RESOLUTION NO. 2017-29

A RESOLUTION AUTHORIZING THE KENT POLICE CHIEF OR HER DESIGNEE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE BURBICK FOUNDATION AND/OR ITS REPRESENTATIVE FOR A SPECIAL EVENT PERMIT TO BE HELD ON MAY 28, 2017 IN DOWNTOWN KENT, AND DECLARING AN EMERGENCY.

WHEREAS, the Burbick Foundation and Pete Mahoney wish to hold a special event in downtown Kent, Ohio on May 28, 2017 for a "Queen of Hearts" drawing; and

WHEREAS, a portion of North Water Street will be closed during the event; and

WHEREAS, money raised from this event will be going to charitable purposes; and

WHEREAS, the Kent City Council consents to authorizing the Chief of Police to sign the MOU as long as the Kent Chief of Police is comfortable executing the agreement and believes the safety and security of the City's citizens will not be adversely affected; and

WHEREAS, the time is of the essence as the event is scheduled for May 28, 2017.

NOW, THEREFORE, BE IT RESOLVED 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 Kent City Council authorizes the City Police Chief to execute a Memorandum of Understanding with Pete Mahoney in substantial conformance with the Special Event MOU attached hereto as Exhibit "A", as long as the Chief of Police, in her judgment, believes the safety and security of Kent's citizens are adequately projected.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 Resolution 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 Resolution is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: April 19, 2017

Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: April 19, 2017

Date

ATTEST:
Tara Grimm, CMC
Clerk of Council

I, TARA GRIMM, 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 RESOLUTION No. _, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON __________, 20___.

TARA GRIMM, CMC
CLERK OF COUNCIL
(SEAL)
EXHIBIT “A”
MEMORANDUM OF UNDERSTANDING
IN RE: Queen or Hearts

A memorandum of understanding between Pete Mahoney, the sponsor of the event, and Chief of Police Michelle Lee, representing the City of Kent, regarding a SPECIAL EVENT PERMIT for the "Queen of Hearts."

1. **A. NATURE AND LOCATION OF THE EVENT** - The event is to be held at the Hometown Bank Plaza and N. Water St. from Main St. to Columbus St. The event will be Sunday May 28, 2017 from 1:00pm to 7:00pm. Those portions of the streets will be barricaded for pedestrian traffic and vendor booths. There will be live music, food vendors, beer sales and a “Queen of Hearts” drawing. An F-2 permit has been obtained for this event and any alcohol consumed must remain in the fenced area. Security will be on site and provided by the permit holder. A designated area must be partitioned off for alcohol consumption at the sponsor's expense.

2. **STREET BARRICADES** - Barricades, provided by the Kent City Service Department, will be placed blocking north and south bound travel of N. Water St. from Main St. to Columbus St. The sponsor of the event agrees to erect barricades at the start of the festival and remove them at the end of the event. They agree to place barricades in a secure area while not in use.

3. **316.04 - RULES, GUIDELINES, CONDITIONS AND REQUIREMENTS**
   A. **ACCESS TO BUSINESSES AND RESIDENCES** - No vehicular traffic will be allowed in the barricaded area during times of the event. Open to pedestrian traffic only.
   B. **ALCOHOLIC BEVERAGES** - Sponsor has obtained an F-2 liquor permit which allows for the sale and consumption of alcohol. The consumption of alcohol is permitted in the fenced area only. The sponsor will checking IDs and providing wristbands for participants.
   C. **ANTI-DISCRIMINATION PROVISIONS** - Yes
   D. **FIRE PREVENTION/ SUPPRESSION** - Per Kent F.D. inspection and requirements.
   E. **FOOD VENDORS** - There will be prepared food to be sold and served per Health Commissioner's requirements.
   F. **HEALTH AND SANITATION** - Portable toilets shall be provided and available by the sponsor within the festival area.
   G. **FIRST AID** - A first Aid station shall be provided.
   H. **DATE AND HOURS** - Sunday May 28, 2017. Starting time (including set-up) 10:00am to 8:00 PM (including clean-up) Actual event times from 1:00pm to 7:00pm.
   I. **EVENT WAIVERS** - None required.
   J. **MECHANICAL RIDES** - No
   K. **NEIGHBORHOOD APPROVAL** - Notification of affected residents & businesses is required via email or flyer.
   L. **NOISE LIMITATIONS** - Per city ordinance
   M. **PAVEMENT PROTECTION** - D.N.A.
   N. **SPECIAL PERMITS** - Liquor permit to be obtained by event sponsor.
   O. **SECURITY & TRAFFIC CONTROL** - Traffic will be maintained with barricades provided by the Kent City Service Department. Two Kent Police Officers will provide security. Event coordinators will also assist.
   P. **TRASH & RECYCLING** - Plastic cups, paper napkins, plates and utensils will be provided by the vendors for the event. The sponsor is responsible for all trash to be cleaned from the festival area at event's end. It is the sponsor's responsibility to add additional trash receptacles for this event.
   Q. **UTILITY SERVICES** - City electric hook-up.
   R. **GAMBLING** - No
S.  VENDOR ACCESS - Vendors will have access to the festival area for set-up 10:00 AM to 1:00 PM and clean-up 7:00 PM to 8:00 PM.
T.  WAIVERS, SPORTING EVENTS - D.N.A.
U.  ASCAP REQUIREMENTS - Permit holders shall be responsible for fulfilling ASCAP (American Society of Composers, Authors, and Publishers) requirements for any music played at a special event, including but not limited to reporting requirements. In addition, the permit holder shall be responsible for any costs charged to the City or the applicant by ASCAP for said event.
V.  PROJECTED COSTS - The projected costs for city services that will be utilized for this event are shown on "Attachment A." Other, unforeseen costs may be associated with the actual event.
W.  WEATHER ALERT RADIO SYSTEM AND WARNINGS – The City of Kent will provide the sponsors with two weather radios programmed to NOAA’s National Weather Service. When severe weather alerts are received through tone activation and respective message, sponsors agree to provide a warning system that is capable of alerting event participants. Warning alerts may be made with one of the following; (Public Address System, Bull Horn, Air Horn, Etc.)

4.  PERMIT REVOCATION  The sponsor understands that the City of Kent maintains the authority to cancel the permit at any time up to and during the event if an emergency situation should dictate.

Pete Mahoney,  Date:  Michelle Lee,  Date:
Event Sponsor  Chief of Police

John Tosko,  Date:  Melanie Baker,  Date:
Fire Chief  Service Director

Jeff Neistadt,  Date:
Health Commissioner