent City Council (City Council), which meets certain statutory requirements. The application filing must be advertised for two consecutive weeks in a newspaper of general circulation. Not earlier than 30 days, but not later than 60 days, after the initial publication of the notice, the City Council may approve or disapprove of the application by ordinance or resolution.

Main Street Kent expressed general support for the concept and indicated by its discussion a desire for this application to be prepared as the next step in considering enactment of a DORA.

In summary, this application would provide the following:

A. The DORA would ease or make more accessible outdoor dining in front of liquor permit holding establishments. It would allow such establishments to serve alcoholic beverages in a plastic cup pursuant to the law within a designated area during certain hours. Creation of the DORA would relieve these establishments of current requirements for fencing around a dining area. Signage, sanitation and safety requirements would be established by permits issued by the City.

B. The Kent DORA would provide the ability for individuals to walk within the DORA boundaries with an alcoholic beverage purchased from a liquor permit holding establishment during permitted hours. This authority would be limited, initially, to the hours of 12:00PM to 10:00PM Sunday through Saturday.

II. BOUNDARIES

In accordance with O.R.C. 4301.82(B)(1)(b), the boundaries of the DORA are depicted on the following map and described as follows. A list of the street addresses within the DORA are also attached. The City of Kent is a chartered Ohio municipal corporation with a population of 29,962 (2018).

Designated Outdoor Refreshment Area (DORA)
The proposed boundary is outlined in a solid red line and commences at the intersection of N. Water St. at Lake/Crain to S. Water St. at Haymaker Pkwy.; W. Main St. at Franklin Ave. to E. Main St. at DePeyster St. Franklin Ave. from W. Main to Summit St. The area includes all sidewalks within or abutting the boundary lines. The boundary would include all alleys and streets not listed as having establishments located on them. It includes approximately 32.25 acres as calculated by the City Development Engineer, Jennifer Kaye Barone (PE 59709).
Signage Defining Boundaries of DORA

The City will supply Entrance/Exit signs to the DORA at the six major access points of:

Crain Ave. and N. Water St.
E. Main St. and Depeyster St.
Erie St. and Haymaker Parkway
Depeyster St. and Haymaker Parkway
Franklin Ave. and Summit St.
Franklin Ave. and E. Main St.
III. NATURE OF ESTABLISHMENTS

In accordance with O.R.C. 4301.82(B)(2), the nature and types of establishments that will be located within the DORA are listed below.

The types of establishments located within the DORA are in primarily dining, retail, services or office sectors. Examples include:

<table>
<thead>
<tr>
<th>Establishment Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Bank Antiques</td>
<td>115 S. Water St.</td>
</tr>
<tr>
<td>Empire</td>
<td>135 E. Main St.</td>
</tr>
<tr>
<td>Handcrafted in Kent</td>
<td>201C E. Erie St.</td>
</tr>
<tr>
<td>Kent Natural Foods Co-Op</td>
<td>151 E. Main St.</td>
</tr>
<tr>
<td>Last Exit Books</td>
<td>124 E. Main St.</td>
</tr>
<tr>
<td>McKay Bricker Framing</td>
<td>141 E. Main St.</td>
</tr>
<tr>
<td>Off the Wagon</td>
<td>152 E. Main St.</td>
</tr>
<tr>
<td>Popped!</td>
<td>175 E. Erie St.</td>
</tr>
<tr>
<td>Rodney Complete Book Shop</td>
<td>144 S. Water St.</td>
</tr>
<tr>
<td>Universitees</td>
<td>100 E. Erie St.</td>
</tr>
</tbody>
</table>

### Downtown Kent DORA

### Nature of Establishments

<table>
<thead>
<tr>
<th>Establishment Name</th>
<th>Address</th>
</tr>
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<tbody>
<tr>
<td><strong>Retail</strong></td>
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</tr>
<tr>
<td><strong>Dining and Beverages</strong></td>
<td></td>
</tr>
<tr>
<td>Bent Tree Coffee Roasters</td>
<td>513 N. Water St.</td>
</tr>
<tr>
<td>Scribbles Coffee Co.</td>
<td>115 N. Water St.</td>
</tr>
<tr>
<td>Tree City Coffee &amp; Pastry</td>
<td>135 E. Erie St.</td>
</tr>
<tr>
<td>D.P. Dough</td>
<td>295 S. Water St.</td>
</tr>
<tr>
<td>Erie Street Kitchen</td>
<td>163 W. Erie St.</td>
</tr>
<tr>
<td>Franklin Square Deli</td>
<td>108 S. Water St.</td>
</tr>
<tr>
<td>Grazers</td>
<td>123 N. Water St.</td>
</tr>
<tr>
<td>Jimmy John's</td>
<td>313 E. Main St.</td>
</tr>
<tr>
<td>Kenko Sushi &amp; Teriyaki</td>
<td>220 S. Depeyster</td>
</tr>
<tr>
<td>Over Easy Morning Café</td>
<td>135 E. Erie St.</td>
</tr>
<tr>
<td>Brico</td>
<td>210 S. Depeyster St.</td>
</tr>
<tr>
<td>Laziza</td>
<td>195 E. Erie St.</td>
</tr>
<tr>
<td><strong>Services</strong></td>
<td></td>
</tr>
<tr>
<td>Hometown Bank</td>
<td>142 N. Water St.</td>
</tr>
<tr>
<td>Huntington Bank</td>
<td>101 E. Main St.</td>
</tr>
<tr>
<td>Marathon Financial Services</td>
<td>176 E. Main St.</td>
</tr>
<tr>
<td>Flashers Cleaners</td>
<td>145 E. Main St.</td>
</tr>
<tr>
<td>Jasons’ Barber Shop</td>
<td>135 E. Erie St.</td>
</tr>
<tr>
<td>RUSH by Dino Palmieri</td>
<td>215 S. Water St.</td>
</tr>
<tr>
<td><strong>Office</strong></td>
<td></td>
</tr>
<tr>
<td>Davey Resource Group World HQ</td>
<td>295 S. Water St. #300</td>
</tr>
<tr>
<td>Smithers-Casis Co. World HQ</td>
<td>295 S. Water St. #200</td>
</tr>
<tr>
<td>Ametek Dynamic Fluid Solutions</td>
<td>100 E. Erie St. #200</td>
</tr>
</tbody>
</table>
IV. QUALIFYING PERMIT HOLDERS

In accordance with O.R.C. 4301.82(B)(3), the DORA will encompass not fewer than four qualified permit holders.

Kent has identified (31) qualified permit holders that will likely be included in the DORA:

<table>
<thead>
<tr>
<th>Business Name</th>
<th>DBA</th>
<th>Address</th>
<th>Permit Type(s)</th>
<th>Permit #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bella Vista Pizza LLC</td>
<td>Bella Vista</td>
<td>135 E. Erie St.</td>
<td>D1, D2, D3</td>
<td>06000425</td>
</tr>
<tr>
<td>Laziz Restaurant LTD</td>
<td>Laziz</td>
<td>155 E. Erie St.</td>
<td>D5, D6</td>
<td>58725184</td>
</tr>
<tr>
<td>Tree City Holdings LLC</td>
<td>Tree City Coffee &amp; Pastry</td>
<td>135 E. Erie St. #101</td>
<td>D5</td>
<td>98590006</td>
</tr>
<tr>
<td>Family Tacos LLC</td>
<td>Fresco Mexican Grill</td>
<td>100 E. Erie St. #112</td>
<td>D5i</td>
<td>26333020</td>
</tr>
<tr>
<td>Kent Entertainment Group LLC</td>
<td>BarFlyr</td>
<td>100 E. Erie St. #130</td>
<td>D6, D6</td>
<td>45937900</td>
</tr>
<tr>
<td>Honey Gold Co.</td>
<td>Kent Choozimurger</td>
<td>155 E. Erie St. #201</td>
<td>D1, D2</td>
<td>39580906</td>
</tr>
<tr>
<td>175 Main Ltd.</td>
<td>All Rallied Up</td>
<td>175 E. Main St.</td>
<td>D5</td>
<td>65481875</td>
</tr>
<tr>
<td>Pacific Park Kent</td>
<td>Pacific Park</td>
<td>100 - 113 E. Main St</td>
<td>D1, D2, D3, D3A, D6</td>
<td>06321720</td>
</tr>
<tr>
<td>Troy Grill LLC</td>
<td>Troy Grill</td>
<td>118 E. Main St.</td>
<td>D1</td>
<td>66516151</td>
</tr>
<tr>
<td>Twisted Metz LLC</td>
<td>Twisted Metz</td>
<td>164 E. Main St. #18 &amp; C</td>
<td>D1</td>
<td>61351532</td>
</tr>
<tr>
<td>Ashland Enterprises Inc.</td>
<td>Buffalo Wild Wings</td>
<td>1.76 E. Main St. 1st Floor</td>
<td>D2, D2a, D3, D3a, D4, D6</td>
<td>592790001</td>
</tr>
<tr>
<td>Kent Underground LLC</td>
<td>Franklin Hotel Bar</td>
<td>1.8 E. Main St. 1st Floor</td>
<td>D5</td>
<td>45912663</td>
</tr>
<tr>
<td>Uphill LLC</td>
<td>Yarc Tavern</td>
<td>173 Franklin Ave.</td>
<td>D1, D2, D3</td>
<td>2166760905</td>
</tr>
<tr>
<td>Mandarin Lounge Inc.</td>
<td>Commodities Restaurant &amp; Lounge</td>
<td>147 Franklin Ave.</td>
<td>D5, D6</td>
<td>54379598</td>
</tr>
<tr>
<td>KentCC Holding LLC</td>
<td>Trinna Restaurant</td>
<td>152 Trinna Ave.</td>
<td>D5, D6</td>
<td>45933353</td>
</tr>
<tr>
<td>Venice Cafe LLC</td>
<td>Venice Cafe</td>
<td>163 Trinna Ave.</td>
<td>D1, D2, D3, D3a, D6</td>
<td>07739588</td>
</tr>
<tr>
<td>Pub in Kent Inc.</td>
<td>The Pub in Kent</td>
<td>403 Trinna Ave.</td>
<td>D5, D6</td>
<td>71071210</td>
</tr>
<tr>
<td>Timberlands Enterprises Inc.</td>
<td>Rees Place</td>
<td>154-143 Trinna Ave.</td>
<td>D1, D2, D3a, D6</td>
<td>08393783</td>
</tr>
<tr>
<td>TK Inc.</td>
<td>BrewHouse Pub &amp; 244 N. Water St.</td>
<td>240 N. Water St.</td>
<td>D1, D2, D3a</td>
<td>893082000067</td>
</tr>
<tr>
<td>107 South Inc.</td>
<td>Euro Gyro Pub &amp; Pizza</td>
<td>107 S. Depeyster</td>
<td>D5</td>
<td>05408511</td>
</tr>
<tr>
<td>Briscoe Kent LLC</td>
<td>Briscoe</td>
<td>210 S. Depeyster</td>
<td>D5, D6</td>
<td>69342837</td>
</tr>
<tr>
<td>129 South Inc.</td>
<td>Steak Etc</td>
<td>129 S. Water St.</td>
<td>D1</td>
<td>6547772</td>
</tr>
<tr>
<td>157 Holdings LLC</td>
<td>157 Lounge</td>
<td>157 S. Water St.</td>
<td>D5</td>
<td>65487106</td>
</tr>
<tr>
<td>DLDI LLC</td>
<td>Water St. Tavern</td>
<td>132-138 S. Water St.</td>
<td>D5, D6</td>
<td>24704600004</td>
</tr>
<tr>
<td>Kent Paninis LLC</td>
<td>Kent Paninis</td>
<td>255 S. Water St. #104</td>
<td>D5, D6</td>
<td>45154611</td>
</tr>
<tr>
<td>Kent Tacos LLC</td>
<td>Bambu</td>
<td>399 S. Water St. #116</td>
<td>D5, D6</td>
<td>45157360</td>
</tr>
<tr>
<td>Kent Canadian Club</td>
<td>Kent Canadian Club</td>
<td>112 W. College Ave.</td>
<td>D4, D6</td>
<td>41508113</td>
</tr>
<tr>
<td>Zephyr Cafe Ltd</td>
<td>Zephyr Cafe</td>
<td>106 W. Main St.</td>
<td>D1, D2, D3a, D6</td>
<td>001181210005</td>
</tr>
<tr>
<td>Zephyr Cafe Ltd</td>
<td>Bar 1 Third Fl Bar Room</td>
<td>106 W. Main St.</td>
<td>D2, D3, D5, D6</td>
<td>0911812100063</td>
</tr>
<tr>
<td>Bally Hotel Group</td>
<td>RJU Hotel &amp; Conf. Gr.</td>
<td>215 S. Depeyster St.</td>
<td>D5, D6</td>
<td>70940600005</td>
</tr>
<tr>
<td>Wolf Restaurant LLC</td>
<td>The Left</td>
<td>112 W. Main St.</td>
<td>D1, D2, D3a, D6</td>
<td>97715174</td>
</tr>
</tbody>
</table>
V. LAND USE & ZONING

In accordance with O.R.C. 4301.82(B)(4), the uses of land within the current and future DORA is zoned C-D (Commercial Downtown) and is in accord with Kent’s master zoning plan:
VI. PUBLIC HEALTH & SAFETY

In accordance with O.R.C. 4301.82(B)(5), the proposed requirements for the purpose of ensuring public health and safety within the DORA shall include:

**Ensuring Compliance with Minor Liquor Laws:**

As consumers purchase their first drink on a given day at a qualified permit holder within the DORA, they will be required to provide proof of age for themselves and anyone they are purchasing an alcoholic beverage for. The qualified permit holder will provide wrist bands for each person and ensure they are placed on their wrists prior to leaving their establishment. The wristbands must be worn until leaving the DORA for the day. The presence of the wristbands will assist the Kent Safety Forces in determining that no minors are carrying or consuming alcoholic beverages.

**Outdoor Trash and Litter Control:**

City of Kent Central Maintenance staff would augment as needed the commercial trash collection contracted by the city. Additional permanent trash cans would be installed in addition to cardboard bins used to collect the recyclable DORA cups. Staffing levels, trash cans and recyclable bins would be monitored and adjusted as needed. Plastic recyclable containers shall be used for all DORA activities.

**Outdoor Dining in Right of Way:**

Qualifying permit holders that desire to sell alcoholic beverages as part of providing an outdoor dining area in the City of Kent’s right of way (adjacent to the establishment), must obtain a right of way permit and meet the requirements of the Codified Ordinances for right of way use, and the DORA. These policies will require the qualifying permit holder to submit a sanitation plan, and the physical layout of the tables, chairs and other facilities to among other things comply with ADA requirements. It is anticipated that busing of tables will be required and/or adequate trash cans be in place. Additionally, the permit review will ensure that there are adequate pedestrian passageways and that ingress/egress for emergency services is adequate. Failure to comply with the requirements of the permit can result in revocation.

**Special Events:**

The City of Kent requires that each special event using City property receive a permit from the City. As is the City's practice, each event will be reviewed as required in the Codified Ordinances of the City of Kent. Permit requirements may differ between events depending on their size, layout, use of right of way, and program. However, each event will be reviewed to ensure that adequate sanitation, signage and public safety requirements are established. The
necessity for portable bathrooms, handicap accessibility, pedestrian mobility, police, fire and emergency medical ingress and egress, crowd control, DORA boundary management and trash management (dumpsters, cans, pick-up, etc.) will be addressed. Event organizers may be required to pay for special duty officers or overtime for public service or safety workers if necessary, to ensure adequate health, public and safety requirements. If the special event includes the sale of alcoholic beverages, the event organizers can request that the City suspend the DORA for the duration of the special event.

**City of Kent DORA Safety Plan:**

The Safety Plan will help maintain public safety within the DORA, and designate the number of personnel needed to execute the Safety Plan. This will be accomplished in the following manner.

Current Public Safety personnel are adequate to maintain public safety within the DORA district. The City of Kent Police Department (KPD) currently has multiple overlapping shifts which will enable it to maintain public safety within the DORA to include the downtown core business district and main street business district. KPD has flexibility when deploying resources and has years of experience dealing with all of the downtown events such as the Heritage Festival, Wizardly World, Art & Wine Festival, Oktoberfest and other individual bar events which draw large crowds throughout the year.

**Staffing for the DORA would consist of:**

1. Utilizing the current scheduled overlapping shifts of Kent Safety Forces giving them the ability to actively patrol the DORA and have a visible presence in the assigned area.

2. During pre-planned or known special events that will increase the activity in the DORA area the KPD will seek organizations involved with the events to help supplement the manning needed to effectively police the DORA area. KPD will seek payment from such organizations for extra duty officer(s) as needed. The officer(s) primary responsibility would be the downtown core business district where the DORA is located.

3. All supervisors or OIC's (Officer's in Charge) have the flexibility to call in additional staffing for emergency situations or if large crowds start to get out of control.

Beginning with the commencement of the DORA and continuing for a period of three (3) consecutive months, the City Manager of the City of Kent and the Chief of Police of the City of Kent shall meet monthly to review the Safety Plan herein. The purpose of this meeting will be to determine whether updates, modifications or supplementation may be advisable or required, and in said event, such
changes shall be presented to Council for consideration and implementation. At the end of the three month pilot phase, City Council will have the option to continue or discontinue the DORA.

**Amendments and Possible Revocation:**

City staff, business leaders and elected officials would regularly meet to discuss the impacts of the DORA and recommend potential changes to council including hours and days of operation up to and including the possible revocation of the DORA if its negatives are considered to outweigh its benefits or if it is no longer considered to be an economic benefit to the City. City Council will have the final say in enacting any changes to the DORA.
ORDINANCE NO. 2020-50

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN A MAXIMUM PRINCIPAL AMOUNT OF $2,145,000, TO PROVIDE FUNDS TO PAY COSTS OF CONSTRUCTING A SAFETY CENTER, AND TO RETIRE OUTSTANDING NOTES THAT WERE PREVIOUSLY ISSUED FOR THAT PURPOSE; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant Ordinance No. 2019-71 passed on July 17, 2019, notes in anticipation of bonds in the aggregate principal amount of $2,400,000 (the Outstanding Notes), were issued for the purpose stated in Section 1, as part of a consolidated issue of Various Purpose Notes, Series 2019, dated August 20, 2019, which Outstanding Notes are to mature on August 20, 2020; and

WHEREAS, this Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Bonds described in Section 2 and other funds available to the City; and

WHEREAS, the Director of Budget and Finance as fiscal officer of this City has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years and the estimated maximum maturity of the Bonds described in Section 1 is thirty years.

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

SECTION 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

"Authorized Denominations" means the denomination of $100,000 or any whole multiple of $5,000 in excess thereof or such other minimum denomination or any whole multiple in excess thereof as is determined by the Director of Budget and Finance and set forth in the Certificate of Award.

"Bond Proceedings" means, collectively, this Ordinance, the Certificate of Award and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders of the Bonds.

"Bond Register" means all books and records necessary for the registration, exchange and transfer of Bonds as provided in Section 5.

"Bond Registrar" means the Director of Budget and Finance, the Original Purchaser or a bank or trust company authorized to do business in the State of Ohio, as designated by the Director of Budget and Finance in the Certificate of Award pursuant to Section 4 as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds under the
Certificate of Award and until a successor Bond Registrar shall have become such pursuant to the provisions of the Certificate of Award and, thereafter, “Bond Registrar” shall mean the successor Bond Registrar.

“Bonds” means, collectively, the Serial Bonds and the Term Bonds, each as is designated as such in the Certificate of Award.

“Certificate of Award” means the certificate authorized by Section 6, to be executed by the Director of Budget and Finance, setting forth and determining those terms or other matters pertaining to the Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

“City” means the City of Kent, Ohio.

“City Manager” means the City Manager of the City or any person serving in an interim or acting capacity with respect to that office.

“Closing Date” means the date of physical delivery of, and payment of the purchase price for, the Bonds.

“Code” means the Internal Revenue Code of 1986, as amended, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

“Director of Budget and Finance” means the Director of Budget and Finance of the City or any person serving in an interim or acting capacity with respect to that office.

“Financing Costs” shall have the meaning given in Section 133.01 of the Ohio Revised Code.

“Interest Payment Dates” means June 1 and December 1 of each year that the Bonds are outstanding, commencing on the date specified in the Certificate of Award.

“Mandatory Redemption Date” shall have the meaning set forth in Section 3(b).

“Mandatory Sinking Fund Redemption Requirements” shall have the meaning set forth in Section 3(e)(i).

“Original Purchaser” means the purchaser of the Bonds specified in the Certificate of Award.

“Principal Payment Dates” means, unless otherwise specified in the Certificate of Award, December 1 in each of the years from and including 2021 to and including 2031.
“Regulations” means Treasury Regulations issued pursuant to the Code or to the statutory predecessor of the Code.

“Serial Bonds” means those Bonds designated as such and maturing on the dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and not subject to mandatory sinking fund redemption.

“Term Bonds” means those Bonds designated as such and stated to mature on the date or dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and subject to mandatory sinking fund redemption.

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

SECTION 2. Authorized Principal Amount and Purpose; Application of Proceeds. It is necessary and determined to be in the City’s best interest to issue bonds of this City in a maximum principal amount of $2,145,000 (the “Bonds”) for the purpose of providing funds to pay costs of constructing a safety center (the “Improvement”) and to retire, together with other funds available to the City, the Outstanding Notes. The Bonds shall be issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance and the Certificate of Award.

The principal amount of Bonds to be issued shall not exceed the maximum principal amount specified in this Section 2 and shall be an amount determined by the Director of Budget and Finance in the Certificate of Award to be the principal amount of Bonds that is required to be issued at this time for the purpose stated in this Section 2.

The proceeds from the sale of the Bonds, except any premium and accrued interest, received by the City shall be paid into the proper fund or funds, and those proceeds are hereby appropriated and shall be used for the purpose for which the Bonds are being issued, including without limitation, the payment of the costs of issuing and servicing the Bonds, printing and delivery of the Bonds, legal services including obtaining the approving legal opinion of bond counsel, fees and expenses of the Municipal Advisor and all other Financing Costs and costs incurred incidental to those purposes. Any portion of those proceeds received by the City representing premium or accrued interest shall be paid into the Bond Retirement Fund.

SECTION 3. Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued in one lot and only as fully registered bonds, in Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount stated to mature on that date. The Bonds shall be dated as provided in the Certificate of Award, provided that their dated date shall not be more than sixty (60) days prior to the Closing Date. If requested by the Original Purchaser, the Director of Budget and Finance is hereby authorized to prepare one bond representing the aggregate principal amount of Bonds maturing or payable pursuant to Mandatory Sinking Fund Redemption Requirements on all of the Principal Payment Dates, all as set forth in the Certificate of Award.
(a) Interest Rates and Payment Dates. The Bonds shall bear interest at the rate or rates per year and computed on the basis as shall be determined by the Director of Budget and Finance, subject to subsection (c) of this Section 3, in the Certificate of Award. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) Principal Payment Schedule. The Bonds shall mature or be payable pursuant to Mandatory Sinking Fund Redemption Requirements on the Principal Payment Dates in the following years and principal amounts:

<table>
<thead>
<tr>
<th>Year</th>
<th>Principal Amount</th>
<th>Year</th>
<th>Principal Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2021</td>
<td>$185,000</td>
<td>2027</td>
<td>$195,000</td>
</tr>
<tr>
<td>2022</td>
<td>185,000</td>
<td>2028</td>
<td>200,000</td>
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<tr>
<td>2023</td>
<td>190,000</td>
<td>2029</td>
<td>200,000</td>
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<td>2024</td>
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<td>2025</td>
<td>195,000</td>
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<td>205,000</td>
</tr>
<tr>
<td>2026</td>
<td>195,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

; provided that, subject to the limitations set forth in Sections 1 and 2 and this Section 3, the principal amount of Bonds maturing or subject to Mandatory Sinking Fund Redemption Requirements on any one or more of the Principal Payment Dates may be increased or decreased as specified by the Director of Budget and Finance in the Certificate of Award, consistently with her determination of the best interest of and financial advantages to the City.

Consistently with the foregoing and in accordance with the Director of Budget and Finance’s determination of the best interest of and financial advantage to the City, the Director of Budget and Finance shall specify in the Certificate of Award (i) the aggregate principal amount of Bonds to be issued, (ii) the aggregate principal amount of Bonds to be issued as Serial Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date and (iii) the aggregate principal amount of Bonds to be issued as Term Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or Dates on which Term Bonds shall be subject to mandatory sinking fund redemption (each a “Mandatory Redemption Date”) and the principal amount thereof that shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date.

(c) Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts. The rate or rates of interest per year to be borne by the Bonds, and the principal amount of Bonds maturing or payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Principal Payment Date, shall be such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year. The net interest cost for the Bonds
determined by taking into account the respective principal amounts of the Bonds and terms to maturity or Mandatory Sinking Fund Redemption Requirements of those principal amounts of Bonds shall not exceed 5.00%.

(d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of and any premium on the Bonds shall be payable when due upon presentation and surrender of the Bonds at the main office of the Bond Registrar; provided, however, to the extent that the Bonds are represented by a single Term Bond as permitted by this Section 3, principal of the Bonds which is redeemed pursuant to a Mandatory Sinking Fund Redemption Requirement shall be payable when due without prior presentation or surrender of the Bond but redemption of such principal shall be duly endorsed on the Bond Register, and in the case of the final principal payment due hereunder, surrender of the Bond at the main office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person’s address appearing, on the Bond Register at the close of business on the 15th day of the calendar month next preceding that Interest Payment Date.

(e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) Mandatory Sinking Fund Redemption of Term Bonds. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory redemption in part by lot and be redeemed pursuant to mandatory sinking fund redemption requirements, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those Dates, for which provision is made in the Certificate of Award (such Dates and amounts being referred to as the “Mandatory Sinking Fund Redemption Requirements”).

The aggregate of the moneys to be deposited with the Bond Registrar for payment of principal of and interest on any Term Bonds on each Mandatory Redemption Date shall include an amount sufficient to redeem on that Date the principal amount of Term Bonds payable on that Date pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as hereinafter provided).

The City shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City, as specified by the Director of Budget and Finance, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered. That option shall be exercised by the City on or before the 45th day preceding any Mandatory Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Director of Budget and Finance, setting forth the extent of the credit to be applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to
mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation), as specified by the Director of Budget and Finance, also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations), as specified by the Director of Budget and Finance, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered, redeemed or purchased and canceled.

(ii) Optional Redemption. The Bonds of the maturities and interest rates specified in the Certificate of Award (if any are so specified) shall be subject to optional redemption by and at the sole option of the City, in whole or in part in Authorized Denominations, on the dates and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, to be determined by the Director of Budget and Finance in the Certificate of Award; provided that the redemption price for any optional redemption date shall not be greater than 103%.

If optional redemption of Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity (and interest rate within a maturity if applicable) to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements. Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Director of Budget and Finance to the Bond Registrar, given upon the direction of the City by passage of an ordinance or adoption of a resolution. That notice shall specify the redemption date and the principal amount of each maturity (and interest rate within a maturity if applicable) of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

(iii) Partial Redemption. If fewer than all of the outstanding Bonds are called for optional redemption at one time and Bonds of more than one maturity (or interest rate
that are called shall be
Bonds of the maturity or maturities and interest rate or rates selected by the City.  If
fewer than all of the Bonds of a single maturity (or interest rate within a maturity if
applicable) are to be redeemed, the selection of Bonds of that maturity (or interest rate
within a maturity if applicable) to be redeemed, or portions thereof in Authorized
Denominations, shall be made by the Bond Registrar by lot in a manner determined by
the Bond Registrar.  In the case of a partial redemption of Bonds by lot when Bonds of
denominations greater than the Authorized Denominations are then outstanding, each
Authorized Denomination unit of principal thereof shall be treated as if it were a separate
Bond of the Authorized Denomination.  If it is determined that one or more, but not all,
of the Authorized Denomination units of principal amount represented by a Bond are to
be called for redemption, then, upon notice of redemption of an Authorized
Denomination unit or units, the registered owner of that Bond shall surrender the Bond to
the Bond Registrar (A) for payment of the redemption price of the Authorized
Denomination unit or units of principal amount called for redemption (including, without
limitation, the interest accrued to the date fixed for redemption and any premium), and
(B) for issuance, without charge to the registered owner, of a new Bond or Bonds of any
Authorized Denomination or Denominations in an aggregate principal amount equal to
the unmatured and unredeemed portion of, and bearing interest at the same rate and
maturing on the same date as, the Bond surrendered.

(iv) Notice of Redemption.  The notice of the call for redemption of Bonds
shall identify (A) by designation, letters, numbers or other distinguishing marks, the
Bonds or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the
date fixed for redemption, and (D) the place or places where the amounts due upon
redemption are payable.  The notice shall be given by the Bond Registrar on behalf of the
City by mailing a copy of the redemption notice by first-class mail, postage prepaid, at
least 30 days prior to the date fixed for redemption, to the registered owner of each Bond
subject to redemption in whole or in part at the registered owner’s address shown on the
Bond Register maintained by the Bond Registrar at the close of business on the 15th day
preceding that mailing.  Failure to receive notice by mail or any defect in that notice
regarding any Bond, however, shall not affect the validity of the proceedings for the
redemption of any Bond.

(v) Payment of Redeemed Bonds.  In the event that notice of redemption shall
have been given by the Bond Registrar to the registered owners as provided above, there
shall be deposited with the Bond Registrar on or prior to the redemption date, moneys
that, in addition to any other moneys available therefor and held by the Bond Registrar,
will be sufficient to redeem at the redemption price thereof, plus accrued interest to the
redemption date, all of the redeemable Bonds for which notice of redemption has been
given.  Notice having been mailed in the manner provided in the preceding paragraph
hereof, the Bonds and portions thereof called for redemption shall become due and
payable on the redemption date, and, subject to the provisions of Section 3(d), upon
presentation and surrender thereof at the place or places specified in that notice, shall be
paid at the redemption price, plus accrued interest to the redemption date.  If moneys for
the redemption of all of the Bonds and portions thereof to be redeemed, together with
accrued interest thereon to the redemption date, are held by the Bond Registrar on the
redemption date, so as to be available therefor on that date and, if notice of redemption
has been deposited in the mail as aforesaid, then from and after the redemption date those
Bonds and portions thereof called for redemption shall cease to bear interest and no
longer shall be considered to be outstanding. If those moneys shall not be so available on
the redemption date, or that notice shall not have been deposited in the mail as aforesaid,
those Bonds and portions thereof shall continue to bear interest, until they are paid, at the
same rate as they would have borne had they not been called for redemption. All moneys
held by the Bond Registrar for the redemption of particular Bonds shall be held in trust
for the account of the registered owners thereof and shall be paid to them, respectively,
upon presentation and surrender of those Bonds; provided that any interest earned on the
moneys so held by the Bond Registrar shall be for the account of and paid to the City to
the extent not required for the payment of the Bonds called for redemption.

SECTION 4. Execution and Authentication of Bonds; Appointment of Bond Registrar. The
Bonds shall be signed by the City Manager and the Director of Budget and Finance, in the name
of the City and in their official capacities; provided that either or both of those signatures may be
a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as
requested by the Original Purchaser and approved by the Director of Budget and Finance, shall
be numbered as determined by the Director of Budget and Finance in order to distinguish each
Bond from any other Bond and shall express upon their faces the purpose, in summary terms, for
which they are issued and that they are issued pursuant to Chapter 133 of the Ohio Revised
Code, the Charter of the City, this Ordinance and the Certificate of Award.

The Director of Budget and Finance is hereby authorized to designate in the Certificate of Award
the Director of Budget and Finance, the Original Purchaser or a bank or trust company
authorized to do business in the State of Ohio to act as the initial Bond Registrar. The Director
of Budget and Finance shall provide for the payment of the services rendered and for
reimbursement of expenses incurred pursuant to the Certificate of Award from the proceeds of
the Bonds to the extent available and then from other money lawfully available and appropriated
or to be appropriated for that purpose.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or
benefit under the Bond Proceedings unless and until the certificate of authentication printed on
the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond
Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued,
signed and delivered under, and is entitled to the security and benefit of, the Bond Proceedings.
The certificate of authentication may be signed by any authorized officer or employee of the
Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by
the Director of Budget and Finance on behalf of the City. The same person need not sign the
certificate of authentication on all of the Bonds.

SECTION 5. Registration; Transfer and Exchange.

(a) Bond Register. So long as any of the Bonds remain outstanding, the City will
cause the Bond Registrar to maintain and keep the Bond Register at its main office. Subject to
the provisions of Section 3(d), the person in whose name a Bond is registered on the Bond
Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond Proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section 5. All such payments shall be valid and effectual to satisfy and discharge the City’s liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the main office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the main office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond Proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Bond Proceedings as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

SECTION 6. Sale of the Bonds to the Original Purchaser. The Director of Budget and Finance is authorized to sell the Bonds at private sale to the Original Purchaser at a purchase price, not less than 97% of the aggregate principal amount thereof, as shall be determined by the Director of Budget and Finance in the Certificate of Award, plus accrued interest (if any) on the Bonds from their date to the Closing Date, and shall be awarded by the Director of Budget and Finance with and upon such other terms as are required or authorized by this Ordinance to be specified in the Certificate of Award, in accordance with law and the provisions of this Ordinance. The Director of Budget and Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Bonds with one or more other unvoted general obligation bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Ohio Revised Code in which case a single Certificate of Award may be utilized for the consolidated bond issue if appropriate and consistent with the terms of this Ordinance.
The Director of Budget and Finance shall sign and deliver the Certificate of Award and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price.

The City Manager, the Director of Budget and Finance, the Director of Law, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The actions of the City Manager, the Director of Budget and Finance, the Director of Law, the Clerk of Council or other City officials, as appropriate, in doing any and all acts necessary in connection with the issuance and sale of the Bonds are hereby ratified and confirmed.

The Director of Budget and Finance is hereby authorized to offer all or part of the Bonds at par and any accrued interest to the Treasury Investment Board of the City for investment under Section 731.56 of the Revised Code in accordance with law and the provisions of this Ordinance if, as a result of the conditions then existing in the financial markets, the Director of Budget and Finance determines it is in the best financial interest of the City in lieu of the private sale authorized in the initial paragraph of this Section.

SECTION 7. Provision for Tax Levy. There shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Bonds when and as the same fall due.

In each year to the extent receipts from the municipal income tax are available for the payment of the debt charges on the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of such receipts so available and appropriated in compliance with the following covenant. To the extent necessary, the debt charges on the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and the laws of the State of Ohio, and the Charter of the City; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

Nothing in the preceding paragraph in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Bonds.
SECTION 8. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Code or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Bonds will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The City hereby represents that the Outstanding Notes were designated or treated as “qualified tax exempt obligations” pursuant to Section 265(b)(3) of the Code. The City hereby covenants that it will redeem the Outstanding Notes from proceeds of, and within 90 days after issuance of, the Bonds, and represents that all other conditions are met for treating an amount of the Bonds not in excess of the amount of the Outstanding Notes as “qualified tax exempt obligations” and as not to be taken into account under subparagraph (D) of Section 265(b)(3) of the Code, without necessity for further designation, by reason of subparagraph (D)(ii) of Section 265(b)(3) of the Code. Any amount of the Bonds in excess of the amount of the Outstanding Notes, determined in accordance with Section 265(b)(3) of the Code (the Designated Amount), is hereby designated as “qualified tax exempt obligations” for purposes of Section 265(b)(3) of the Code. In that connection, the City hereby represents and covenants that it, together with all its subordinate entities or entities that issue obligations on its behalf, or on behalf of which it issues obligations, in or during the calendar year in which the Bonds are issued, (i) have not issued and will not issue tax exempt obligations designated as “qualified tax exempt obligations” for purposes of Section 265(b)(3) of the Code (including the Designated Amount of the Bonds) in an aggregate amount in excess of $10,000,000, and (ii) have not issued, do not reasonably anticipate issuing, and will not issue, tax exempt obligations (including the Designated Amount of the Bonds, but excluding obligations, other than qualified 501(c)(3) bonds as defined in Section 145 of the Code, that are private activity bonds as defined in Section 141 of the Code and excluding refunding obligations that are not advance refunding obligations as defined in Section 149(d)(5) of the Code) in an aggregate amount exceeding $10,000,000, unless the City first obtains a written opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not adversely affect the status of the Bonds as “qualified tax exempt obligations”. Further, the City represents and covenants that, during any time or in any manner as might affect the status of the Bonds as “qualified tax exempt obligations”, it has not formed or participated in the formation of, or benefited from or availed itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the formation of, or benefit from or avail itself of, any such entity. The City
further represents that the Bonds are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax exempt obligations of different issuers.

The Director of Budget and Finance or any other officer of the City having responsibility for issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Bonds as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Bonds, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Bonds, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds. The Director of Budget and Finance or any other officer of the City having responsibility for issuance of the Bonds is specifically authorized to designate the Bonds as “qualified tax-exempt obligations” if such designation is applicable and desirable, and to make any related necessary representations and covenants.

Each covenant made in this Section with respect to the Bonds is also made with respect to all issues any portion of the debt charges on which is paid from proceeds of the Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Bonds.

SECTION 9. Bond Counsel. The legal services of the law firm of Squire Patton Boggs (US) LLP as bond counsel to the City are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Bonds and rendering at delivery related legal opinions, all as set forth in the form of engagement letter from that firm which is now on file in the office of the Clerk of Council. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services, that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Director of Budget and Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any
reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

SECTION 10. Municipal Advisor. The services of Baker Tilly Municipal Advisors, LLC, as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Bonds. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. The Director of Budget and Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

SECTION 11. Financing Costs. The expenditure of the amounts necessary to pay the Financing Costs in connection with the Bonds is authorized and approved, and the Director of Budget and Finance is authorized to provide for the payment of any such amounts and costs from the proceeds of the Bonds to the extent available, and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

SECTION 12. Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to promptly deliver or cause to be delivered a certified copy of this Ordinance and an executed copy of the Certificate of Award to the County Auditor of Portage County, Ohio.

SECTION 13. Satisfaction of Conditions for Bond Issuance. This City Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 7) of the City are pledged for the timely payment of the debt charges on the Bonds; that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds; and that the Bonds are being authorized and issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance, the Certificate of Award and other authorizing provisions of law.

SECTION 14. Compliance with Open Meeting Requirements. This City Council finds and determines that all formal actions of this City Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Council or any of its committees, and that all deliberations of this City Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.
SECTION 15. Effective Date. That this ordinance is 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 and for the further reason that this ordinance is required to be immediately effective in order to issue and sell the Bonds, which is necessary to enable the City to retire the Outstanding Notes at their maturity and thereby to preserve the credit of the City, for which reasons and other reasons manifest to this Council this ordinance shall take effect and be in force immediately upon its passage.

ADOPTED: ________________________________
Date
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: ______________________________
Date

ATTEST: ________________________________
Amy Wilkens
Clerk of Council


(SEAL)

AMY WILKENS
CLERK OF COUNCIL
ORDINANCE NO. 2020-51

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN A MAXIMUM PRINCIPAL AMOUNT OF $200,000, TO PROVIDE FUNDS TO PAY COSTS OF REPLACING, UPGRADING AND EXTENDING SANITARY SEWER TRUNK LINES, AND TO RETIRE OUTSTANDING NOTES THAT WERE PREVIOUSLY ISSUED FOR THAT PURPOSE; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant Ordinance No. 2019-74 passed on July 17, 2019, notes in anticipation of bonds in the aggregate principal amount of $255,000 (the Outstanding Notes), were issued for the purpose stated in Section 1, as part of a consolidated issue of Various Purpose Notes, Series 2019, dated August 20, 2019, which Outstanding Notes are to mature on August 20, 2020; and

WHEREAS, this Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Bonds described in Section 2 and other funds available to the City; and

WHEREAS, the Director of Budget and Finance as fiscal officer of this City has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years and the estimated maximum maturity of the Bonds described in Section 1 is twenty-nine years.

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

SECTION 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

“Authorized Denominations” means the denomination of $5,000 or any whole multiple of $5,000 or such other minimum denomination or any whole multiple in excess thereof as is determined by the Director of Budget and Finance and set forth in the Certificate of Award.

“Bond Proceedings” means, collectively, this Ordinance, the Certificate of Award and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders of the Bonds.

“Bond Register” means all books and records necessary for the registration, exchange and transfer of Bonds as provided in Section 5.

“Bond Registrar” means the Director of Budget and Finance, the Original Purchaser or a bank or trust company authorized to do business in the State of Ohio, as designated by the Director of Budget and Finance in the Certificate of Award pursuant to Section 4 as the initial
authenticating agent, bond registrar, transfer agent and paying agent for the Bonds under the Certificate of Award and until a successor Bond Registrar shall have become such pursuant to the provisions of the Certificate of Award and, thereafter, “Bond Registrar” shall mean the successor Bond Registrar.

“Bonds” means, collectively, the Serial Bonds and the Term Bonds, each as is designated as such in the Certificate of Award.

“Certificate of Award” means the certificate authorized by Section 6, to be executed by the Director of Budget and Finance, setting forth and determining those terms or other matters pertaining to the Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

“City” means the City of Kent, Ohio.

“City Manager” means the City Manager of the City or any person serving in an interim or acting capacity with respect to that office.

“Closing Date” means the date of physical delivery of, and payment of the purchase price for, the Bonds.

“Code” means the Internal Revenue Code of 1986, as amended, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

“Director of Budget and Finance” means the Director of Budget and Finance of the City or any person serving in an interim or acting capacity with respect to that office.

“Financing Costs” shall have the meaning given in Section 133.01 of the Ohio Revised Code.

“Interest Payment Dates” means June 1 and December 1 of each year that the Bonds are outstanding, commencing on the date specified in the Certificate of Award.

“Mandatory Redemption Date” shall have the meaning set forth in Section 3(b).

“Mandatory Sinking Fund Redemption Requirements” shall have the meaning set forth in Section 3(e)(i).

“Original Purchaser” means the purchaser of the Bonds specified in the Certificate of Award.

“Principal Payment Dates” means, unless otherwise specified in the Certificate of Award, December 1 in each of the years from and including 2021 to and including 2024.
“Regulations” means Treasury Regulations issued pursuant to the Code or to the statutory predecessor of the Code.

“Serial Bonds” means those Bonds designated as such and maturing on the dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and not subject to mandatory sinking fund redemption.

“Term Bonds” means those Bonds designated as such and stated to mature on the date or dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and subject to mandatory sinking fund redemption.

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

SECTION 2. Authorized Principal Amount and Purpose; Application of Proceeds. It is necessary and determined to be in the City’s best interest to issue bonds of this City in a maximum principal amount of $200,000 (the “Bonds”) for the purpose of providing funds to pay costs of replacing, upgrading and extending sanitary sewer trunk lines (the “Improvement”) and to retire, together with other funds available to the City, the Outstanding Notes. The Bonds shall be issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance and the Certificate of Award.

The principal amount of Bonds to be issued shall not exceed the maximum principal amount specified in this Section 2 and shall be an amount determined by the Director of Budget and Finance in the Certificate of Award to be the principal amount of Bonds that is required to be issued at this time for the purpose stated in this Section 2.

The proceeds from the sale of the Bonds, except any premium and accrued interest, received by the City shall be paid into the proper fund or funds, and those proceeds are hereby appropriated and shall be used for the purpose for which the Bonds are being issued, including without limitation, the payment of the costs of issuing and servicing the Bonds, printing and delivery of the Bonds, legal services including obtaining the approving legal opinion of bond counsel, fees and expenses of the Municipal Advisor and all other Financing Costs and costs incurred incidental to those purposes. Any portion of those proceeds received by the City representing premium or accrued interest shall be paid into the Bond Retirement Fund.

SECTION 3. Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued in one lot and only as fully registered bonds, in Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount stated to mature on that date. The Bonds shall be dated as provided in the Certificate of Award, provided that their dated date shall not be more than sixty (60) days prior to the Closing Date. If requested by the Original Purchaser, the Director of Budget and Finance is hereby authorized to prepare one bond representing the aggregate principal amount of Bonds maturing or payable pursuant to Mandatory Sinking Fund Redemption Requirements on all of the Principal Payment Dates, all as set forth in the Certificate of Award.
(a) Interest Rates and Payment Dates. The Bonds shall bear interest at the rate or rates per year and computed on the basis as shall be determined by the Director of Budget and Finance, subject to subsection (c) of this Section 3, in the Certificate of Award. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) Principal Payment Schedule. The Bonds shall mature or be payable pursuant to Mandatory Sinking Fund Redemption Requirements on the Principal Payment Dates in the following years and principal amounts:

<table>
<thead>
<tr>
<th>Year</th>
<th>Principal Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2021</td>
<td>$50,000</td>
</tr>
<tr>
<td>2022</td>
<td>50,000</td>
</tr>
<tr>
<td>2023</td>
<td>50,000</td>
</tr>
<tr>
<td>2024</td>
<td>50,000</td>
</tr>
</tbody>
</table>

; provided that, subject to the limitations set forth in Sections 1 and 2 and this Section 3, the principal amount of Bonds maturing or subject to Mandatory Sinking Fund Redemption Requirements on any one or more of the Principal Payment Dates may be increased or decreased as specified by the Director of Budget and Finance in the Certificate of Award, consistently with her determination of the best interest of and financial advantages to the City.

Consistently with the foregoing and in accordance with the Director of Budget and Finance’s determination of the best interest of and financial advantage to the City, the Director of Budget and Finance shall specify in the Certificate of Award (i) the aggregate principal amount of Bonds to be issued, (ii) the aggregate principal amount of Bonds to be issued as Serial Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date and (iii) the aggregate principal amount of Bonds to be issued as Term Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or Dates on which Term Bonds shall be subject to mandatory sinking fund redemption (each a “Mandatory Redemption Date”) and the principal amount thereof that shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date.

(c) Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts. The rate or rates of interest per year to be borne by the Bonds, and the principal amount of Bonds maturing or payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Principal Payment Date, shall be such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year. The net interest cost for the Bonds determined by taking into account the respective principal amounts of the Bonds and terms to
maturity or Mandatory Sinking Fund Redemption Requirements of those principal amounts of
Bonds shall not exceed 5.00%.

(d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in
lawful money of the United States of America without deduction for the services of the Bond
Registrar as paying agent. Principal of and any premium on the Bonds shall be payable when
due upon presentation and surrender of the Bonds at the main office of the Bond Registrar;
provided, however, to the extent that the Bonds are represented by a single Term Bond as
permitted by this Section 3, principal of the Bonds which is redeemed pursuant to a Mandatory
Sinking Fund Redemption Requirement shall be payable when due without prior presentation or
surrender of the Bond but redemption of such principal shall be duly endorsed on the Bond
Register, and in the case of the final principal payment due hereunder, surrender of the Bond at
the main office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment
Date by check or draft mailed to the person in whose name the Bond was registered, and to that
person’s address appearing, on the Bond Register at the close of business on the 15th day of the
calendar month next preceding that Interest Payment Date.

(e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated
maturity as follows:

(i) Mandatory Sinking Fund Redemption of Term Bonds. If any of the Bonds
are issued as Term Bonds, the Term Bonds shall be subject to mandatory redemption in
part by lot and be redeemed pursuant to mandatory sinking fund redemption
requirements, at a redemption price of 100% of the principal amount redeemed, plus
accrued interest to the redemption date, on the applicable Mandatory Redemption Dates
and in the principal amounts payable on those Dates, for which provision is made in the
Certificate of Award (such Dates and amounts being referred to as the “Mandatory
Sinking Fund Redemption Requirements”).

The aggregate of the moneys to be deposited with the Bond Registrar for payment
of principal of and interest on any Term Bonds on each Mandatory Redemption Date
shall include an amount sufficient to redeem on that Date the principal amount of Term
Bonds payable on that Date pursuant to the Mandatory Sinking Fund Redemption
Requirements (less the amount of any credit as hereinafter provided).

The City shall have the option to deliver to the Bond Registrar for cancellation
Term Bonds in any aggregate principal amount and to receive a credit against the then
current or any subsequent Mandatory Sinking Fund Redemption Requirement (and
corresponding mandatory redemption obligation) of the City, as specified by the Director
of Budget and Finance, for Term Bonds stated to mature on the same Principal Payment
Date and bearing interest at the same rate as the Term Bonds so delivered. That option
shall be exercised by the City on or before the 45th day preceding any Mandatory
Redemption Date with respect to which the City wishes to obtain a credit, by furnishing
the Bond Registrar a certificate, signed by the Director of Budget and Finance, setting
forth the extent of the credit to be applied with respect to the then current or any
subsequent Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to
mature on the same Principal Payment Date and bearing interest at the same rate as the
Term Bonds so delivered. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation), as specified by the Director of Budget and Finance, also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations), as specified by the Director of Budget and Finance, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered, redeemed or purchased and canceled.

(ii) Optional Redemption. The Bonds of the maturities and interest rates specified in the Certificate of Award (if any are so specified) shall be subject to optional redemption by and at the sole option of the City, in whole or in part in Authorized Denominations, on the dates and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, to be determined by the Director of Budget and Finance in the Certificate of Award; provided that the redemption price for any optional redemption date shall not be greater than 103%.

If optional redemption of Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity (and interest rate within a maturity if applicable) to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements. Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Director of Budget and Finance to the Bond Registrar, given upon the direction of the City by passage of an ordinance or adoption of a resolution. That notice shall specify the redemption date and the principal amount of each maturity (and interest rate within a maturity if applicable) of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

(iii) Partial Redemption. If fewer than all of the outstanding Bonds are called for optional redemption at one time and Bonds of more than one maturity (or interest rate
within a maturity if applicable) are then outstanding, the Bonds that are called shall be
Bonds of the maturity or maturities and interest rate or rates selected by the City. If
fewer than all of the Bonds of a single maturity (or interest rate within a maturity if
applicable) are to be redeemed, the selection of Bonds of that maturity (or interest rate
within a maturity if applicable) to be redeemed, or portions thereof in Authorized
Denominations, shall be made by the Bond Registrar by lot in a manner determined by
the Bond Registrar. In the case of a partial redemption of Bonds by lot when Bonds of
denominations greater than the Authorized Denominations are then outstanding, each
Authorized Denomination unit of principal thereof shall be treated as if it were a separate
Bond of the Authorized Denomination. If it is determined that one or more, but not all,
of the Authorized Denomination units of principal amount represented by a Bond are to
be called for redemption, then, upon notice of redemption of an Authorized
Denomination unit or units, the registered owner of that Bond shall surrender the Bond to
the Bond Registrar (A) for payment of the redemption price of the Authorized
Denomination unit or units of principal amount called for redemption (including, without
limitation, the interest accrued to the date fixed for redemption and any premium), and
(B) for issuance, without charge to the registered owner, of a new Bond or Bonds of any
Authorized Denomination or Denominations in an aggregate principal amount equal to
the unmatured and unredeemed portion of, and bearing interest at the same rate and
maturing on the same date as, the Bond surrendered.

(iv) Notice of Redemption. The notice of the call for redemption of Bonds
shall identify (A) by designation, letters, numbers or other distinguishing marks, the
Bonds or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the
date fixed for redemption, and (D) the place or places where the amounts due upon
redemption are payable. The notice shall be given by the Bond Registrar on behalf of the
City by mailing a copy of the redemption notice by first-class mail, postage prepaid, at
least 30 days prior to the date fixed for redemption, to the registered owner of each Bond
subject to redemption in whole or in part at the registered owner’s address shown on the
Bond Register maintained by the Bond Registrar at the close of business on the 15th day
preceding that mailing. Failure to receive notice by mail or any defect in that notice
regarding any Bond, however, shall not affect the validity of the proceedings for the
redemption of any Bond.

(v) Payment of Redeemed Bonds. In the event that notice of redemption shall
have been given by the Bond Registrar to the registered owners as provided above, there
shall be deposited with the Bond Registrar on or prior to the redemption date, moneys
that, in addition to any other moneys available therefor and held by the Bond Registrar,
will be sufficient to redeem at the redemption price thereof, plus accrued interest to the
redemption date, all of the redeemable Bonds for which notice of redemption has been
given. Notice having been mailed in the manner provided in the preceding paragraph
hereof, the Bonds and portions thereof called for redemption shall become due and
payable on the redemption date, and, subject to the provisions of Section 3(d), upon
presentation and surrender thereof at the place or places specified in that notice, shall be
paid at the redemption price, plus accrued interest to the redemption date. If moneys for
the redemption of all of the Bonds and portions thereof to be redeemed, together with
accrued interest thereon to the redemption date, are held by the Bond Registrar on the
redemption date, so as to be available therefor on that date and, if notice of redemption
has been deposited in the mail as aforesaid, then from and after the redemption date those
Bonds and portions thereof called for redemption shall cease to bear interest and no
longer shall be considered to be outstanding. If those moneys shall not be so available on
the redemption date, or that notice shall not have been deposited in the mail as aforesaid,
those Bonds and portions thereof shall continue to bear interest, until they are paid, at the
same rate as they would have borne had they not been called for redemption. All moneys
held by the Bond Registrar for the redemption of particular Bonds shall be held in trust
for the account of the registered owners thereof and shall be paid to them, respectively,
upon presentation and surrender of those Bonds; provided that any interest earned on the
moneys so held by the Bond Registrar shall be for the account of and paid to the City to
the extent not required for the payment of the Bonds called for redemption.

SECTION 4. Execution and Authentication of Bonds; Appointment of Bond Registrar. The
Bonds shall be signed by the City Manager and the Director of Budget and Finance, in the name
of the City and in their official capacities; provided that either or both of those signatures may be
a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as
requested by the Original Purchaser and approved by the Director of Budget and Finance, shall
be numbered as determined by the Director of Budget and Finance in order to distinguish each
Bond from any other Bond and shall express upon their faces the purpose, in summary terms, for
which they are issued and that they are issued pursuant to Chapter 133 of the Ohio Revised
Code, the Charter of the City, this Ordinance and the Certificate of Award.

The Director of Budget and Finance is hereby authorized to designate in the Certificate of Award
the Director of Budget and Finance, the Original Purchaser or a bank or trust company
authorized to do business in the State of Ohio to act as the initial Bond Registrar. The Director
of Budget and Finance shall provide for the payment of the services rendered and for
reimbursement of expenses incurred pursuant to the Certificate of Award from the proceeds of
the Bonds to the extent available and then from other money lawfully available and appropriated
or to be appropriated for that purpose.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or
benefit under the Bond Proceedings unless and until the certificate of authentication printed on
the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond
Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued,
signed and delivered under, and is entitled to the security and benefit of, the Bond Proceedings.
The certificate of authentication may be signed by any authorized officer or employee of the
Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by
the Director of Budget and Finance on behalf of the City. The same person need not sign the
certificate of authentication on all of the Bonds.

SECTION 5. Registration; Transfer and Exchange.

(a) Bond Register. So long as any of the Bonds remain outstanding, the City will
cause the Bond Registrar to maintain and keep the Bond Register at its main office. Subject to
the provisions of Section 3(d), the person in whose name a Bond is registered on the Bond
Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond Proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section 5. All such payments shall be valid and effectual to satisfy and discharge the City’s liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) **Transfer and Exchange.** Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the main office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the main office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond Proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Bond Proceedings as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

**SECTION 6. Sale of the Bonds to the Original Purchaser.** The Director of Budget and Finance is authorized to sell the Bonds at private sale to the Original Purchaser at a purchase price, not less than 97% of the aggregate principal amount thereof, as shall be determined by the Director of Budget and Finance in the Certificate of Award, plus accrued interest (if any) on the Bonds from their date to the Closing Date, and shall be awarded by the Director of Budget and Finance with and upon such other terms as are required or authorized by this Ordinance to be specified in the Certificate of Award, in accordance with law and the provisions of this Ordinance. The Director of Budget and Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Bonds with one or more other unvoted general obligation bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Ohio Revised Code; provided that if the aggregate principal amount of the consolidated issue is
$1,000,000 or more, then no bond of that issue shall be issued in a denomination less than $100,000 or be exchangeable for other bonds in denominations less than $100,000. If the Bonds are combined with one or more other such bond issues of the City into a consolidated note issue, a single Certificate of Award may be utilized for the consolidated bond issue if appropriate and consistent with the terms of this Ordinance.

The Director of Budget and Finance shall sign and deliver the Certificate of Award and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price.

The City Manager, the Director of Budget and Finance, the Director of Law, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The actions of the City Manager, the Director of Budget and Finance, the Director of Law, the Clerk of Council or other City officials, as appropriate, in doing any and all acts necessary in connection with the issuance and sale of the Bonds are hereby ratified and confirmed.

The Director of Budget and Finance is hereby authorized to offer all or part of the Bonds at par and any accrued interest to the Treasury Investment Board of the City for investment under Section 731.56 of the Revised Code in accordance with law and the provisions of this Ordinance if, as a result of the conditions then existing in the financial markets, the Director of Budget and Finance determines it is in the best financial interest of the City in lieu of the private sale authorized in the initial paragraph of this Section.

SECTION 7. Provision for Tax Levy. There shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Bonds when and as the same fall due.

In each year to the extent income from the City’s sanitary sewer system or other funds are available for the payment of debt charges on the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of such other funds so available and appropriated.

Nothing in the preceding paragraph in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Bonds.
SECTION 8. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Code or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Bonds will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The City hereby represents that the Outstanding Notes were designated or treated as “qualified tax exempt obligations” pursuant to Section 265(b)(3) of the Code. The City hereby covenants that it will redeem the Outstanding Notes from proceeds of, and within 90 days after issuance of, the Bonds, and represents that all other conditions are met for treating an amount of the Bonds not in excess of the amount of the Outstanding Notes as “qualified tax exempt obligations” and as not to be taken into account under subparagraph (D) of Section 265(b)(3) of the Code, without necessity for further designation, by reason of subparagraph (D)(ii) of Section 265(b)(3) of the Code. Any amount of the Bonds in excess of the amount of the Outstanding Notes, determined in accordance with Section 265(b)(3) of the Code (the Designated Amount), is hereby designated as “qualified tax exempt obligations” for purposes of Section 265(b)(3) of the Code. In that connection, the City hereby represents and covenants that it, together with all its subordinate entities or entities that issue obligations on its behalf, or on behalf of which it issues obligations, in or during the calendar year in which the Bonds are issued, (i) have not issued and will not issue tax exempt obligations designated as “qualified tax exempt obligations” for purposes of Section 265(b)(3) of the Code (including the Designated Amount of the Bonds) in an aggregate amount in excess of $10,000,000, and (ii) have not issued, do not reasonably anticipate issuing, and will not issue, tax exempt obligations (including the Designated Amount of the Bonds, but excluding obligations, other than qualified 501(c)(3) bonds as defined in Section 145 of the Code, that are private activity bonds as defined in Section 141 of the Code and excluding refunding obligations that are not advance refunding obligations as defined in Section 149(d)(5) of the Code) in an aggregate amount exceeding $10,000,000, unless the City first obtains a written opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not adversely affect the status of the Bonds as “qualified tax exempt obligations”. Further, the City represents and covenants that, during any time or in any manner as might affect the status of the Bonds as “qualified tax exempt obligations”, it has not formed or participated in the formation of, or benefited from or availed itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the formation of, or benefit from or avail itself of, any such entity. The City
further represents that the Bonds are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax exempt obligations of different issuers.

The Director of Budget and Finance or any other officer of the City having responsibility for issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Bonds as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Bonds, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Bonds, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds. The Director of Budget and Finance or any other officer of the City having responsibility for issuance of the Bonds is specifically authorized to designate the Bonds as “qualified tax-exempt obligations” if such designation is applicable and desirable, and to make any related necessary representations and covenants.

Each covenant made in this Section with respect to the Bonds is also made with respect to all issues any portion of the debt charges on which is paid from proceeds of the Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Bonds.

SECTION 9. Bond Counsel. The legal services of the law firm of Squire Patton Boggs (US) LLP as bond counsel to the City are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Bonds and rendering at delivery related legal opinions, all as set forth in the form of engagement letter from that firm which is now on file in the office of the Clerk of Council. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services, that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Director of Budget and Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any
reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

SECTION 10. Municipal Advisor. The services of Baker Tilly Municipal Advisors, LLC, as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Bonds. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. The Director of Budget and Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

SECTION 11. Financing Costs. The expenditure of the amounts necessary to pay the Financing Costs in connection with the Bonds is authorized and approved, and the Director of Budget and Finance is authorized to provide for the payment of any such amounts and costs from the proceeds of the Bonds to the extent available, and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

SECTION 12. Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to promptly deliver or cause to be delivered a certified copy of this Ordinance and an executed copy of the Certificate of Award to the County Auditor of Portage County, Ohio.

SECTION 13. Satisfaction of Conditions for Bond Issuance. This City Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 7) of the City are pledged for the timely payment of the debt charges on the Bonds; that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds; and that the Bonds are being authorized and issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance, the Certificate of Award and other authorizing provisions of law.

SECTION 14. Compliance with Open Meeting Requirements. This City Council finds and determines that all formal actions of this City Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Council or any of its committees, and that all deliberations of this City Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.
SECTION 15. Effective Date. That this ordinance is 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 and for the further reason that this ordinance is required to be immediately effective in order to issue and sell the Bonds, which is necessary to enable the City to retire the
Outstanding Notes at their maturity and thereby to preserve the credit of the City, for which reasons and other reasons manifest to this Council this ordinance shall take effect and be in force immediately upon its passage.

ADOPTED: __________________________  __________________________
                        Date                        Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: __________________________ __________________________
                        Date

ATTEST: ______________________________ __________________________
              Amy Wilkens
              Clerk of Council


(SEAL)

AMY WILKENS
CLERK OF COUNCIL
AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN A MAXIMUM PRINCIPAL AMOUNT OF $930,000, TO PROVIDE FUNDS TO PAY A PORTION OF THE COSTS OF RECONSTRUCTING ALLEY 5, ERIE STREET, AND DEPEYSTER STREET AND OTHERWISE IMPROVING NEARBY STREETS, INCLUDING BY RELOCATION OF PUBLIC UTILITIES, LANDSCAPING, AND INSTALLING PARKING PAYMENT DEVICES, STREET SIGNAGE AND SITE IMPROVEMENTS, AND TO RETIRE OUTSTANDING NOTES THAT WERE PREVIOUSLY ISSUED FOR THAT PURPOSE; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant Ordinance No. 2019-75 passed on July 17, 2019, notes in anticipation of bonds in the aggregate principal amount of $990,000 (the Outstanding Notes), were issued for the purpose stated in Section 1, as part of a consolidated issue of Various Purpose Notes, Series 2019, dated August 20, 2019, which Outstanding Notes are to mature on August 20, 2020; and

WHEREAS, this Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Bonds described in Section 2 and other funds available to the City; and

WHEREAS, the Director of Budget and Finance as fiscal officer of this City has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years and the estimated maximum maturity of the Bonds described in Section 1 is fifteen years.

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

SECTION 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

“Authorized Denominations” means the denomination of $5,000 or any whole multiple of $5,000 or such other minimum denomination or any whole multiple in excess thereof as is determined by the Director of Budget and Finance and set forth in the Certificate of Award.

“Bond Proceedings” means, collectively, this Ordinance, the Certificate of Award and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders of the Bonds.
“Bond Register” means all books and records necessary for the registration, exchange and transfer of Bonds as provided in Section 5.

“Bond Registrar” means the Director of Budget and Finance, the Original Purchaser or a bank or trust company authorized to do business in the State of Ohio, as designated by the Director of Budget and Finance in the Certificate of Award pursuant to Section 4 as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds under the Certificate of Award and until a successor Bond Registrar shall have become such pursuant to the provisions of the Certificate of Award and, thereafter, “Bond Registrar” shall mean the successor Bond Registrar.

“Bonds” means, collectively, the Serial Bonds and the Term Bonds, each as is designated as such in the Certificate of Award.

“Certificate of Award” means the certificate authorized by Section 6, to be executed by the Director of Budget and Finance, setting forth and determining those terms or other matters pertaining to the Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

“City” means the City of Kent, Ohio.

“City Manager” means the City Manager of the City or any person serving in an interim or acting capacity with respect to that office.

“Closing Date” means the date of physical delivery of, and payment of the purchase price for, the Bonds.

“Code” means the Internal Revenue Code of 1986, as amended, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

“Director of Budget and Finance” means the Director of Budget and Finance of the City or any person serving in an interim or acting capacity with respect to that office.

“Financing Costs” shall have the meaning given in Section 133.01 of the Ohio Revised Code.

“Interest Payment Dates” means June 1 and December 1 of each year that the Bonds are outstanding, commencing on the date specified in the Certificate of Award.

“Mandatory Redemption Date” shall have the meaning set forth in Section 3(b).
“Mandatory Sinking Fund Redemption Requirements” shall have the meaning set forth in Section 3(e)(i).

“Original Purchaser” means the purchaser of the Bonds specified in the Certificate of Award.

“Principal Payment Dates” means, unless otherwise specified in the Certificate of Award, December 1 in each of the years from and including 2021 to and including 2031.

“Regulations” means Treasury Regulations issued pursuant to the Code or to the statutory predecessor of the Code.

“Serial Bonds” means those Bonds designated as such and maturing on the dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and not subject to mandatory sinking fund redemption.

“Term Bonds” means those Bonds designated as such and stated to mature on the date or dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and subject to mandatory sinking fund redemption.

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

SECTION 2. Authorized Principal Amount and Purpose; Application of Proceeds. It is necessary and determined to be in the City’s best interest to issue bonds of this City in a maximum principal amount of $930,000 (the “Bonds”) for the purpose of providing funds to pay a portion of the costs of reconstructing Alley 5, Erie Street and Depeyster Street and otherwise improving nearby streets, including by relocation of public utilities, landscaping and installing parking payment devices, street signage and site improvements (the “Improvement”) and to retire, together with other funds available to the City, the Outstanding Notes. The Bonds shall be issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance and the Certificate of Award.

The principal amount of Bonds to be issued shall not exceed the maximum principal amount specified in this Section 2 and shall be an amount determined by the Director of Budget and Finance in the Certificate of Award to be the principal amount of Bonds that is required to be issued at this time for the purpose stated in this Section 2.

The proceeds from the sale of the Bonds, except any premium and accrued interest, received by the City shall be paid into the proper fund or funds, and those proceeds are hereby appropriated and shall be used for the purpose for which the Bonds are being issued, including without limitation, the payment of the costs of issuing and servicing the Bonds, printing and delivery of the Bonds, legal services including obtaining the approving legal opinion of bond counsel, fees and expenses of the Municipal Advisor and all other Financing Costs and costs incurred
incidental to those purposes. Any portion of those proceeds received by the City representing premium or accrued interest shall be paid into the Bond Retirement Fund.

SECTION 3. Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued in one lot and only as fully registered bonds, in Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount stated to mature on that date. The Bonds shall be dated as provided in the Certificate of Award, provided that their dated date shall not be more than sixty (60) days prior to the Closing Date. If requested by the Original Purchaser, the Director of Budget and Finance is hereby authorized to prepare one bond representing the aggregate principal amount of Bonds maturing or payable pursuant to Mandatory Sinking Fund Redemption Requirements on all of the Principal Payment Dates, all as set forth in the Certificate of Award.

(a) Interest Rates and Payment Dates. The Bonds shall bear interest at the rate or rates per year and computed on the basis as shall be determined by the Director of Budget and Finance, subject to subsection (c) of this Section 3, in the Certificate of Award. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) Principal Payment Schedule. The Bonds shall mature or be payable pursuant to Mandatory Sinking Fund Redemption Requirements on the Principal Payment Dates in the following years and principal amounts:

<table>
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<th>Year</th>
<th>Principal Amount</th>
<th>Year</th>
<th>Principal Amount</th>
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<tbody>
<tr>
<td>2021</td>
<td>$80,000</td>
<td>2027</td>
<td>$85,000</td>
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<td>2022</td>
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<td>90,000</td>
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<tr>
<td>2026</td>
<td>85,000</td>
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</tbody>
</table>

; provided that, subject to the limitations set forth in Sections 1 and 2 and this Section 3, the principal amount of Bonds maturing or subject to Mandatory Sinking Fund Redemption Requirements on any one or more of the Principal Payment Dates may be increased or decreased as specified by the Director of Budget and Finance in the Certificate of Award, consistently with her determination of the best interest of and financial advantages to the City.

Consistently with the foregoing and in accordance with the Director of Budget and Finance’s determination of the best interest of and financial advantage to the City, the Director of Budget and Finance shall specify in the Certificate of Award (i) the aggregate principal amount of Bonds to be issued, (ii) the aggregate principal amount of Bonds to be issued as Serial Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature and the
principal amount thereof that shall be stated to mature on each such Principal Payment Date and (iii) the aggregate principal amount of Bonds to be issued as Term Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or Dates on which Term Bonds shall be subject to mandatory sinking fund redemption (each a “Mandatory Redemption Date”) and the principal amount thereof that shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date.

(c) Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts. The rate or rates of interest per year to be borne by the Bonds, and the principal amount of Bonds maturing or payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Principal Payment Date, shall be such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year. The net interest cost for the Bonds determined by taking into account the respective principal amounts of the Bonds and terms to maturity or Mandatory Sinking Fund Redemption Requirements of those principal amounts of Bonds shall not exceed 5.00%.

(d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of and any premium on the Bonds shall be payable when due upon presentation and surrender of the Bonds at the main office of the Bond Registrar; provided, however, to the extent that the Bonds are represented by a single Term Bond as permitted by this Section 3, principal of the Bonds which is redeemed pursuant to a Mandatory Sinking Fund Redemption Requirement shall be payable when due without prior presentation or surrender of the Bond but redemption of such principal shall be duly endorsed on the Bond Register, and in the case of the final principal payment due hereunder, surrender of the Bond at the main office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person’s address appearing, on the Bond Register at the close of business on the 15th day of the calendar month next preceding that Interest Payment Date.

(e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) Mandatory Sinking Fund Redemption of Term Bonds. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory redemption in part by lot and be redeemed pursuant to mandatory sinking fund redemption requirements, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those Dates, for which provision is made in the Certificate of Award (such Dates and amounts being referred to as the “Mandatory Sinking Fund Redemption Requirements”).

The aggregate of the moneys to be deposited with the Bond Registrar for payment of principal of and interest on any Term Bonds on each Mandatory Redemption Date
shall include an amount sufficient to redeem on that Date the principal amount of Term Bonds payable on that Date pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as hereinafter provided).

The City shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City, as specified by the Director of Budget and Finance, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered. That option shall be exercised by the City on or before the 45th day preceding any Mandatory Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Director of Budget and Finance, setting forth the extent of the credit to be applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation), as specified by the Director of Budget and Finance, also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations), as specified by the Director of Budget and Finance, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered, redeemed or purchased and canceled.

(ii) Optional Redemption. The Bonds of the maturities and interest rates specified in the Certificate of Award (if any are so specified) shall be subject to optional redemption by and at the sole option of the City, in whole or in part in Authorized Denominations, on the dates and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, to be determined by the Director of Budget and Finance in the Certificate of Award; provided that the redemption price for any optional redemption date shall not be greater than 103%. 


If optional redemption of Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity (and interest rate within a maturity if applicable) to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements. Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Director of Budget and Finance to the Bond Registrar, given upon the direction of the City by passage of an ordinance or adoption of a resolution. That notice shall specify the redemption date and the principal amount of each maturity (and interest rate within a maturity if applicable) of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

(iii) Partial Redemption. If fewer than all of the outstanding Bonds are called for optional redemption at one time and Bonds of more than one maturity (or interest rate within a maturity if applicable) are then outstanding, the Bonds that are called shall be Bonds of the maturity or maturities and interest rate or rates selected by the City. If fewer than all of the Bonds of a single maturity (or interest rate within a maturity if applicable) are to be redeemed, the selection of Bonds of that maturity (or interest rate within a maturity if applicable) to be redeemed, or portions thereof in Authorized Denominations, shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than the Authorized Denominations are then outstanding, each Authorized Denomination unit of principal thereof shall be treated as if it were a separate Bond of the Authorized Denomination. If it is determined that one or more, but not all, of the Authorized Denomination units of principal amount represented by a Bond are to be called for redemption, then, upon notice of redemption of an Authorized Denomination unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (A) for payment of the redemption price of the Authorized Denomination unit or units of principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (B) for issuance, without charge to the registered owner, of a new Bond or Bonds of any Authorized Denomination or Denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(iv) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (A) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Bond Registrar on behalf of the City by mailing a copy of the redemption notice by first-class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner’s address shown on the
Bond Register maintained by the Bond Registrar at the close of business on the 15th day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(v) Payment of Redeemed Bonds. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as provided above, there shall be deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Bonds for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to the provisions of Section 3(d), upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Bonds and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the Bond Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All moneys held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds; provided that any interest earned on the moneys so held by the Bond Registrar shall be for the account of and paid to the City to the extent not required for the payment of the Bonds called for redemption.

SECTION 4. Execution and Authentication of Bonds; Appointment of Bond Registrar. The Bonds shall be signed by the City Manager and the Director of Budget and Finance, in the name of the City and in their official capacities; provided that either or both of those signatures may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Director of Budget and Finance, shall be numbered as determined by the Director of Budget and Finance in order to distinguish each Bond from any other Bond and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance and the Certificate of Award.

The Director of Budget and Finance is hereby authorized to designate in the Certificate of Award the Director of Budget and Finance, the Original Purchaser or a bank or trust company authorized to do business in the State of Ohio to act as the initial Bond Registrar. The Director of Budget and Finance shall provide for the payment of the services rendered and for
reimbursement of expenses incurred pursuant to the Certificate of Award from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond Proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond Proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Director of Budget and Finance on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

SECTION 5. Registration; Transfer and Exchange.

(a) Bond Register. So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep the Bond Register at its main office. Subject to the provisions of Section 3(d), the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond Proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section 5. All such payments shall be valid and effectual to satisfy and discharge the City’s liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the main office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the main office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond Proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before
the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Bond Proceedings as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

SECTION 6. Sale of the Bonds to the Original Purchaser. The Director of Budget and Finance is authorized to sell the Bonds at private sale to the Original Purchaser at a purchase price, not less than 97% of the aggregate principal amount thereof, as shall be determined by the Director of Budget and Finance in the Certificate of Award, plus accrued interest (if any) on the Bonds from their date to the Closing Date, and shall be awarded by the Director of Budget and Finance with and upon such other terms as are required or authorized by this Ordinance to be specified in the Certificate of Award, in accordance with law and the provisions of this Ordinance. The Director of Budget and Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Bonds with one or more other unvoted general obligation bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Ohio Revised Code; provided that if the aggregate principal amount of the consolidated issue is $1,000,000 or more, then no bond of that issue shall be issued in a denomination less than $100,000 or be exchangeable for other bonds in denominations less than $100,000. If the Bonds are combined with one or more other such bond issues of the City into a consolidated note issue, a single Certificate of Award may be utilized for the consolidated bond issue if appropriate and consistent with the terms of this Ordinance.

The Director of Budget and Finance shall sign and deliver the Certificate of Award and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price.

The City Manager, the Director of Budget and Finance, the Director of Law, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The actions of the City Manager, the Director of Budget and Finance, the Director of Law, the Clerk of Council or other City officials, as appropriate, in doing any and all acts necessary in connection with the issuance and sale of the Bonds are hereby ratified and confirmed.

The Director of Budget and Finance is hereby authorized to offer all or part of the Bonds at par and any accrued interest to the Treasury Investment Board of the City for investment under Section 731.56 of the Revised Code in accordance with law and the provisions of this Ordinance if, as a result of the conditions then existing in the financial markets, the Director of Budget and Finance determines it is in the best financial interest of the City in lieu of the private sale authorized in the initial paragraph of this Section.
SECTION 7. Provision for Tax Levy. There shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Bonds when and as the same fall due.

To the extent necessary, the debt charges on the Bonds shall be paid from payments in lieu of taxes lawfully available therefor pursuant to Ordinance No. 2010-80, passed August 18, 2010, as such may be amended, and the City hereby covenants, subject to such authority, including particularly Revised Code Section 133.04(B)(8), to appropriate annually from such payments in lieu of taxes such amount as is necessary to meet such annual debt charges. In each year to the extent service payments in lieu of taxes or other funds are available for the payment of debt charges on the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of such other funds so available and appropriated.

Nothing in the preceding paragraph in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Bonds.

SECTION 8. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Code or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Bonds will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The City hereby represents that the Outstanding Notes were designated or treated as “qualified tax exempt obligations” pursuant to Section 265(b)(3) of the Code. The City hereby covenants that it will redeem the Outstanding Notes from proceeds of, and within 90 days after issuance of, the
Bonds, and represents that all other conditions are met for treating an amount of the Bonds not in excess of the amount of the Outstanding Notes as “qualified tax exempt obligations” and as not to be taken into account under subparagraph (D) of Section 265(b)(3) of the Code, without necessity for further designation, by reason of subparagraph (D)(ii) of Section 265(b)(3) of the Code. Any amount of the Bonds in excess of the amount of the, determined in accordance with Section 265(b)(3) of the Code (the Designated Amount), is hereby designated as “qualified tax exempt obligations” for purposes of Section 265(b)(3) of the Code. In that connection, the City hereby represents and covenants that it, together with all its subordinate entities or entities that issue obligations on its behalf, or on behalf of which it issues obligations, in or during the calendar year in which the Bonds are issued, (i) have not issued and will not issue tax exempt obligations designated as “qualified tax exempt obligations” for purposes of Section 265(b)(3) of the Code (including the Designated Amount of the Bonds) in an aggregate amount in excess of $10,000,000, and (ii) have not issued, do not reasonably anticipate issuing, and will not issue, tax exempt obligations (including the Designated Amount of the Bonds, but excluding obligations, other than qualified 501(c)(3) bonds as defined in Section 145 of the Code, that are private activity bonds as defined in Section 141 of the Code and excluding refunding obligations that are not advance refunding obligations as defined in Section 149(d)(5) of the Code) in an aggregate amount exceeding $10,000,000, unless the City first obtains a written opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not adversely affect the status of the Bonds as “qualified tax exempt obligations”. Further, the City represents and covenants that, during any time or in any manner as might affect the status of the Bonds as “qualified tax exempt obligations”, it has not formed or participated in the formation of, or benefited from or availed itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the formation of, or benefit from or avail itself of, any such entity. The City further represents that the Bonds are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax exempt obligations of different issuers.

The Director of Budget and Finance or any other officer of the City having responsibility for issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Bonds as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Bonds, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Bonds, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on
and the tax status of the Bonds. The Director of Budget and Finance or any other officer of the City having responsibility for issuance of the Bonds is specifically authorized to designate the Bonds as “qualified tax-exempt obligations” if such designation is applicable and desirable, and to make any related necessary representations and covenants.

Each covenant made in this Section with respect to the Bonds is also made with respect to all issues any portion of the debt charges on which is paid from proceeds of the Bonds (and, if different, the original issue and any refunding issues in a series of refusings), to the extent such compliance is necessary to assure exclusion of interest on the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Bonds.

SECTION 9. Bond Counsel. The legal services of the law firm of Squire Patton Boggs (US) LLP as bond counsel to the City are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Bonds and rendering at delivery related legal opinions, all as set forth in the form of engagement letter from that firm which is now on file in the office of the Clerk of Council. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services, that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Director of Budget and Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

SECTION 10. Municipal Advisor. The services of Baker Tilly Municipal Advisors, LLC, as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Bonds. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. The Director of Budget and Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

SECTION 11. Financing Costs. The expenditure of the amounts necessary to pay the Financing Costs in connection with the Bonds is authorized and approved, and the Director of Budget and Finance is authorized to provide for the payment of any such amounts and costs from the
proceeds of the Bonds to the extent available, and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

SECTION 12. Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to promptly deliver or cause to be delivered a certified copy of this Ordinance and an executed copy of the Certificate of Award to the County Auditor of Portage County, Ohio.

SECTION 13. Satisfaction of Conditions for Bond Issuance. This City Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 7) of the City are pledged for the timely payment of the debt charges on the Bonds; that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds; and that the Bonds are being authorized and issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance, the Certificate of Award and other authorizing provisions of law.

SECTION 14. Compliance with Open Meeting Requirements. This City Council finds and determines that all formal actions of this City Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Council or any of its committees, and that all deliberations of this City Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.

SECTION 15. Effective Date. That this ordinance is 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 and for the further reason that this ordinance is required to be immediately effective in order to issue and sell the Bonds, which is necessary to enable the City to retire the Outstanding Notes at their maturity and thereby to preserve the credit of the City, for which reasons and other reasons manifest to this Council this ordinance shall take effect and be in force immediately upon its passage.

ADOPTED: 
Date
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: 
Date

ATTEST: 


(SEAL)

___________________________________
AMY WILKENS
CLERK OF COUNCIL
RESOLUTION NO. 2020-53

A RESOLUTION DECLARING IT NECESSARY TO RENEW THE CITY’S EXISTING 0.73-MILL TAX LEVY FOR THE PURPOSE OF PROVIDING SUFFICIENT FUNDS FOR THE CURRENT EXPENSE OF MAINTAINING AND OPERATING A FIRE STATION IN THE CITY OF KENT WEST OF THE ERIE RAILROAD; REQUESTING THE COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THAT RENEWAL LEVY, PURSUANT TO SECTIONS 5705.03, 5705.19(I) AND 5705.191 OF THE REVISED CODE, AND DECLARING AN EMERGENCY.

WHEREAS, at an election on November 3, 2015, voters of the City of Kent approved a 0.73-mill tax levy outside of the ten-mill limitation for the purpose of providing sufficient funds for the current expense of maintaining and operating a fire station in the City of Kent west of the Erie Railroad, for a period of five years; and

WHEREAS, the authority to levy that 0.73-mill tax will expire with the levy on the 2020 duplicate for collection in calendar year 2021; and

WHEREAS, this Council finds that the amount of taxes that may be raised within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the City, and that it is necessary to renew that existing 0.73-mill tax levy in excess of the ten-mill limitation in order to continue receiving sufficient funds for the current expense of maintaining and operating a fire station in the City of Kent west of the Erie Railroad; and

WHEREAS, in accordance with Division (B) of Section 5705.03 of the Revised Code, in order to submit the question of a tax levy pursuant to Sections 5705.19(I) and 5705.191 of the Revised Code, this Council must first request that the Portage County Auditor certify (i) the total current tax valuation of the City and (ii) the dollar amount of revenue that would be generated by the levy; and

WHEREAS, in further accordance with Division (B) of Section 5705.03 of the Revised Code, upon receipt of a certified copy of a resolution of this Council declaring the necessity of a tax, stating its purpose, whether it is an additional levy, a renewal or a replacement of an existing tax, or the renewal or replacement of an existing tax with an increase or a decrease, the Section or Sections of the Revised Code authorizing the submission of the question of the tax, the term of years of the tax (or that it is for a continuing period of time), that the tax is to be levied upon the entire territory of the City, the date of the election at which the question of the tax shall appear on the ballot, that the ballot measure shall be submitted to the entire territory of the City, the tax year in which the tax will first be levied and the calendar year in which it will be first collected and each county in which the City has territory, and requesting such certification, the County Auditor is to certify the total current tax valuation of the City and the dollar amount of revenue that would be generated by the proposed levy;

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

SECTION 1. That this Council declares that (i) it is necessary to renew the City’s existing 0.73-mill ad valorem property tax outside of the ten-mill limitation for the purpose of providing sufficient funds for the current expense of maintaining and operating a fire station in the City of Kent west of the Erie Railroad, (ii) as authorized by Sections 5705.19(I) and 5705.191 of the Revised Code, it intends to submit the question of a 0.73-mill renewal tax levy for that purpose to the electors of the entire territory of the City at an election on November 3, 2020, and (iii) the City has territory only in Portage County. If approved, that tax will be levied upon the entire territory of the City for a period of five years, commencing in tax year 2021, for first collection in calendar year 2022.
SECTION 2. That this Council requests the Portage County Auditor to certify to it both (i) the total current tax valuation of the City and (ii) the dollar amount of revenue that would be generated by the 0.73-mill renewal levy specified in Section 1.

SECTION 3. That the Clerk of Council is authorized and directed to deliver promptly to the Portage County Auditor a certified copy of this Resolution.

SECTION 4. That this Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the adoption of this Resolution were taken, and that all deliberations of this Council and of any of its committees that resulted in such formal action were held, in meetings open to the public, in compliance with the law.

SECTION 5. That this Resolution is 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 and for the further reason that it is necessary that this Resolution be effective immediately so that it can be timely filed with the County Auditor and additional proceedings taken in order to submit the question of the levy to the electors at an election on November 3, 2020; for which reason and other reasons manifest to this Council this Resolution shall take effect and be in force immediately upon its adoption.

ADOPTED: ________________________
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: ________________________
Date

ATTEST: _______________________
Amy Wilkens
Clerk of Council


(SEAL)

AMY WILKENS
CLERK OF COUNCIL
ORDINANCE NO. 2020-54

AN ORDINANCE AUTHORIZING AMENDING THE CITY’S FIVE-YEAR REVOLVING LOAN FUND PLAN, ADOPTED ON JANUARY 16, 2020, TO INCLUDE TEMPORARY FLEXIBILITIES FOR CERTAIN ECONOMIC DEVELOPMENT ADMINISTRATION (EDA) REQUIREMENTS IN RESPONSE TO THE COVID-19 PANDEMIC, AND DECLARING AN EMERGENCY.

WHEREAS, the EDA recently suspended some of the program requirements in order to establish temporary flexibilities that can be used to provide RLF assistance more expeditiously to businesses adversely affected by the COVID-19 pandemic; and

WHEREAS, the EDA’s flexibilities apply to any loan issued from May 7, 2020 through May 6, 2021 and include the following:

- Waiving required minimum interest rate of 75% of prime rate for the life of the loan, which will allow an interest rate between 0% to 2.4% (prime rate at 3.25% on May 26th);
- Waiving requirements that EDA RLF recipients leverage additional capital as part of an approved loan;
- Waiving the requirements that EDA RLF recipients provide evidence demonstrating credit/funding is not otherwise available from another source.

WHEREAS, the EDA also will be suspending its scoring criteria for the specified one year period, known as the Risk Analysis System, which is used to evaluate the City’s loan portfolio performance.

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 of the City of Kent does hereby authorize amending the City’s Five Year Revolving Loan Fund Plan as referenced above.

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: _________________________ Date Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____________________ Date
I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No. ______________, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON ______________________, 20_________.

(SEAL)

__________________________
AMY WILKENS
CLERK OF COUNCIL
ORDINANCE NO. 2020-55

AN ORDINANCE AMENDING ORDINANCE NO. 2019-139, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 18, 2019; SO AS TO ADJUST APPROPRIATIONS, TRANSFERS AND ADVANCES FROM THE VARIOUS FUNDS OF THE CITY OF KENT TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020; AND DECLARING AN EMERGENCY.

WHEREAS, it is necessary to amend current appropriations, transfers and advances for the expenses and other expenditures for the City of Kent, Ohio, for the fiscal year ending December 31, 2020.

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 the current appropriations Ordinance No. 2019-139 passed December 18, 2019, as amended by Ordinance No. 2020-14, passed 2/19/2020, as amended by Ordinance No. 2020-23, passed 3/18/2020, as amended by Ordinance No. 2020-29, passed 4/15/2020 as amended by Ordinance No. 2020-42, passed 5/20/2020, be amended as set forth in Exhibit "A", attached hereto and incorporated herein, so as to increase appropriations in Fund 126, CDBG Fund, Fund 136, CHIP Fund, Fund 127, NSP Fund, Fund 208, Storm Water Fund and to decrease appropriations in Fund 301, Capital Fund; and Declaring An Emergency.

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 formation 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 reason manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediate after passage.

PASSED: ______________________________
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: ________________________
Date

ATTEST: ____________________________
Amy Wilkens
Clerk of Council

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

(SEAL)

______________________________
AMY WILKENS
CLERK OF COUNCIL
## 2020 AMENDED APPROPRIATIONS

<table>
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<tr>
<th>Fund - Department/Division</th>
<th>Personnel &amp; Benefits</th>
<th>Other than Personnel &amp; Benefits</th>
<th>Reserve/Debt Service</th>
<th>Contingency</th>
<th>Fund &amp; Department Total</th>
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## 2020 AMENDED APPROPRIATIONS

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## 2020 AMENDED APPROPRIATIONS

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<th>Fund - Department/Division</th>
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2020-55 Exhibit A
### 2020 AMENDED APPROPRIATIONS

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| **Municipal Public Improvement Tax Increment Equivalent (302)** |                      |                      |                      |             |       |
| Service (Capital Facilities) |                      |                      |                      | $0          |       |
| Budget & Finance (Debt)     |                      | $1,366,650           |                      | 1,366,650   |       |
| Fund Total                  | $0                   | $0                   | $0                   | $1,366,650  | $0     |

| **Police Facility (303)** |                      |                      |                      |             |       |
| Safety (Capital Facilities) | $413,500             |                      | $413,500             |             |       |
| Budget & Finance (Debt)     |                      | $3,077,500           |                      | 3,077,500   |       |
| Fund Total                  | $0                   | $0                   | $413,500             | $3,077,500  | $0     |

| **Debt Service (402)** |                      |                      |                      |             |       |
| Budget & Finance (Debt)     |                      | $57,620              |                      | $57,620     |       |
| Fund Total                  | $0                   | $0                   | $0                   | $57,620     | $0     |

| **Internal Service (807)** |                      |                      |                      |             |       |
| Health Insurance            | $3,700,000           |                      | $3,700,000           |             |       |
| Fund Total                  | $0                   | $3,700,000           | $0                   | $3,700,000  |       |

| Total Appropriations         | $25,113,644          | $13,051,602          | $19,741,105          | $5,472,276  | $250,000 |
| Original Appropriations      | $24,787,144          | $12,459,693          | $13,787,565          | $5,472,276  | $250,000 |
| Amendment #1                | 326,100              | 5,859,140            | 6,185,240            |             |         |
| Amendment #2                | 141,213              | 100,000              | 241,213              |             |         |
| Amendment #3                | 106,900              | 106,900              |                     |             |         |
| Amendment #4                | 50,000               | 50,000               |                     |             |         |
| Amendment #5                | 461,096              | (162,500)            | 298,596              |             |         |
| Amendment #6                | 0                    | 0                    |                     |             |         |
| Amendment #7                | 0                    | 0                    |                     |             |         |
| Amendment #8                | 0                    | 0                    |                     |             |         |
| Total                       | $25,113,244          | $13,062,002          | $19,741,105          | $5,472,276  | $250,000 |

($10,000)
### 2020 AMENDED APPROPRIATIONS - SCHEDULE OF OPERATING TRANSFERS AND TEMPORARY ADVANCES

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Total Fund 116 Income Tax: $16,689,056 $17,070,449 $381,393

**Fund 201 - Water**
- Original: $47,000
- Current Request: $47,000
- Change: $0
- Receiving Fund: Fund 204 - Utility Billing

**Fund 202 - Sewer**
- Original: 47,000
- Current Request: 47,000
- Change: 0
- Receiving Fund: Fund 204 - Utility Billing

**Fund 001 - General**
- Original: 3,700,000
- Current Request: 3,700,000
- Change: 0
- Receiving Fund: Fund 124 - Income Tax Safety

**Fund 001 - General**
- Original: 6,400
- Current Request: 6,400
- Change: 0
- Receiving Fund: Fund 106 - Parks and Rec

**Fund 001 - General**
- Original: 1,500,000
- Current Request: 1,500,000
- Change: 0
- Receiving Fund: Fund 301 - Capital Projects (for City Hall)

**Fund 001 - General**
- Original: 2,100,000
- Current Request: 2,100,000
- Change: 0
- Receiving Fund: Fund 128 - Fire & EMS

**Subtotal - Total Operating Transfers**
- Total: $7,400,400

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**Subtotal - Total Advances**
- Total: $125,000

**Grand Total - All Transfers & Advances**
- Total: $24,214,456

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* Designates Repayment of Advance
## 2020 AMENDED APPROPRIATIONS

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<th>Fund - Department/Division</th>
<th>Personnel &amp; Benefits</th>
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## 2020 AMENDED APPROPRIATIONS

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<td>$860,274</td>
<td>$1,022,592</td>
<td>$3,996,614</td>
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<tr>
<td>Service (Capital Facilities)</td>
<td>71,359</td>
<td>71,359</td>
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<tr>
<td>Admin. Support</td>
<td>656,481</td>
<td>86,398</td>
<td>6,450</td>
<td>749,329</td>
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<td></td>
</tr>
<tr>
<td>Budget &amp; Finance (Debt)</td>
<td></td>
<td>$575,300</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Contingency</td>
<td></td>
<td>$50,000</td>
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<tr>
<td>Fund Total</td>
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<td>$1,100,401</td>
<td>$575,300</td>
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<td><strong>Utility Billing (204)</strong></td>
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<tr>
<td>Budget &amp; Finance</td>
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<td>$0</td>
<td>$0</td>
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<td><strong>Solid Waste (205)</strong></td>
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<tr>
<td>Service</td>
<td>$91,128</td>
<td>$161,790</td>
<td>$5,000</td>
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<td></td>
<td>$257,918</td>
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<td>$161,790</td>
<td>$5,000</td>
<td>$0</td>
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<td>$257,918</td>
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<td><strong>Storm Water Utility (208)</strong></td>
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<td>Admin. Support</td>
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<td>$62,296</td>
<td>1,450</td>
<td>395,814</td>
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<td>Budget &amp; Finance (Debt)</td>
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<td>$9,968</td>
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<td>9,968</td>
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<td>$1,222,318</td>
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<td>$0</td>
<td>$1,876,958</td>
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<td><strong>Guaranteed Deposits (230)</strong></td>
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<td>$1,000</td>
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## 2020 AMENDED APPROPRIATIONS

<table>
<thead>
<tr>
<th>Fund - Department/Division</th>
<th>Personnel &amp; Benefits</th>
<th>Other than Personnel &amp; Benefits</th>
<th>Reserve/Department</th>
<th>Contingency</th>
<th>Total</th>
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<tr>
<td><strong>Capital Projects (301)</strong></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Safety</td>
<td>$181,900</td>
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<td></td>
<td></td>
<td>$181,900</td>
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<tr>
<td>Service</td>
<td>358,000</td>
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<td></td>
<td>358,000</td>
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<tr>
<td>Service (Capital Facilities)</td>
<td>11,716,793</td>
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<td>11,716,793</td>
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<tr>
<td>Administrative</td>
<td>51,400</td>
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<tr>
<td>New Admin. Facility</td>
<td>2,131,000</td>
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<td>2,131,000</td>
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<tr>
<td>Budget &amp; Finance (Debt)</td>
<td>$303,939</td>
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<td>303,939</td>
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<tr>
<td>Contingency</td>
<td></td>
<td></td>
<td></td>
<td>$25,000</td>
<td>25,000</td>
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<tr>
<td><strong>Fund Total</strong></td>
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<td>$0</td>
<td>$14,439,093</td>
<td>$25,000</td>
<td>$14,768,032</td>
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<table>
<thead>
<tr>
<th>Municipal Public Improvement Tax Increment Equivalent (302)</th>
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<tbody>
<tr>
<td>Service (Capital Facilities)</td>
<td>$0</td>
</tr>
<tr>
<td>Budget &amp; Finance (Debt)</td>
<td>$1,366,650</td>
</tr>
<tr>
<td><strong>Fund Total</strong></td>
<td>$0 $0 $1,366,650 $1,366,650</td>
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</table>

<table>
<thead>
<tr>
<th>Police Facility (303)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety (Capital Facilities)</td>
<td>$413,500</td>
</tr>
<tr>
<td>Budget &amp; Finance (Debt)</td>
<td>$3,077,500</td>
</tr>
<tr>
<td><strong>Fund Total</strong></td>
<td>$0 $0 $413,500 $3,077,500 $3,491,000</td>
</tr>
</tbody>
</table>

### Debt Service (402)

| Budget & Finance (Debt) | $57,620 |
| **Fund Total**          | $0 $0 $57,620 $0 $57,620 |

### Internal Service (807)

| Health Insurance        | $3,700,000 |
| **Fund Total**          | $0 $3,700,000 $0 $0 $3,700,000 |

### Total Appropriations

<table>
<thead>
<tr>
<th>Original Appropriations</th>
<th>$24,787,144 $12,459,693 $13,787,565 $5,472,276 $250,000 $56,756,678</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amendment #1</td>
<td>326,100 5,859,140 6,185,240</td>
</tr>
<tr>
<td>Amendment #2</td>
<td>141,213 100,000 241,213</td>
</tr>
<tr>
<td>Amendment #3</td>
<td>106,900 106,900</td>
</tr>
<tr>
<td>Amendment #4</td>
<td>50,000 50,000</td>
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<tr>
<td>Amendment #5</td>
<td>461,096 (162,500) 298,596</td>
</tr>
<tr>
<td>Amendment #6</td>
<td>0</td>
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<td>Amendment #7</td>
<td>0</td>
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<tr>
<td>Amendment #8</td>
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<td><strong>Fund Total</strong></td>
<td>$25,113,244 $13,062,002 $19,741,105 $5,472,276 $250,000 $63,638,627 ($10,000)</td>
</tr>
</tbody>
</table>

---

2020-55 Exhibit A
# 2020 AMENDED APPROPRIATIONS - SCHEDULE OF OPERATING TRANSFERS AND TEMPORARY ADVANCES

<table>
<thead>
<tr>
<th>Paying Fund</th>
<th>Original</th>
<th>Current Request</th>
<th>Change</th>
<th>Receiving Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Operating Transfers</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fund 116 - Income Tax</td>
<td>$3,600,000</td>
<td>$3,600,000</td>
<td>$0</td>
<td>Fund 001 - General</td>
</tr>
<tr>
<td>Fund 116 - Income Tax</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>0</td>
<td>Fund 102 - St Const Maint &amp; Repair</td>
</tr>
<tr>
<td>Fund 116 - Income Tax</td>
<td>3,581,444</td>
<td>3,581,444</td>
<td>0</td>
<td>Fund 128 - Fire &amp; E.M.S.</td>
</tr>
<tr>
<td>Fund 116 - Income Tax</td>
<td>3,075,444</td>
<td>3,075,444</td>
<td>282,621</td>
<td>Fund 301 - Capital Projects</td>
</tr>
<tr>
<td>Fund 116 - Income Tax</td>
<td>1,790,724</td>
<td>1,889,496</td>
<td>98,772</td>
<td>Fund 303 - Police Facility</td>
</tr>
<tr>
<td>Fund 116 - Income Tax</td>
<td>60,000</td>
<td>60,000</td>
<td>0</td>
<td>Fund 402 - Debt Service</td>
</tr>
<tr>
<td><strong>Total Fund 116 Income Tax</strong></td>
<td>$16,689,056</td>
<td>$17,070,449</td>
<td>$381,393</td>
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</tr>
<tr>
<td>Fund 201 - Water</td>
<td>$47,000</td>
<td>$47,000</td>
<td>$0</td>
<td>Fund 204 - Utility Billing</td>
</tr>
<tr>
<td>Fund 202 - Sewer</td>
<td>47,000</td>
<td>47,000</td>
<td>0</td>
<td>Fund 204 - Utility Billing</td>
</tr>
<tr>
<td>Fund 001 - General</td>
<td>3,700,000</td>
<td>3,700,000</td>
<td>0</td>
<td>Fund 124 - Income Tax Safety</td>
</tr>
<tr>
<td>Fund 001 - General</td>
<td>6,400</td>
<td>6,400</td>
<td>0</td>
<td>Fund 106 - Parks and Rec</td>
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<tr>
<td>Fund 001 - General</td>
<td>1,500,000</td>
<td>1,500,000</td>
<td>0</td>
<td>Fund 301 - Capital Projects (for City Hall)</td>
</tr>
<tr>
<td>Fund 001 - General</td>
<td>2,100,000</td>
<td>2,100,000</td>
<td>0</td>
<td>Fund 128 - Fire &amp; EMS</td>
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<tr>
<td><strong>Subtotal - Total Operating Transfers</strong></td>
<td>$7,400,400</td>
<td>$7,400,400</td>
<td>$0.00</td>
<td></td>
</tr>
</tbody>
</table>

| Temporary Advances            |          |                 |        |                                               |
| Fund 106 - Recreation         | *        | $0              | $0     | Fund 001 - General                            |
| Fund 201 - Water              | *        | 0               | 0      | Fund 116 - Income Tax                         |
| Fund 202 - Sewer              | *        | 0               | 0      | Fund 116 - Income Tax                         |
| Fund 205 - Solid Waste        | *        | 56,000          | 56,000 | Fund 001 - General                            |
| Fund 205 - Solid Waste        | *        | 53,000          | 53,000 | Fund 116 - Income Tax                         |
| Fund 208 - Storm Water        | *        | 16,000          | 16,000 | Fund 116 - Income Tax                         |
| **Subtotal - Total Advances** | $125,000  | $125,000        | $0     |                                               |
| **Grand Total - All Transfers & Advances** | $24,214,456 | $24,595,849   | $381,393|                                               |

* Designates Repayment of Advance
ORDINANCE NO. 2020-56

AN ORDINANCE ESTABLISHING APPROVING TEMPORARY LICENSE AGREEMENTS FOR OUTDOOR PATIO DINING AREAS, AND DECLARING AN EMERGENCY.

WHEREAS, given the current COVID-19 crisis, the City of Kent dining establishments have endured the hardship of being temporarily closed in Kent; and

WHEREAS, to provide dining options that best suit the individual needs of patrons, the City desires to establish a temporary program permitting outdoor patio dining areas; and

WHEREAS, the administration has prepared guidelines for the establishment of temporary outdoor dining areas that offer streamlined flexibility to Kent restaurants, while also ensuring the safety of its patrons; and

WHEREAS, it is the desire of this Council to establish criteria and to temporarily authorize outdoor patio dining areas.

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 establish and approve the granting of Temporary Outdoor Patio Dining License Agreements without the need for further Council action. Temporary Licensees will be required to sign the Agreement as set forth on the attached Exhibit “A”, attached hereto and made a part hereof and any other criteria established by the City.

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: ____________________________ Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: ________________________ Date

ATTEST: ____________________________

Amy Wilkens
Clerk of Council
I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No. _______________, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON ________________________, 20_________.

(SEAL)

____________________
AMY WILKENS
CLERK OF COUNCIL
ORDINANCE NO. 2020-57

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ALLOW THE HAYMAKER FARMERS’ MARKET TO USE A PORTION OF FRANKLIN AVENUE THAT WILL ENSURE SOCIAL DISTANCING CAN BE MAINTAINED FOR VENDORS AND PATRONS IN RESPONSE TO THE STATE OF OHIO’S COVID-19 PANDEMIC HEALTH ADVISORY, AND DECLARING AN EMERGENCY.

WHEREAS, the Haymaker Farmers’ Market has been working with the staff from the City’s Health Department to establish a safe place for the Market operations to ensure social distancing can be maintained for vendors and patrons; and

WHEREAS, the Haymaker Farmers Market would like to use a portion of Franklin Avenue, beginning south of West College Street and ending before the parking area for The Pub; and

WHEREAS, the proposed plan will be in effect from June 6, 2020 through October 31, 2020, each Saturday from 7 a.m. to 2 p.m.

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 the City Manager, or his designee, be and hereby is authorized to allow the Haymaker Farmers’ Market to use a portion of Franklin Avenue that will ensure social distancing can be maintained for vendors and patrons in response to the State of Ohio’s COVID-19 pandemic health advisory and as set forth on the attached Exhibit “A”, attached hereto and made a part hereof.

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: _________________________

Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _________________________

Date

ATTEST: _________________________

Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN Whose Custody the Original Files and Records of Said Council Are Required to be Kept by the Laws of the State of Ohio, Hereby Certify That the Foregoing Is a True and Exact Copy of Ordinance No. _______________, Adopted by the Council of the City of Kent on _____________________________, 20__________.

(SEAL)

___________________________
AMY WILKENS
CLERK OF COUNCIL
Minutes and Attachments:

• 5/20/20 Special Committee Meetings
• 5/20/20 Regular Council Meeting
• 6/03/20 Committee Meetings
Special Community Development Committee
Meeting Minutes
The City of Kent, Ohio
Wednesday, May 20, 2020

Chair Kuhar called the Special Community Development of Kent City Council to order at 7:25 p.m.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Schaffer; Mr. Roger Sidoti; Mr. Robin Turner, Ms. Wallach

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Mr. Jim Bowling, City Engineer; Ms. Rhonda Hall, Budget and Finance Director; Ms. Melanie Baker, Service Administration Director; Mr. Gary Bishop, IT Manager; Ms. Joan Seidel, Health Commissioner; Mr. John Tosko, Fire Chief; Mr. Tom Wilke, Economic Development Director; and Ms. Amy Wilkens, Clerk of Council

There were two (2) items on the Agenda.

1. CDBG 2020-2024 Consolidated Plan

Mayor Fiala and Community Development Director, Bridget Susel, clarified this discussion was not needed as it was discussed and voted on during the February Community Development Committee Meeting.

2. Acceptance of the CDBG-CV Grant Funds Discussion

Mr. Ruller explained the second item is in relation to the public hearing that was just conducted and HUD funds. There is additional funding made available from the state that can be used to help supplement people having financial troubles (if they are eligible) up to $178,000. Council support is encouraged.

MOTION to accept the CDBG-CV funds from HUD made by Mr. DeLeone, with emergency, SECONDED by Ms. Shaffer and CARRIED by a voice vote of 9-0.

Hearing no further business before this Committee, the meeting adjourned at 7:28 p.m.

Amy Wilkens
Clerk of Council

ACTION RECOMMENDED:

1) Authorize the acceptance and allocation of the supplemental HUD funds provided under the CARES Act ($178,696) as presented.
Special Land Use Committee
Meeting Minutes
The City of Kent, Ohio
Wednesday, May 20, 2020

Chair Ferrara called the Special Land Use Committee Meeting of Kent City Council to order at 7:28 p.m.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Schaffer; Mr. Roger Sidoti; Mr. Robin Turner, Ms. Wallach

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Mr. Jim Bowling, City Engineer; Ms. Rhonda Hall, Budget and Finance Director; Ms. Melanie Baker, Service Administration Director; Mr. Gary Bishop, IT Manager; Ms. Joan Seidel, Health Commissioner; Mr. John Tosko, Fire Chief; Mr. Tom Wilke, Economic Development Director; and Ms. Amy Wilkens, Clerk of Council

There was one (1) item on the Agenda.

1. VFW Property Zoning Text Amendment Request

Mr. Ruller stated a couple of proposals have come in for the VFW property over time, but the latest is a request to change the zoning from industrial to high density residential. It has already gone before the Planning Commission and Community Development Director, Bridget Susel.

Ms. Susel stated this item has been presented to the Planning Commission and to Council on prior occasions. The item on tonight's agenda is for a zoning map amendment for 500 VFW Parkway. The zoning map amendment was recommended by the Planning Commission changing it to high density residential, which is the zoning on the eastern and southern side of the parcel. Ms. Susel offered to answer any questions regarding the proposed map amendment.

Ms. Rosenberg asked if the neighbors in the surrounding area were notified of this potential change.

Ms. Susel said the public was informed prior to the Planning Commission discussion and their recommendation and before tonight's meeting. There were numerous residents at the Planning Commission meeting and the residents that spoke in February were in favor of this zoning amendment and their was dialogue with the potential owners of the site and may be coming back in the future to discuss an R2 rezoning later in the year.

Ms. Wallach stated her questions were answered.

MOTION to approve the VFW Property Zoning Text Amendment made by Mr. Kuhar, with emergency, SECONDED by Ms. Rosenberg and CARRIED by a voice vote of 9-0.

Hearing no further business before this Committee, the meeting adjourned at 7:31 p.m.
ACTION RECOMMENDED:

1) Approved the VFW Property Zoning Text Agreement
City Council Regular Meeting Minutes
The City of Kent, Ohio
Wednesday, May 20, 2020

Special Note: Due to the Covid-19 Pandemic, this meeting was conducted virtually and broadcast live on the City’s YouTube Channel

At 7:30 p.m., Mayor Jerry T. Fiala called the Regular Meeting of Kent City Council to order. Roll was taken.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Ms. Gwen Rosenberg; Ms. Heidi Shaffer; Mr. Roger Sidoti; Mr. Robin Turner and Ms. Tracy Wallach

ALSO, PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Mr. Jim Bowling, City Engineer; Ms. Rhonda Hall, Budget and Finance Director; Ms. Melanie Baker, Service Administration Director; Mr. Gary Bishop, IT Manager; Ms. Joan Seidel, Health Commissioner; Mr. John Tosko, Fire Chief; Mr. Tom Wilke, Economic Development Director; and Ms. Amy Wilkens, Clerk of Council.

Mr. Sidoti thanked the Mayor and said he hoped everyone was staying healthy and families are doing well. He gave a special "shout out" to Karen Travis who is retiring from the Police Department. Karen was very instrumental during Mr. Sidoti’s time as a high school principal as a pro student, young student and family. He wanted to make everyone aware and if you see Karen to congratulate her. He led the meeting in the Pledge of Allegiance.

APPROVAL OF MINUTES:

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF April 15, 2020 made by Ms. Rosenberg, seconded by Mr. Sidoti, and CARRIED by a voice vote of 8-0-1 with Ms. Wallach abstaining.

MOTION TO APPROVE THE MINUTES OF THE JOINT FRANKLIN TOWNSHIP MEETING OF May 6, 2020 made by Mr. Kuhar, seconded by Mr. DeLeone and CARRIED by a voice vote of 8-0-1 with Ms. Wallach abstaining.

COMMUNICATIONS:

Audience Communication

Mayor Fiala asked if there were any members of the public joining the meeting.

Clerk Wilkens introduced Betsy Rader.

Betsy Rader, of 8283 Fairmount Road in Novelty, Ohio in Russell Township introduced herself. She is happy to meet council, wishing it could have been in person but this is the next best thing. She is running as the Democratic candidate for State Senate in District 18. She will be running for an open seat this November. The district includes all of Portage County, and parts of Geauga and Lake Counties. She has lived in Russell Twp. For over 25 years. She comes from humble beginnings with her mother working minimum wage jobs and struggled to get by. She is familiar with what it is like to not have enough food on the table. She worked her way through high school and college and was able to get a scholarship to Yale
Law School and became an attorney. She ran Geauga County’s Child Advocacy program for abused children, worked for Geauga County Juvenile Court, was an Executive for a Staffing Company and then Senior Counsel at the Cleveland Clinic. She has also studied healthcare policy and worked for the Centers for Medicaid and Medicare and helped implement the Affordable Care Act. She currently has her own law firm and mostly represents workers who have been discriminated against and coaches businesses on how to comply with the laws. She ran for Congress in 2018 and decided in 2020 that it is important to get people in the State Senate that are going to prioritize what matters to regular people. She is focusing on pandemic recovery, healthcare and affordable prescription drugs including making sure Medicaid is available for those who need it.

She wanted to let everyone know that Kathleen Clyde and her are going to be doing a Facebook Live event on 5/21/20 at 7 p.m. to discuss voting in November, jerry-mander and making sure everyone has a voice with who they are represented. She encouraged everyone to look at her website and contact her if they have any questions.

**Written Communication**

1.1.1 Architecture Review Board Agenda for May 5, 2020 was received on April 27, 2020.
1.1.3 Board of Health Agenda and statistical report for the 5/12/20 meeting as well as the minutes from the 4/14/20 meeting were received on May 8, 2020.
1.1.4 Standing Rock Cemetery Board of Trustees meeting agenda for May 14, 2020 received on May 11, 2020

**City Manager’s Report** was called for by Mayor Fiala.

1. Authorize the acceptance and appropriation of a $4,400 donation to Kent Parks & Recreation for playground equipment from the Kent Rotary Foundation. (Draft #2020-44)
2. Hope Jones has requested Community Development Committee time to review the section of City Code related to farm animals and types of offenses.
3. Tom Wilke has requested Community Development Committee time to allow Main Street Kent to present their proposal for the City to pursue the State designation of downtown Kent as a Downtown Outdoor Refreshment Area (DORA).
4. Jim Bowling has requested Streets, Sidewalks & Utilities Committee time to present a proposal to authorize the staff to be able to issue temporary approval administratively for businesses to use City sidewalks and streets to assist business reopening and ensuring compliance with social distancing requirements.
5. Bridget Susel has requested Streets, Sidewalks & Utilities Committee time to present a request from the Haymaker Farmer’s Market to allow a temporary road closure as part of the Market reopening on Franklin Avenue and ensure proper social distancing.
6. Chief Tosko and Rhonda Hall have requested Finance Committee time to present the recommendation to place the renewal of the West Side Fire Levy on the Fall ballot.
7. Bridget Susel has requested Finance Committee time to propose an amendment to the City’s 5-Year Revolving Loan Fund Update that would provide greater loan flexibility as a result of Covid-19.
8. Rhonda Hall has requested Finance Committee time for Council’s authorization of the proposed 2020 Budget Appropriations Amendment.

**MOTION TO APPROVE ITEMS #1-8 OF THE CITY MANAGER’S REPORT** made by Mr. Amrhein, seconded by Ms. Rosenberg, and CARRIED by a voice vote of 9-0.
STANDING COMMITTEES/ LEGISLATION

1. COMMITTEE OF THE WHOLE:

MOTION TO APPROVE THE COMMITTEE OF THE WHOLE MEETING MINUTES of May 6, 2020 was made by Mr. Amrhein, seconded by Mr. DeLeone and CARRIED by a voice vote of 8-0-1 with Ms. Wallach abstaining.

Recommended Actions: NONE

Voting on Boards and Commissions

Mayor Fiala stated the review of the applications took place at the Committee Meeting on May 6, 2020. On behalf of Council, Mayor Fiala thanked all the applicants who had applied for Boards and Commissions, as they are very important to the City of Kent. For each appointment, Mayor Fiala will ask for a motion from the floor. The position deemed to have five votes will be the winner.

Mayor Fiala introduced the first appointment for the Board of Building Appeals with only one applicant.

MOTION TO APPROVE DAVID HANSFORD for the Board of Building Appeals was made by Mr. Amrhein, seconded by Ms. Shaffer and CARRIED by a voice vote of 9-0.

Mayor Fiala announced one (1) vacancy for the Board of Health and two (2) applicants. He asked for a motion from the floor.

MOTION TO APPROVE LOUISE FREDERICK for the Board of Health was made by Mr. Kuhar, seconded by Mr. Sidoti and CARRIED by a voice vote of 9-0.

Mayor Fiala announced one (1) vacancy available for the Civil Service Commission and three (3) applicants.

MOTION TO APPROVE MARILYN SESSIONS for the Civil Service Commission was made by Mr. Ferrara, seconded by Ms. Shaffer and CARRIED by a voice vote of 5-4 with Mr. DeLeone, Mr. Sidoti, Ms. Wallach and Mr. Turner voting “no”. Mr. Turner added he was accidentally muted during this discussion and wanted to nominate another candidate. Seeing that Marilyn Sessions received the majority vote, he stated it wouldn’t have worked anyways.

Mr. Turner requested clarification regarding the voting procedure. He was not aware that Council was not going to vote on each candidate individually. He thought the voting process would be to go down the list for each candidate and count the number of votes. He wanted to understand the process.

Ms. Jones confirmed the way the process works is a motion will be made for a candidate on the floor. She said Council was not going to vote on each person. They will vote until someone has the majority of votes. Since Marilyn (Sessions) had the majority, there was no need to go on to the other two candidates.

Mr. Turner said he understands the process better now.

Mayor Fiala announced one (1) vacancy and one (1) applicant for the Board of Design and Preservation.

MOTION TO APPROVE HOWARD BOYLE II was made by Mr. Kuhar, seconded by Mr. Ferrara and CARRIED by a voice vote of 9-0.
Mayor Fiala announced one (1) vacancy for the Parks and Recreation Board and it would be for the unexpired term ending in 2021.

MOTION TO APPROVE KATHLEEN WILER was made by Ms. Rosenberg, seconded by Ms. Shaffer and CARRIED by a voice vote of 7-2 with Mr. Turner and Ms. Wallach voting “no”.

MOTION TO APPROVE ALL OF THE NAMES OF THE NEW BOARDS AND COMMISSION MEMBERS was made by Mr. DeLeone, seconded by Mr. Kuhar and CARRIED by a voice vote of 9-0.

Ms. Heidi Shaffer added there were a lot of really good candidates and wanted to encourage everyone not appointed to not get discouraged and to try again. It is unusual to have four people for one position and to apply again, maybe having a second choice in mind. Council really values the people put on Boards and Commissions and appreciate everyone that has applied.

Mr. Robin Turner added that he concurred with Ms. Shaffer and thought the Parks and Recreation applicants were exceptional. They were a very strong group and would urge their participation in other areas of the City.

Draft No 2020-34 A RESOLUTION APPOINTING DAVID HANSFORD TO THE BOARD OF BUILDING APPEALS, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala’s request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Kuhar seconded by Mr. DeLeone. On Roll call, voting “Yes”: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT NO. 2020-34 made by Mr. Kuhar and seconded by Mr. Sidoti. On Roll call, voting “Yes”: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

Resolution 2020-34 has passed.

Draft No 2020-35 A RESOLUTION APPOINTING LOUISE FREDERICK TO THE BOARD OF HEALTH, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala’s request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. DeLeone seconded by Mr. Sidoti. On Roll call, voting “Yes”: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT NO. 2020-35 made by Mr. DeLeone and seconded by Mr. Sidoti. On Roll call, voting “Yes”: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

Resolution 2020-35 has passed.

Draft No. 2020-36 A RESOLUTION APPOINTING MARILYN SESSIONS TO THE CIVIL SERVICE COMMISSION, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala’s request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Kuhar seconded by Mr. Ferrara. On Roll call, voting “Yes”: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.
MOTION TO ADOPT DRAFT NO. 2020-36 made by Mr. Kuhar and seconded by Mr. DeLeone. On Roll call, voting “Yes”: Mr. Amrheim, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

Resolution 2020-36 has passed.

Draft No. 2020-37, A RESOLUTION APPOINTING HOWARD BOYLE II TO THE DESIGN AND PRESERVATION COMMITTEE, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala’s request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Kuhar seconded by Mr. Ferrara. On Roll call, voting “Yes”: Mr. Amrheim, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT NO. 2020-37 made by Ms. Shaffer and seconded by Mr. DeLeone. On Roll call, voting “Yes”: Mr. Amrheim, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

Resolution 2020-37 has passed.

Draft No. 2020-38 A RESOLUTION APPOINTING KATHLEEN WILER TO THE PARKS AND RECREATION BOARD, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala’s request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Kuhar seconded by Mr. Ferrara. On Roll call, voting “Yes”: Mr. Amrheim, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT NO. 2020-38 made by Mr. Kuhar and seconded by Mr. Ferrara. On Roll call, voting “Yes”: Mr. Amrheim, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

Resolution 2020-38 has passed.

2. COMMUNITY DEVELOPMENT COMMITTEE:

MOTION TO APPROVE THE COMMUNITY DEVELOPMENT MEETING MINUTES of April 15, 2020 and May 6, 2020 made by Mr. Kuhar, seconded by Mr. Ferrara, and CARRIED by a voice vote of 8-0-1, with Ms. Wallach abstaining.

Recommended Actions:
1) Authorize the temporary moratorium on City Parks and Recreation Fees
2) Authorize Community Development and Law Departments to review the developer impact fees and return to Council with recommendation.
3) Authorize allocation of $178,696 in the CDBG Coronavirus funds.
4) Authorize CDBG 2020-2024 Consolidated Plan and PY2020 Action Plan

MOTION TO APPROVE THE COMMUNITY DEVELOPMENT MEETING Actions #1-4 made by Mr. Kuhar, seconded by Ms. Rosenberg, and CARRIED by a voice vote of 9-0.

Draft No. 2020-39 AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE APPLICABILITY OF THE PROVISIONS OF CHAPTER 1191, TITLED "PARKS AND RECREATION FEES," THE IMPOSITION OF ANY FEES, DEDICATION OF LANDS AND ALL OTHER REQUIREMENTS OF THE CHAPTER, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala’s request.
Ms. Jones said this was not the final version of the ordinance sent to the Clerk and this item should be moved to June.

**Draft No. 2020-40** AN ORDINANCE APPROVING A REQUEST FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ASSISTANCE FOR FISCAL YEAR 2020 UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, INCLUDING THE 2020-2024 FIVE YEAR CONSOLIDATED PLAN AND PY2020 ANNUAL ACTION PLAN AND AUTHORIZING THE EXECUTION AND FILING OF THE 2020-2024 CONSOLIDATED PLAN AND PY2020 ANNUAL ACTION PLAN, INCLUDING RELATED CERTIFICATIONS, AND UPON AWARDCING OF THE GRANT, AUTHORIZING APPROPRIATION OF FUNDS AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala’s request.

MOTION TO SUSPEND THE THREE READINGS made by Ms. Shaffer seconded by Ms. Rosenberg. On Roll call, voting “Yes”: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, and Ms. Wallach. The Motion CARRIED by a roll call vote of 8-0-1 with Mr. Turner abstaining.

MOTION TO ADOPT DRAFT NO. 2020-40 made by Ms. Shaffer and seconded by Mr. DeLeone. On Roll call, voting “Yes”: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, and Ms. Wallach. The Motion CARRIED by a roll call vote of 8-0-1 with Mr. Turner abstaining.

**Ordinance 2020-40 has passed.**

**Draft No. 2020-46** AN ORDINANCE AMENDING RESOLUTION 2019-55, PASSED MAY 15, 2019 APPROVING A REQUEST FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ASSISTANCE FOR PROGRAM YEAR (PY) 2019 UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, INCLUDING THE PY2019 ANNUAL ACTION PLAN IN ORDER TO ACCEPT SUPPLEMENTAL COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS (CDBG-CV) FUNDS, AVAILABLE THROUGH THE CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY ACT (CARES ACT), IN THE AMOUNT OF $178,696.00, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala’s request.

MOTION TO SUSPEND THE THREE READINGS made by Ms. Shaffer seconded by Ms. Rosenberg. On Roll call, voting “Yes”: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT NO. 2020-46 made by Ms. Shaffer and seconded by Mr. DeLeone. On Roll call, voting “Yes”: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

**Ordinance 2020-46 has passed.**

3. **FINANCE COMMITTEE**

MOTION TO APPROVE THE FINANCE COMMITTEE MINUTES of April 15, 2020 and May 6, 2020 made by Mr. DeLeone, seconded by Mr. Sidoti, and CARRIED by a voice vote of 8-0-1, with Ms. Wallach abstaining.

MOTION TO APPROVE THE FINANCE COMMITTEE ACTION ITEMS made by Mr. DeLeone, seconded by Mr. Kuhar, and CARRIED by a voice vote of 9-0.
Recommended Actions:
1. Authorize Chief Tosko to apply for Covid-19 grant funds
2. Approve the blanket Ordinance to allow staff to apply for and allocate Covid-19 grant funds.
3. Authorize the proposed budget appropriations amendments.

Draft No. 2020-41  AN ORDINANCE AUTHORIZING THE KENT FIRE DEPARTMENT TO APPLY FOR THE FY 2020 COVID-19 AFG SUPPLEMENTAL GRANT, AND TO ACCEPT ANY GRANT, IF AWARDED, WITH CORRESPONDING APPROPRIATIONS OF FUNDS WHICH PROVIDES FUNDING FOR PERSONAL PROTECTIVE EQUIPMENT AND CERTAIN DECONTAMINATION AND DISINFECTION SUPPLIES, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala’s request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. DeLeone seconded by Ms. Rosenberg. On Roll call, voting “Yes”: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT NO. 2020-41 made by Mr. DeLeone and seconded by Mr. Ferrara. On Roll call, voting “Yes”: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

Ordinance 2020-41 has passed.

Draft No. 2020-42  AN ORDINANCE AMENDING ORDINANCE NO. 2019-139, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 18, 2019; SO AS TO ADJUST APPROPRIATIONS, TRANSFERS AND ADVANCES FROM THE VARIOUS FUNDS OF THE CITY OF KENT TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020; AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala’s request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. DeLeone seconded by Ms. Rosenberg. On Roll call, voting “Yes”: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT NO. 2020-42 made by Mr. DeLeone and seconded by Mr. Ferrara. On Roll call, voting “Yes”: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

Ordinance 2020-42 has passed.

Draft No. 2020-43  AN ORDINANCE AUTHORIZING THE CITY OF KENT TO SUBMIT FUNDING APPLICATIONS TO LOCAL, STATE AND FEDERAL AGENCIES DURING THE COVID-19 PANDEMIC, AND TO ACCEPT ANY GRANT, IF AWARDED, WITH CORRESPONDING APPROPRIATIONS OF FUNDS FOR SUPPLIES, EQUIPMENT, AND FUNDING TO FIGHT THE COVID-19 VIRUS, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala’s request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Kuher seconded by Mr. Ferrara. On Roll call, voting “Yes”: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT NO. 2020-43 made by Ms. Shaffer and seconded by Mr. Ferrara. On Roll call, voting “Yes”: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.
Ordinance 2020-43 has passed.

Draft No. 2020-44 AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF $4,400.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT FROM THE KENT ROTARY FOUNDATION FOR THE PURCHASE OF PLAYGROUND EQUIPMENT FOR THE PLAYGROUND AT 1115 FRANKLIN AVENUE, KENT RECREATION CENTER, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala’s request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Kuhar seconded by Mr. Ferrara. On Roll call, voting “Yes”: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT NO. 2020-44 made by Mr. DeLeone and seconded by Ms. Shaffer. On Roll call, voting “Yes”: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

Ordinance 2020-44 has passed.

4. HEALTH AND SAFETY COMMITTEE:

MOTION TO APPROVE THE FINANCE COMMITTEE MINUTES of April 15, 2020 and May 6, 2020 made by Mr. Amrhein, seconded by Mr. DeLeone, and CARRIED by a voice vote of 8-0-1, with Ms. Wallach abstaining.

MOTION TO APPROVE THE FINANCE COMMITTEE ACTION ITEM made by Mr. Amrhein, seconded by Mr. Kuhar, and CARRIED by a voice vote of 9-0.

Recommended Actions:
1) Authorize the sale of the surplus City safety radios.

Draft No. 2020-45 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO SELL OLDER MODELS OF POLICE AND FIRE VHF-BAND RADIOS TO ALL SEASON DISTRIBUTION BECAUSE THESE RADIOS ARE OBSOLETE BY THE PURCHASE OF MARCS MOTOROLA RADIOS PURCHASED IN 2018, WAIVING COMPETITIVE BIDDING, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala’s request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara seconded by Mr. Sidoti. On Roll call, voting “Yes”: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT NO. 2020-45 made by Mr. Ferrara and seconded by Mr. Sidoti. On Roll call, voting “Yes”: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

Ordinance 2020-45 has passed.

5. LAND USE COMMITTEE:

NO MINUTES OR RECOMMENDED ACTIONS TO BE APPROVED.
Draft No. 2020-47 AN ORDINANCE AMENDING THE CITY’S ZONING DISTRICTS MAP FOR PARCEL #17-011-10-00-023-000 (500 VFW PARKWAY) TO BE REZONED FROM ITS CURRENT 11551: INDUSTRIAL TO 1133: R-3 HIGH DENSITY RESIDENTIAL, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala’s request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Kuhar seconded by Mr. Ferrara. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT NO. 2020-47 made by Mr. Kuhar and seconded by Mr. Ferrara. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

6. STREETS, SIDEWALKS & UTILITIES COMMITTEE:

MOTION TO APPROVE THE STREETS, SIDEWALKS & UTILITIES COMMITTEE MEETING MINUTES of April 15, 2020 made by Mr. Sidoti, seconded by Ms. Shaffer, and CARRIED by a voice vote of 8-0-1, with Ms. Wallach abstaining.

Recommended Actions: NONE

SPECIAL COMMITTEE REPORTS: NONE

UNFINISHED BUSINESS: NONE

NEW BUSINESS: NONE

COUNCILMEMBERS’ COMMENTS:

Ms. Wallach asked the Administration about first responders and their ability to get the necessary supplies.

Mr. Ruller said the inventory is pretty good and said the Joan (Seidel) and Melanie (Baker) are on the call and can address this question.

Melanie Baker said Kent is in fairly good shape compared to neighboring communities. The Fire Department has N95 masks in supply and Central Maintenance has the tyvek suits, raincoats to outfit the Fire Department to help with safety. They are keeping up on orders of what is needed and considering future supplies needed if there is a second outbreak. There has been an outpouring of help from residents who have donated cloth masks which have been passed on to staff for when they are out and about.

Ms. Wallach noted she had driven through downtown after everything had reopened and noticed no social distancing, nobody wearing masks, and asked if signage could be posted that says “Wear a mask, save a life” just as a reminder.

Joan Seidel, Health Commissioner, stated there is signage that has been ordered and approved by the Board of Health that emphasizes social distancing. It is a new concept and hard for many to understand, embrace and practice on a routine basis. Education will need to continue. Sanitarians have gone out to local restaurants, bars and shops to help them set this up. There is more signage to be put up in regards to symptoms so those that are feeling unwell don’t enter a business. She made rounds to downtown bars to encourage and educate and will continue to do so this weekend.

Ms. Wallach asked if some of the signage could read “Wear a Mask, Save a Life”. She said this is not something Americans are used to, but in Hong Kong everybody wears a mask and has a normal life.
Ms. Seidel replied she thinks the issue is that masks are not mandatory and everybody isn’t obligated to wear a mask. Some have medical conditions that preclude the ability for them to wear a mask safely. You will not see 100% masking. We can put signs up but they should be more educational.

Ms. Wallach stated she knows it is not required but it is a recommendation to have a sign as she mentioned to encourage people to wear masks.

Ms. Seidel said there will be signs to show mask wearing and will be put on social media as well.

Mr. Turner commended Joan Seidel and the Health Department and all they have been doing. The most important piece is education, as mentioned. A lot of people are not grasping it, sometimes thinking the police should be enforcing and arresting people. They think social distancing and covering themselves are violation of law as opposed to health violations and civil violations. We are going to have to do a better job of educating. He is unsure how this should be done, but social media would be big such as Facebook. There are limitations to what we can do, but there are things that we can do. Some are looking at this as an opportunity to create division and we are in a very difficult position. People who are not social distancing or wearing masks are putting other people at risk. He wants people to know that we are doing all we can to protect the general public. Mr. Turner commended the Health Department, the City and the State for all of the work done to date.

Ms. Seidel thanked Mr. Turner for his kind comments and thanked him for recognizing and highlighting the fact that a lot of education is needed to bring those who are receptive up to speed but then do extra education for those who are maybe skeptical and not accepting of the message. They are working very hard and will continue to do so.

Mayor Fiala stated that Governor DeWine mentioned enforcement by removing liquor permits and asked if it is a State of Ohio issue or does it fall under the City.

Ms. Seidel stated Governor DeWine was speaking to bigger metropolitan areas such as Cleveland, Columbus and Cincinnati that had widespread compliance issues that was overwhelming. The Governor organized state agencies to form a group to go out undercover to issue citations and pull liquor licenses. Kent is not at this point and we want to help bars and restaurants come back and be successful and we want to be educational at this point.

Mr. Ruller said it is a topic that has received much attention in regards to the City’s ability to go beyond education. Ms. Hope Jones has done a lot of research on the authority the Governor is giving to cities. The Governor has taken a step back saying it isn’t about enforcement but personal responsibility.

Ms. Hope Jones replied that liquor enforcement has the ability to remove liquor licenses, bars can be continued to be watched and that every October, liquor licenses are renewed and if there is an establishment that constantly not followed the orders, an appeal could be made to Columbus indicating the City does not want the license to be renewed. With that being said, liquor enforcement will be the lead on the criminal side. Ms. Jones’ office is always available if there is an issue and they will review any information and determine if criminal charges should be filed. Right now, it is education first.

Mr. Kuhar asked if Melanie (Baker) could check with the company in Columbus who invented the fogger that suspends the chemicals and sanitizes buildings and vehicles in seconds.

Ms. Baker said they had looked into the company Attel and is working with the Sheriff’s Office to help with sanitizing masks. The Fire Department is using a tray with liquid chemicals to step into and dry on a mat so germs are not being brought into the living quarters and living areas.

Mr. Kuhar asked about a spray machine with an electric charge in the air and is used in airplanes.

Melanie Baker replied they are using chemicals that are not electrified but used to sterilize their equipment.
Mr. Kuhar said it is a machine that can do large areas in short periods of time. He is going to look for more information about this and forward to Ms. Baker.

Ms. Wallach asked Hope Jones if cities could enact stricter laws than the state.

Ms. Jones said yes, they can.

**MAYOR’S REPORT:**

Mayor Fiala mentioned the banners located throughout the city (blue with a blue stripe) which are to acknowledge Ohio Blue Light Week and Police Week. Monday is Memorial Day and because there is no service in the City of Kent, the American Legion will be at the cemetery on Thursday night at 5 p.m. to place flags on graves.

Mayor Fiala read the following poem for Memorial Day:

I do not know your name
Nor for which battle you died.
I do not know your home,
Nor the tears that were cried.

I do not know where you rest
Nor the promises broken.
I do not know your uniform
And your fears lay unspoken.

But I know your spirit exists-
That your courage is admired,
And your sacrifice is honored
By each soul that’s inspired.

And I offer you from my heart
Thank you, to guardians unknown
For offering yourselves for us all
That we may keep freedom our home.

Bless you

Mayor Fiala wished a happy 20th wedding anniversary to Amy Wilkens and her husband Jon.

Mayor Fiala announced that Chief Lee will be retiring officially on June 5th.

Mr. Ruller said Chief Lee has been a phenomenal chief and will be a big loss. Chief Lee has people behind her she has brought through the ranks; Captain Shearer will be the next chief. The official swearing in will be a small activity so the transition occurs. A swearing in with Council and the community will be in the future once cleared by the Health Department. He mentioned the department is also making a video for Detective Travis’ retirement to the song “Happy’. Anyone wanting to contribute should speak with him.
The Regular Meeting adjourned at 8:49 P.M.

Amy Wilkens
Clerk of Council

Jerry T. Fiala
Mayor and President of Council
At 6:50 p.m., Mayor Jerry T. Fiala called the Public Hearing to allow for public comment and questions regarding the City of Kent's application for a Designated Outdoor Refreshment Area to order. Roll call was taken.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Shaffer, Mr. Roger Sidoti; and Mr. Robin Turner

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Mr. Jim Bowling, City Engineer; Ms. Rhonda Hall, Budget and Finance Director; Ms. Melanie Baker, Service Administration Director; Mr. Gary Bishop, IT Manager; Ms. Joan Seidel, Health Commissioner; Mr. Tom Wilke, Economic Development Director; and Ms. Amy Wilkens, Clerk of Council.

ABSENT: Ms. Tracy Wallach

On May 13, 2020 and May 20, 2020, notice was given that the Kent City Council was conducting a Public Hearing to allow for public comment and questions regarding the City of Kent's application for a Designated Outdoor Refreshment Area.

Mr. Tom Wilke, Economic Development Director introduced the hearing to allow the public to comment on the proposed application for a Designated Outdoor Refreshment Area (DORA) in the City of Kent. If approved, it would allow liquor license holding establishments within the DORA boundary to sell alcohol beverages for outdoor consumption also within the DORA boundaries.

Mayor Fiala asked for comments from the audience and asked Clerk Wilkens to call the first public commenter and asked them to give their name and address.

Clerk Wilkens called forth Heather Malarcik from the audience to speak.

Heather Malarcik of 7685 W. Lake Blvd, Kent, OH, is representing Main Street Kent. She shared at Main Street Kent they are seeing first hand the struggle local businesses are having due to COVID-19. They feel it is something that will support businesses in all of downtown. They have been in touch with liquor license holders, business owners, and other stakeholders to develop a plan that is well suited for Kent and feel this is one of the tools to provide help to the downtown business community to help them through this time. Some concerns expressed by one stakeholder, Ron Burbick, were read by Ms. Malarcik. The first concern of his is parking lots and feels both public and private lots should be excluded from the DORA including the PARTA parking facility. His second concern is he believes the North Water Street portion that is part of the DORA is unnecessary because of all of the residences in that area. His third concern is the increase in litter potential and whose responsibility it would be to manage those items. Ms. Malarcik will forward Mr. Burbick's comments to Clerk Wilkens for the record.

Ms. Wilkens called Josh Rider who had signed in to speak. He said he will be deferring his comments in the interest of time.

Ms. Wilkens called Michelle Sahr who owns Off the Wagon, Red Letter Day and Kent Cheesemonger and resides at 1366 Nicholas Drive, Kent, Ohio. She came to show support for DORA and feels like it will be something different and fun to bring people back down to Kent. With everyone getting in different habits of staying home, she wants to give people a reason to come back downtown and to feel safe. She likes the idea of people being able to buy a meal and a drink and eat outside if that's where they are going to feel safer. She feels this is important. She also wanted to note the restaurants business affects retail, the whole downtown
district is tied together. What's good for restaurants in bringing people downtown to enjoy food and drink does help retail.

Ms. Wilkens called Tim Dean, Director of Operation for College Town Kent. He was in favor of the DORA prior to COVID-19 and believes now more than ever this will help with social distancing. It will provide opportunity for those who are waiting for a table to grab a drink and walk around and enjoy beautiful downtown Kent. He is confident that the local administration, business leaders and safety forces will implement one of the best DORA concepts in the State of Ohio.

Hearing no further business, Mayor Fiala adjourned the Public Hearing at meeting at 6:55 p.m.

Amy Wilkens  
Clerk of Council

Jerry T. Fiala  
Mayor and President of Council
Chair Kuhar called the Community Development of Kent City Council to order at 7:00 p.m.

**PRESENT:** Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Shaffer; Mr. Roger Sidoti; Mr. Robin Turner and Ms. Tracy Wallach

**ALSO PRESENT:** Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Mr. Jim Bowling, City Engineer; Ms. Rhonda Hall, Budget and Finance Director; Ms. Melanie Baker, Service Administration Director; Mr. Gary Bishop, IT Manager; Ms. Joan Seidel, Health Commissioner; Mr. Tom Wilke, Economic Development Director; and Ms. Amy Wilkens, Clerk of Council.

There were two (2) items on the Agenda.

1. **Modification to the regulation of farm animals in residential areas** (Jones)

Ms. Hope Jones has had conversations over the past months with the Police Department and Community Development regarding farm animals and livestock issues in the City. She was specifically asked by Police Chief, Michelle Lee to take a look at what remedies are in that section. When looked at more closely, Ms. Jones noticed if there was someone that violated the farm animal or livestock section, the City only has a civil remedy to file an injunctive action. It is nice to have this option but it is time consuming. Typically, animal officers are sent out to address any violations and if they do not comply, a citation is issued. She is proposing that in addition to the civil remedy to also give the availability to have police officers go out and cite the person if they are not in compliance with having farm animals on a lot that is not zoned to be. The first violation would be a misdemeanor of the third degree, more than one violation would be a misdemeanor of the first degree and go to Kent Municipal Court.

Mayor Fiala asked if this keeps in line with the two-acre limitation for farm animals.

Ms. Bridget Susel says this would give another opportunity to address violations. In section 505 of the code, the misdemeanor option allows the animal control officers to talk to anyone that is in violation. Section 505.19 which deals with livestock, that remedy is no longer listed, so this would add the same remedy used for the control of dangerous dogs, feral cats and any other animal violation in this section of the code.

Ms. Heidi Shaffer asked if there is a definition of “farm yard animals”. Donkeys were mentioned and she asked if these were miniature donkeys or full-sized donkeys, and if it included pot belly pigs, etc.

Ms. Hope Jones replied there is a definition section in the Ordinance attached to the communication it includes mules, jacks, burrows, goats, kids, swine, and any other animals normally found in the wild state which are being kept for exhibition purposes. It would include miniature horses, ponies, donkeys, pigs.

Ms. Heidi Shaffer asked if pot-bellied pigs would be included in this.

Ms. Bridget Susel read the definition which states "livestock means horse, ponies, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, steers, heifers, cows, calves, mules, burrows, jacks, goats, kids, swine and any other animal normally found in a wild state or exhibition. She said there was a pot-bellied pig scenario in Forest Lake in 2013-2014 and the Safety Director at that time said it was applicable to pot bellied pigs."
Ms. Shaffer asked what would be the distinction, if it is whether they are being kept in the house or outside.

Ms. Susel stated the size of the parcel. If it’s under two acres, this code would apply even under its current structure.

Ms. Tracy Wallach asked if it is under two acres they should not have these animals.

This was confirmed by Ms. Susel to be correct.

Ms. Wallach said she knows chickens are allowed, but you have to get a license.

Ms. Susel clarified a license is not needed but would need to follow the requirements that were added to the backyard chicken section (505.22) which specifies what is needed for a coup.

Ms. Wallach asked if Dave (Ruller) would be the person to apply to to get the license.

Ms. Susel replied “yes”.

**MOTION** to modify the regulation of farm animals in residential areas made by Mr. Sidoti, SECONDED by Ms. Wallach and CARRIED by a voice vote of 9-0.

2. **Consideration of Main Street’s proposed “Designated Outdoor Refreshment Area”** (Wilke)

Mr. Ruller echoed comments made earlier (during the Public Hearing) by Heather Malarcik and Tim Dean that this was something being discussed prior to the Covid pandemic. Some communities around Ohio have already adopted this and Kent tries to make sure not to fall behind neighboring communities, keeping an eye on new things happening to stay relevant. So much of the value of Kent’s downtown is the experience that people get. It’s not just strictly the business, bar or restaurant, it’s the full package. This is an interesting addition that some communities (such as North Canton) have instituted earlier. The COVID-19 pandemic has really accelerated interested in the DORA, now that social distancing matters and the limitations of space within the buildings makes using the outdoors more attractive. Mr. Ruller had spoken to Councilwoman Gwen Rosenberg who stated “We attract businesses out of a promise to do everything we can do for them to succeed”. Out of respect, this is another effort to at least try. It can have faults, as Mr. Burbick has pointed out, would like to give it a try. He added that it is an important topic worthy of consideration of Council to support the downtown businesses.

Mr. Tom Wilke, Economic Development Director, started his presentation by referencing the application and presentation included in the meeting packet. The application is to City Council, who would be approving the application and be in charge of the application going forward. It can be amended, changed, suspended, change hours, days of week, whatever is needed. It is one of the few state programs that gives the City so much control. Mr. Wilke started his PowerPoint presentation for the audience (Attachment #1). During the presentation there were a number of questions from City Council members.

Mr. Robin Turner asked who would be enforcing the DORA rules.

Mr. Wilke said the police department would, primarily, with some help from the Health Department at times. He said it is no different than the current enforcement of liquor laws, and its really up to the owner of the bar or restaurant first and foremost and then second the police department.

Mr. Turner asked if someone is taking alcohol from one establishment into the other, if the other establishment doesn’t enforce the rule, would they be in charge of calling the police officer for enforcement.
Mr. Wilke said the operator of that bar would just request the consumer to discard their cup into the recycle container right at the door. If it turned into some sort of disagreement or escalated the police could be called, but wouldn’t expect to happen very often.

Mr. Ruller added that Chief Michelle Lee and Captain Nick Shearer were very much involved in the conversation from the start, so there are no surprises for the police and it is supported by them. It would not have been brought forward if not supported by the police.

Mr. Wilke has reached out to many entities, including the Police Department, Health Department, Law Department, Ms. Heidi Shaffer (Ward 5 Council Representative), Townhall II, Mental Health Recovery Board and St. Patrick’s Church. Townhall II will be placing their own signage near/on their building regarding the DORA zone.

The DORA boundaries were discussed in detail. Mr. Wilke said it includes all of College Town Kent, the Hotel, the core of downtown, East Main Street, up to N. Depeyster and North Water Street out to Lake Street and Franklin down to Summit. The goal was to include all 31 liquor licenses downtown, not wanting to exclude anybody and give them a disadvantage with the competition. The DORA extends all the way north on North Water Street to include the North Water Brewing Company that is currently under construction. It runs all the way down Franklin to Summit was to include the PUB.

Ms. Tracy Wallach asked about signage and how people will know where they can or can’t drink. She asked if signage will be posted downtown so everyone will know where they can or can’t drink.

Mr. Wilke replied the only place they cannot drink is in front of Townhall II and Sue Whitehurst is going to take care of signage there. There will also be sidewalk decals that will indicate when in the DORA area, as well as signs in the entrance ways.

Ms. Wallach asked if patrons walk out of the DORA with their drinks if that would be enforced by the police.

Mr. Wilke replied that it is a violation of open container laws once leaving the boundaries.

Mr. Wilke continued his presentation by announcing the DORA is a total of 33 ¼ acres. It could actually be allowed to go up to 50 acres but they do not wish to make it any bigger at this time. He also reviewed DORA materials such as wristbands, cups, signage and decals.

Ms. Wallach asked if each establishment will have its own design on the DORA cups so people in the establishment will know immediately if someone is drinking something from another establishment.

Mr. Wilke clarified all cups will be the same and will be managed by the host/hostess at the door. If someone is coming in with the cup they will be asked to discard it. If someone left the establishment and wanted to reenter they would need to discard their cup.

Mr. Roger Sidoti asked if there are any provisions for new liquor licenses and if the DORA could be expanded.

Mr. Wilke said Council will have the power to extend the DORA based on new liquor license applications. It would be facilitated by Mr. Wilke himself or Main Street Kent. He mentioned he has already heard from potential owners of a new hotel downtown asked this question. They were reassured they could apply to have the boundaries extended.

Mr. Sidoti asked if new businesses would need to come before City Council if they want the DORA extended and Mr. Wilke confirmed they would.

Mr. Turner asked if properties need to be contiguous.
Mr. Wilke said it does have to be contiguous. Based on the size of the city, there is only one (1) DORA permitted. The new proposed hotel would be contiguous with the downtown area.

Ms. Wallach said she is concerned about the number of cups that will be used in reference to her concern about recycling. She asked if different colored cups be used in each establishment.

Mr. Wilke said the state guidelines are to have the same cup for every establishment. The other reason cups will need to be discarded is they cannot be reused due to health concerns with COVID-19.

Mayor Fiala asked about controlling the potential of people bringing their drinks to the parking lots, getting in their cars and driving away. He asked if parking lots could be removed from the DORA. Mr. Wilke said Council has the ability to alter the application to exclude parking lots or signage could be placed at the entranceway of public parking lots saying “No DORA Beverages Allowed”. The application can be altered prior to the full Council meeting on June 17th. Mayor Fiala added he thinks that would be a proactive move.

Mr. Wilke reviewed the DORA estimated budget and costs associated with implementing and maintaining it. Funding is proposed and will include monies from City of Kent, Main Street Kent, College Town Kent, Destination Kent CVB and a major sponsor. The hope is to be cost free for the establishments the first year. He reviewed the timeline with Council from application to becoming operational, which is estimated to happen July 9th. At any time, Council can alter the DORA, but it must be advertised twice before action can be taken.

Ms. Heidi Shaffer mentioned certain parking lots should be reviewed to be excluded from the DORA, but not all of them. She said certain parking lots would make sense to remain in the DORA due to their location.

Mr. Turner has some concerns, stating his biggest concern is the diminution of a family atmosphere downtown. Council has the opportunity to have redress on this in 90 days and concerns can be addressed. Trying to get businesses going again, he believes this needs to be done and is supportive of it.

Ms. Malarcik asked if language be provided in the legislation notifying patrons they could not congregate in parking lots. This has not come up in conversations with other Main Street Directors, but there certainly has to be a way to manage and avoiding parking lot parties. She asked if general language could be placed in the legislation that parking lots can be passed through but are not an area to congregate.

Mayor Fiala said there is a concern of people leaving in their cars with their beverage.

Ms. Rosenberg commented the police enforce people getting in their cars at their homes with a beer and driving down the road. There are open container laws currently in place to handle this. She has not heard from other Main Street Directors of a change in behavior where people believe that is allowable. If removing some parking lots and having the area “chopped up” could prove problematic with walking. It would be difficult for police to monitor the boundaries and then ignore the parking lots. Businesses are in a critical situation, down 75-80% and the last thing needed would be for someone to come to the community to walk around and shop and have dinner and then be stopped by the police. She encouraged going with the current boundaries for ninety days (or less if needed).

Mr. Sidoti asked Council could come back and make any changes to the legislation.

Mr. Wilke confirmed that could be done as long as it is properly advertised.

Mr. Sidoti suggested going with what is currently planned for the DORA and then reviewing what is working or what isn’t and then altering in the future.
Mr. Wilke added Council does not even need to wait 90 days. If something comes up in the first two weeks or at any time, the legislation can be altered.

Ms. Wallach concurred with Mr. Sidoti’s suggestion to move forward. She said the Parking Deck should be excluded and all the other lots could remain in.

Mr. Ferrara said he can see the point of the parking deck, with the top of the deck having a nice view on a nice day. He added he thinks it should move forward as is and go with it for 90 days and see what happens.

Mr. Kuhar asked for clarification regarding council members with a financial interest in the area if they are allowed to vote.

Ms. Jones asked if their financial interest is in bars.

Mr. Kuhar said Mr. DeLeone’s interest would be.

Ms. Jones said to not vote tonight.

**MOTION** to authorize submission of the DORA application made by Mr. Ferrara, **SECONDED** by Ms. Rosenberg and **CARRIED** by a voice vote of 8-0-1 with Mr. DeLeone abstaining.

Hearing no further business before this Committee, the meeting adjourned at 7:55 p.m.

______________________________
Amy Wilkens
Clerk of Council

**ACTION RECOMMENDED:**

1) Authorize the proposed amendment to the City’s regulations of farm animals in residential areas as presented.

2) Authorize submission of the DORA application as presented.
Downtown Kent
Designated Outdoor Refreshment AREA (DORA)

Community Development Committee Meeting
June 3, 2020
What is a DORA

• A specific area where alcoholic beverages may be sold by licensed liquor establishments for outdoor consumption

• Limitations are set for days of the week and hours of the day when DORA refreshments may be sold
  • 12:00pm to 10:00pm, seven days a week is proposed for Kent

• Patrons 21 years of age and older may purchase a beverage in a plastic DORA cup from any participating business during those hours/days, and, wearing a DORA wristband, carry it outdoors and consume it within the DORA boundaries.
DORA Rules

• DORA beverages purchased at one bar/restaurant may not be taken into another.

• DORA cups are to be placed in a recycling bin upon entering another establishment.

• Retailers may choose to permit DORA beverages in their shops at their own discretion.

• NO other alcoholic beverages may be consumed outdoors within the DORA; only those purchased at a businesses within the DORA boundaries, in a DORA cup, are permitted.
Other Ohio Cities with a DORA

- Worthington
- Hamilton
- Lorain
- Canton
- Chillicothe
- Marysville
- Mason
- Toledo 1
- Toledo 2
- Delaware
- Lancaster
- Milford

- Middletown
- Grove City
- Powell
- Springfield
- Port Clinton
- Liberty Center
- Sylvania
- Fairborn
- Shaker Heights
- Columbiana
- Hilliard

6/3/20 Community Development Committee
Attachment #1
Why Should Kent Consider a DORA Now?

• Help downtown businesses serve more customers with current seating/spacing/occupancy restrictions
• Give people who are especially sensitive to social distancing the opportunity to support downtown business but still stay as separated as they are comfortable
• 90-day “test period” will help determine whether a DORA makes sense long-term
• Keep Kent top-of-mind as a destination for visitors
Entities Contacted

• City of Kent Police Department
• City of Kent Health Department
• City of Kent Law Department
• KSU Police Department
• Ward 5 Council Representative
• Townhall II
• Mental Health and Recovery Board
• St. Patrick’s Church
DORA Boundaries – 33.25 Acres
DORA Collateral Materials

Wristband

Cups

KNOW THE RULES
1. Permitted daily from noon - 10pm.
2. Must be 21+ with DORA wristband from participating establishment.
3. DORA beverages must be purchased at a bar/restaurant and may not be taken outside another.
4. DORA beverages allowed only within DORA boundaries. Consumption from other vessels subject to law enforcement.
5. Please drink responsibly and never drive and drink.
6. Map and full program details at www.downtownkc.org/DORA
DORA Collateral Materials

• Window Decals
DORA Collateral Materials
DORA Establishments’ Poster

Kent's Designated Outdoor Refreshment Area
Know the Rules
1. Permitted daily from noon - 10pm.
2. Must be 21+ with DORA wristband from participant.
3. DORA beverages must be purchased at a bar/restaurant and taken inside another.
4. DORA beverages allowed only within DORA boundaries.
5. Full program details available at mainstreetkent.org/DORA

Health & Safety
Your health and safety are important to us. If you choose to consume alcohol.
You must be 21+. For the best experience, please use a designate a sober driver.
Utilize a ride share program/taxi for a safe ride home.

Full program details available at mainstreetkent.org/DORA.
Welcome to downtown Kent, OH, where we have a Designated Outdoor Refreshment Area (DORA) for the enjoyment of our residents and visitors 21 and over. Alcohol beverages are available for sale at many bars and restaurants, and patrons take "togo" in a special DORA cup for outdoor consumption in the downtown district. So for a bath, kiosk shopping, dinner at a downtown eatery, or gallery tour, enjoy a beverage at your leisure!

How it works:

Purchase a DORA beverage at any participating establishment, server a glass, cover it with a lid, and take it to go. When you arrive at your event area, simply place your to-go beverage on the table and get a new glass at your next stop.

Pedestrian signs indicate where you're "togoing" or "talking." DORA boundary line and full program information is available at southeastcons.org/DORA. More is also on their website.

DORA boundaries may not be taken inside another Designated Outdoor Refreshment Area.

Health and Safety:

Your health and safety is important to us. If you choose to consume alcohol in downtown Kent, please do so responsibly. Store drinks and do not tamper with a soda cup or take a spill above the ground or into a water body. If you have a problem with an Alcohol Beverage Control (ABC) violation, you are available by calling the Addiction Helpdesk at 330-692-9300.

Full program details available at southeastcons.org/DORA.
DORA Collateral Materials

Boundary Signs
DORA Collateral Materials

Recycle Containers

Sidewalk Decals
DORA Estimated Budget

- Wristbands: $700
- Cups: $7,350
- Window Decals: $300
- Establishment Posters: $120
- Kiosk Inserts: $500
- Boundary Signs: $300
- Sidewalk Decals: $300
- Recyclable Containers: $819

Total: $10,389
DORA Proposed Funding Sources

- City of Kent (Econ. Dev.) $1,000
- Main Street Kent $1,000
- College Town Kent $1,000
- Destination Kent CVB $2,500
- Sponsor $5,000

Total $10,500
DORA Timeline

- Application submitted to Clerk of Council: May 11
- Public notice advertised: May 13 and 20
- Public Meeting: June 3
- Community Development Committee Vote: June 3
- Full Council Vote (if applicable): June 17
- Documents submitted to state (if applicable): June 18
- Amended liquor licenses sent to holders: July 8 (est.)
- Dora is established and operational: July 9 (est.)
Council Discretion to End DORA

From the Ohio Department of Commerce:

“Additionally, by ordinance or resolution at any time, the Legislative Authority may, dissolve all or part of the DORA. It must give notice of the proposed dissolution by publication once a week for two consecutive weeks in a newspaper of general circulation in the Municipal Corporation or Township.”
Why Should Kent Consider a DORA Now?

• Help downtown businesses serve more customers with current seating/spacing/occupancy restrictions
• Gives people who are especially sensitive to social distancing the opportunity to support downtown business but still stay as separated as they are comfortable
• 90-day “test period” will help determine whether a DORA makes sense long-term
• Keep Kent top-of-mind as a destination for visitors
Chair DeLeone called the Finance Committee of Kent City Council to order at 8:00 p.m.

**PRESENT:** Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Shaffer; Mr. Roger Sidoti; Mr. Robin Turner and Ms. Tracy Wallach

**ALSO PRESENT:** Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Mr. Jim Bowling, City Engineer; Ms. Rhonda Hall, Budget and Finance Director; Ms. Melanie Baker, Service Administration Director; Mr. Gary Bishop, IT Manager; Ms. Joan Seidel, Health Commissioner; Mr. Tom Wilke, Economic Development Director; and Ms. Amy Wilkens, Clerk of Council.

There were four (4) items on the Agenda.

1. **City Bond Anticipation/Short Term Notes (Hall)**

   Mr. Ruller reminded everyone that in previous years (former Budget and Finance Director) Mr. Dave Coffee would continue with the short-term rollover of notes. There is a cost to this every time it is done and it pays off if the rates remain higher. The rates are at an all time low and Rhonda (Hall) and the City’s financial advisor have been watching the market and believe it to be better financially to tie up short term notes into private bank debt. The rates are historically low and now would be a good time to lock in a low rate and avoid annual cost to rollover to short term notes.

   Ms. Rhonda Hall introduced Brian Cooper from Baker Tilley who is also on the call. In the past, these notes have always been rolled over. There are three notes that make up the total with the rollover costing $30,000 each year. Looking at how low the rates are, which are comparable to the current short-term notes, for both the capital market and the bank purchase. In a capital market we would need to go through Moody’s and the rating agency, looking at a fee of $125,000 to do a bond issue for these three notes. To do a bank purchase bond issue, the fee would be approximately $50,000. Brian Cooper from Baker Tilley informed Ms. Hall they could possibly get a loan rate of 1.88% from the capital market. It has been recalculated to 1.55% rate and will save the city a lot of money. This would be locked in for eleven years which would take it to the end of the Police facility. This includes the stormwater notes which will take out three years, the policy facility will take out eleven years, and the alley five street improvement notes will take four to five years to pay down.

   Brian Cooper says the cost of borrowing money for one year is under 2% and the cost of borrowing money for ten years is even less than that. Long term rates are at an all time low. Now is the chance to lock this rate in for ten years. The current market rate is 1.25%. The bonds will have a call feature so that after year five there is a chance to pay these bonds off.

   Ms. Wallach asked if it is a fixed rate.

   Mr. Cooper confirmed they are.

   Mr. Sidoti asked if these rates could be considered for new construction, for perhaps a new city hall or similar project.
Mr. Cooper replied that this is an eleven-year deal and if there was a longer repayment term, say twenty years, the rate would be closer to 2.25 or 2.5%.

Mr. Sidoti asked if Mr. Cooper's best guess would be that this rate would remain at this low rate for the next twelve months.

Mr. Cooper said he did not know as the market has been very rocky in March and April. There was some recovery in May with the market snapping back quite a bit, but anything could happen.

Ms. Hall added that if the City Hall is built, and obtain short term notes or bonds, it might be advantageous to do the same thing that was done by (previous Finance Director) Dave Coffee of rolling the notes over each year until get to a point where could do a bank purchase, or go to the capital market and do an official statement with the rating agency and pay the $125,000 in fees. If you roll notes over, you are looking at $25,000-30,000 each year. The sooner bonds could be issued for City Hall, the better off the city would be.

Mr. Sidoti added that would save the taxpayers money

Ms. Hall said this is correct.

MOTION TO APPROVE THE CONVERSION OF CITY’S SHORT-TERM DEBT INTO BANK BONDS WITH AN EMERGENCY CLAUSE made by Mr. Kuhar SECONDED by Mr. Sidoti and CARRIED by a voice vote of 9-0.

2. Consideration of placing the renewal of the West Side Fire Levy on the Fall ballot (Hall)

Mr. Ruller said the city was fortunate to have the general levy pass in the last election cycle and now coming back with another one due, the West Side Fire Station. The first step is the Resolution of Necessity which is the first step to put back on the ballot. Clerk Wilkens will work with the Board of Elections to get this on the ballot in the next month. Asking for renewal of the levy and not change anything. It is similar to the last levy, on a $100,000 house, the amount it will cost will be a little less. It is critically important to sustain the West Side fire station services.

Ms. Hall said the levy expires in 2020 and we have until 2021 to continue to take back to the ballot to get it passed.

MOTION TO AUTHORIZE THE PLACEMENT OF THE WEST SIDE FIRE OPERATING LEVY (.73 MIL) ON THE NOVEMBER 2020 BALLOT WITH AN EMERGENCY CLAUSE made by Mr. Sidoti SECONDED by Mr. Amrhein and CARRIED by a voice vote of 9-0.

3. Proposed amendment to the City's 5-Year Revolving Loan Fund Update (Susel)

Mr. Ruller stated this is another example where the Covid-19 pandemic has changed things for the community. The money that Bridget (Susel) manages through the revolving loan fund gives more flexibility.

Ms. Susel states the EDA has added flexibility to the issuance of loans through the revolving loan fund program. The flexibilities are in place for a year, so it would be for any loan issued between now and next May 6th. Tom Wilke and Bridget Susel met with the Revolving Loan Fund Committee on June 1, 2020 and reviewed the proposed amendments. The five-year plan was adopted and submitted to the EDA in January, so this would allow the City to submit recommendations to amend the plan and to include the flexibilities the EDA said were allowed to be incorporated. Through the discussions with the
Loan Fund Committee, Kent would be looking at issuing loans at a minimum of $2000 and a maximum of $10,000. The normal loan program does allow for more than that, and those loans would still be available with the same requirements currently in the plan. One difference for the smaller loan is 100% of the smaller loan can be honored, where the current RLF only 30% of the project cost can be applied through the loan program. They anticipate most of these loans will be for working capital to help offset the unanticipated closures that most of the businesses have experienced which resulted in difficulty with cash flow. The Revolving Loan Committee wants to set the minimum interest rate at 1% and the application fee will be reduced from $100 to $50. Loan documentation will still be required to include how the funds would be used to address the matter that resulted from the COVID-19 pandemic. One issue with this program is the grading of a Moody score. Part of the CARES act funding in CDBG we are establishing forgivable loans, which will be grants, but will be tied to businesses that can retain or have low income workers come back the loan will be forgiven. We could use the smaller loans to bridge with this program. Both of these programs will help businesses that are really struggling right now.

**MOTION TO AUTHORIZE THE PROPOSED REVOLVING LOAN FUND WITH AN EMERGENCY CLAUSE** made by Mr. Amrhein **SECONDED** by Ms. Shaffer and **CARRIED** by a voice vote of 9-0.

4. **Proposed 2020 Budget Amendment**

Ms. Rhonda Hall asked Council to approve the amended appropriation as presented in a memo to the City Manager dated May 27, 2020. She asked to add two additional items to the request, received last minute to increase appropriations for the storm fund by $20,000 as the appropriation request was included in the 2019 Capital Improvement Plan Update it was in avertedly excluded from the 2020 budget. The second request is to reduce $182,500 from the Capital fund (301) which was for a reduction required due to the grant money from the Mogadore Road resurfacing being appropriated twice, once in 2019 and once in February.

**MOTION TO AUTHORIZE 2020 BUDGET APPROPRIATION AMENDMENTS WITH AN EMERGENCY CLAUSE** made by Mr. Sidoti **SECONDED** by Ms. Rosenberg and **CARRIED** by a voice vote of 9-0.

Hearing no further business, the meeting adjourned at 8:21 p.m.

Amy Wilkens  
Clerk of Council

**ACTION RECOMMENDED:**

1) Approve the conversion of the City’s short-term debt in bank bonds  
2) Authorize the placement of the West Side Fires Operating Levy (.73 MIL) on the November 2020 ballot  
3) Authorize the proposed revolving loan fund.  
4) Approve the Budget Appropriations Amendment
Mr. Roger Sidoti called the Streets, Sidewalks & Utilities Committee of Kent City Council to order at 7:44 p.m.

There were two (2) items on the Agenda:

1. Consider authorization of a temporary administrative process or business activity on City sidewalks and streets due to Covid-19

Mr. Ruller prefaced Mr. Bowling’s introduction to say this is another effort to try to make it easier for downtown businesses. Council has already approved permits and licenses to occupy the right of way and have given some latitude for tables being brought in and out on the same day. Some businesses, such as Franklin Square Deli, currently do this. With the current economic and public health climate, a month delay is too long to wait for a vote. A couple of other cities have done a similar thing, basically streamlining the process where the city is given the temporary authority to work with all involved to make accommodations for businesses to use the street.

Mr. Bowling reiterated the need to do everything possible to help the downtown businesses succeed and that is exactly what this is. In response to the COVI-19 situation and talking with others, it seems as if this could be another tool to offer to business owners to move forward with a formal license agreement for extra seating in the right of way for businesses. The current program through Community Development has limitations but this would give business owners flexibility. A quick look was looked at on Erie Street near Ray’s Place and Dominick’s and Venice up to alley nine which would give fifty to sixty extra seats on the sidewalk. This could help businesses with space that is needed to provide social distancing.

Mayor Fiala asked if this would be temporary or long term.

Mr. Bowling said it would be temporary for this summer.

There were no further questions from Council or the public.

MOTION TO AUTHORIZE A TEMPORARY ADMINISTRATIVE PROCESS AUTHORIZATION FOR BUSINESS ACTIVITY ON CITY STREETS AND SIDEWALKS DUE TO COVID-19 WITH AN EMERGENCY CLAUSE made by Ms. Shaffer, SECONDED by Ms. Wallach and CARRIED by a voice vote of 9-0.

Ms. Shaffer commented that this feels like an extension of the DORA and a real part of what has been hoped for all along, which is to encourage people gathering outside which contributes to a sense of vibrancy downtown. There is a lot of street furniture out and Kent is a welcoming city that has a lot going on.
Mr. DeLeone said it is all about space and he understands doing this.

Mr. Amrhein said this is a great idea. It is going on all over the United States right now and has been very successful. He added this is a great idea and will really help the restaurants.

2. Consideration of a request for temporary street closure on Franklin Avenue with the reopening of the Haymaker Farmers Market downtown

Mr. Ruller said the Haymaker Farmers Market has been in discussion with the Health Department in making the transition downtown safely while allowing everyone to still enjoy the market. They have come up with a plan to line up vendors in a way to have one way “traffic”.

Ms. Susel introduced Mr. Andrew Rome from Haymaker Farmers Market who has put together the application that covers all the details.

Mr. Andrew Rome said in order to carry out the plan for health and safety during the coronavirus as approved by the Kent Health Department, additional space is needed. It is more than doubling the space for each vendor, one-way traffic flow, limiting the total capacity of people in the market at one time created by using barricades provided by the City and volunteers to put everything in place. There will be an entrance and exit to the market to control how many people are in the space at one time and to keep people separated but still having access to local food at the market.

Ms. Wallach said she saw the list of customer responsibilities and asked how these would be communicated to the public.

Mr. Rome said there will be signs posted at the entrances, online, on social media, on newsletter and there will be volunteers at the entrances helping people know what the new requirements and the new way. It is now more of a shop and go market as opposed to a social gathering, and that is just the way it has to be.

Ms. Wallach asked if mask use would be encouraged by the Market.

Mr. Rome said in the listed signs at the Market, there are reminders about mask wearing and the specific policy is all customers coming to the Market wear masks. They are welcoming all customers to the Market regardless if wearing a mask, or not.

Ms. Shaffer asked if family members shopping together have been considered and if enforcing one shopper at a time will occur. She understands trying to limit opportunities for those shopping in groups that aren’t in the same household, and wonders if this is a health department requirement or something else. Currently, she has her family in the car when visiting the mobile market. This may be hard to enforce.

Mr. Rome agreed and stated there is a difference between best practices for limiting the number of people in the space for the market and requirements that will be enforced. There are going to be volunteers more or less enforcing social distancing but not enforcing mask wearing recommendation or that people limit the number of family members coming to the market. This is unenforceable as people have young children at home and have to bring them with them. There is not problem with that. They do want to describe best practices and rely on customers who want to make the market successful to do what makes sense for them.

MOTION TO AUTHORIZE THE TEMPORARY STREET CLOSURE ON A PORTION OF FRANKLIN AVENUE TO ENSURE PUBLIC HEALTH AND SAFETY DURING THE HAYMAKER FARMER’S MARKET ON SATURDAYS WITH AN EMERGENCY CLAUSE was made by Mr. Ferrara, SECONDED by Ms. Shaffer and CARRIED by a voice vote of 9-0.
Hearing no further business before this Committee, the meeting adjourned at 8:00 p.m.

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Amy Wilkens
Clerk of Council

ACTION RECOMMENDED:

1) Grant the administration temporary licensing authority as presented.
2) Authorize the proposed temporary street closure on a portion of Franklin Avenue to ensure public health and safety during the Haymaker’s Farmer’s market on Saturdays.