

**THE CITY OF KENT, OHIO
COMMUNITY DEVELOPMENT COMMITTEE
WED., FEB. 3, 2010**

This meeting of the Community Development Committee of Kent City Council was called to order on Wed., Feb. 3, 2010, by Erik Valenta, Chair, at 7:25 p.m.

PRESENT: MR. AMRHEIN, MR. DELEONE, MR. FERRARA, MR. KUHAR, MS. SHAFFER, MR. VALENTA, MS. WALLACH, AND MR. WILSON

ALSO PRESENT: J. FIALA, MAYOR; D. RULLER, CITY MANAGER; J. SILVER, LAW DIRECTOR; G. ROBERTS, SERVICE DIRECTOR; J. BOWLING, CITY ENGINEER; AND L. COPLEY, CLERK OF COUNCIL

ABSENT: MR. TURNER

Chair Valenta said the first item on their agenda dealt with the KSU esplanade/Erie Street Extension Memorandum of Understanding. **David Ruller, City Manager**, explained they are moving quicker than he anticipated, and a few guests from Kent State were not present who planned to attend. He said they were not needed, wanted to express their support and their commitment to the project. Mr. Ruller said the Memorandum of Understanding lays out the basic terms of what they are trying to achieve and how they will achieve it.

At this time, Mr. Wilson asked if Ms. Gilbert was the only person speaking about the third item on their agenda dealing with the Adopt-A-Spot program, and Mr. Ruller said that was correct.

MOTION TO AMEND THE AGENDA TO MOVE THE MAIN STREET PROPOSAL FOR ADOPT-A-SPOT FORWARD.

Motion made by Mr. Wilson, seconded by Mr. Ferrara, and carried by a voice vote of 7-0-1, with Mr. Valenta abstaining.

Mr. Ruller said that **Gene Roberts, Service Director**, has been working with Mary Gilbert from Main Street on the proposal. He said the Adopt-A-Spot on of their more prominent aspects of the City's beautification efforts, including flower gardens and hanging baskets. Mr. Ruller said it has been a challenge, and they typically pay a contractor to do that. He said they have had a few contractors, with mixed success, adding it is not getting cheaper.

Mr. Ruller said as Ms. Gilbert became more established with Main Street, they thought that Main Street would like to lead the initiative, in place of the contractor, and manage the program. He said Mr. Roberts made the suggestion, adding it looks like it will save some money for the City.

Mr. Ruller said the staff does a great job, but it is somewhat of an extracurricular activity and is not a core function. He said it was placed in that department, as they do good work with skilled laborers and urban foresters. He said in reality, the ability to relieve some functions is a good thing, as the Service Director has plenty of work he can assign, which is more typical of the core function work.

Mr. Roberts said they are required to update a lot of stop signs in the City because of the new reflectivity requirements. He said that is the same person doing Adopt-A-Spot, which is the Master Gardener/Sign person. He said a lot of her time will be spent doing the stop signs. He said the flowers grow in the summer, and they need to do the signs in the summer, so it was a stretch of the employee's time.

Mr. Roberts said they ended up with a cost savings as they viewed Main Street as taking over the program. He said in the Public Planting budget, there was \$47,500 in 2009, with no increase requested in 2010. He said most of the money was spent in 2009. Mr. Roberts said a large portion of the money

paid Davey Tree to maintain the beds, including prep work, mulch, fertilizer, water, etc., with the flowers. He said it is a time-consuming process.

Mr. Roberts said he has met previously with Ms. Gilbert on this issue, and Main Street has calculated they would need \$30,000, which less than the City pays Davey Tree. He said it will also save money for plants and fertilizer, as well as the staff time, which is about 500 hours annually. He said his Administrative Assistant organizes the program, gets the donations, works with the people who plan, selecting the plants, shipping them in, and dealing with leftover pieces all summer. He said several areas have been moved. He said one area is Longmere @ Haymaker that is now part of Haymaker.

Mr. Roberts said they are proposing to take a portion of the money paid to Davey Tree, using \$30,000 for Main Street. He said Main Street will oversee all the work done by the City and the contractor. He said they will also purchase the plants and the fertilizer with that money. He said the City will not be involved in any of the locations, except for two areas. He said one was on East Main Street, where the pedestrian islands are located. He said he would hate to see someone in the raised island. He said they would contract with Davey to do those, except for the watering, as the City has a truck that can water that area without getting into the traffic.

Mr. Roberts said they have received \$1000 from the Christensen Foundation for the 2010 Adopt-A-Spot Program. He said they are recommending they turn this over to Main Street, along with all future donations. He said when they look at the donations, they were about \$3500 for the purchase of the plants. He said with the donations, they are savings about \$9500 annually.

Mr. Roberts recommended they move with this proposal. He said it would be good for the City to have the downtown people participating in the beautification of the downtown.

Mr. Ruller said once the budget is approved, they would make a payment to Main Street in the amount quoted by Mr. Roberts. He said it will be an additional allotment to Main Street from the City.

MARY GILBERT, MAIN STREET: Ms. Gilbert said she hoped they all have a chance to try out the Sushi Bar that opened in Acorn Alley in January.

Ms. Gilbert said the additional Adopt-A-Spot funds will be used by Main Street to hire a part-time maintenance person. She said they found there is a need for some kind of a maintenance person in the downtown area, adding it would not just be for the Adopt-A-Spot a Spot in the summer. She said the person can help run the sweeper and could possibly do the shoveling of the sidewalks in the winter. He said they could also have this individual handing out flyers to visitors. She said with Main Street doing the program, the City will save money. She said they would utilize a lot of the volunteers. Ms. Gilbert said they contacted the Urban Forestry program at the high school, as well as the Garden Club in Kent. She said this would get a lot of volunteers involved. Ms. Gilbert said this would be a win/win for everyone.

Ms. Shaffer said she knows a fair amount about this, as she represents the downtown and the neighborhoods around it. She said she has heard from people that they want some kind of change. She asked if individual businesses will participate and select their own flowers, and Ms. Gilbert said they will be encouraged to do so. She said they will have some regulations, such as having no vegetables in the gardens. She said they have discussed a downtown garden to grow vegetables, but not in the flower gardens.

Ms. Shaffer asked if this would also include S. Water Street, and Ms. Gilbert said the entire Main Street area will be included.

Ms. Wallach said her question, again, is whether this is premature as they do not have budget, and asked if they approve it now but decide to donate less when the budget goes through, what would happen. She commented that the budget will be really tight.

Mr. Ruller said they always have amendment capabilities. He said whatever they approve now is subject to change if they get into that type of situation. Mr. Ruller said they still have to run business. He said if they wait for everything to jam up behind the temporary budget issue, it would be hard to keep everything on track.

Ms. Wallach said she assumed there would be a contract with Main Street, as there was with Davey Tree, and Ms. Gilbert said she believed so. Mr. Roberts said there would be a contract, adding that the biggest portion of their responsibilities is listed on the first page of the memo. He said it was noted if they need mulch, they can pick it up from the City.

Mr. Kuhar noted that Davey Tree did all of the chemicals and preparation work, and asked who would do that now, and Ms. Gilbert said it would be the maintenance person they hire, along with volunteers, the high school program and the Garden Club. Mr. Kuhar asked if they have the knowledge and ability, and Ms. Gilbert said that is correct. She said they plan to send the maintenance person through the Master Gardener program so that person learns how to take care of the beds.

There were no further questions nor comments at this time.

MOTION TO AUTHORIZE THE PROPOSAL TO PAY MAIN STREET TO ADMINISTER THE ADOPT A SPOT PROGRAM.

Motion made by Ms. Shaffer, seconded by Mr. Wilson.

Mr. Wilson said they have a gardener retired from the City by the name of Keith Barton who is already a Master Gardener. He noted Mr. Barton did an excellent job when he worked for Kent, and suggested Ms. Gilbert may wish to speak to him.

The motion carried by a voice vote of 7-0-1, with Mr. Valenta abstaining.

At this time, Chair Valenta said they would discuss the **Downtown Revitalization Project Declaration of Collective Intent**. Mr. Ruller said this is a draft outline that best captures the intentions and general expectations as they head into the development agreement. He said they felt it was important to take this project "bite by bite" for all practical purposes. He said many times, communities jump from where they are to the details of the agreement. He said they took one step back to test their understanding of what each party would do, adding it has to be very clear. Mr. Ruller said they cannot do this project without their partners.

Mr. Ruller said that some have asked about the integration of Main Street, adding the document was the result of the work they did with the stakeholders group, which included representatives from downtown and the Main Street group. He said they used all of that input to get to this point. Mr. Ruller said this document does not talk about all of those interconnections, but is the premise upon which they see everything come about.

Mr. Ruller said they are not asking for their approval, but instead their general acceptance of the contents to the point where they are comfortable for the staff to discuss this in more detail with their partners from the private sectors and the schools. He said they did integrate some comments from Kent State University, but still have to work to get everyone around this paper. He said they have met with Council members individually, to answer their questions, and now are looking for public affirmation to allow them to go forward to negotiate the signatures. He said it is a process of making sure they have the partners with appropriate understandings and expectations. He said he did not want any misrepresentations of this document, adding he was asking for their authority to say they are okay with the document, which will allow them to meet with their partners. He said if there are any modifications, they would return it to them for their approval. He said they may sign it "as is", as it is a non binding document. Mr. Ruller said at the end of the day, this is morally binding, but not legally binding. He said it does not commit them anymore, other than that moral obligation. He said it is a significant step toward the development agreement. Mr. Ruller said they felt they had to chip away at it instead of taking a quantum leap. Mr. Ruller said this was

a staff driven team process with Mr. Silver, Mr. Bowling, Mr. Locke, and Mr. Smith working with him. He said they are present and welcome to make any comments at this time.

Ms. Wallach referred to page seven where it spoke of “half of the deposit shall be returned upon execution of the land development agreement” , and asked if the land development agreement is where they determine how many offices and stores, and Mr. Ruller said it is the end zone he is shooting for, adding that will be legally binding, with all of the terms and conditions. He said that agreement will have all of the details, adding they have already had some work done on the language. He said that is where the negotiations occur, and when they get the development agreement, they have a green light. He said that is when they tell Mr. Bowling to design and build the project. He said it is the critical juncture.

Mr. Ruller said they are not trying to make money off of the deposits requested, but they will keep 10%. He said that money goes into the project, adding they are not trying to solve their budget problems with the deposits. Mr. Ruller said the ribbon cutting is the finale, which is when they return the second portion.

Ms. Shaffer asked if that agreement is where they develop the language about the rights and responsibilities regarding the operation, adding she wanted to know how the developer will be involved in five years with the rest of Main Street. She asked if they could put something in writing that will help maintain the relationship of one downtown Kent.

Mr. Ruller said based on the initial feedback on the integration, everything they have done has been to make sure it elevates the entire downtown. He said it goes well beyond what many communities have done, adding that all spirits and actions are there but may need to be more explicit. He said they list the principal parties in the agreement on the first page, adding that Main Street might be listed on that page. He said they are trying not to make it too convoluted because there are a lot of stakeholders. He suggested they may want to remind them, in the agreement, the original intent in the RFQ detailing integration into the existing downtown.

Mr. Silver said that it would probably be the businesses in the building, and not the developer, who will take an actual role. He said those businesses will not succeed without a vibrant downtown filled with people. He said it is his guess they will be part of it, but will not sign the development agreement. He said it would be the companies that rent from the developers.

Mr. Ruller said Mr. Silver is half right. He said the business will want to be part of it, but Fairmount, since the start, has made it clear they will continue the trend of the quality property and go the extra yard to integrate with what is around them. He said he believed that Fairmount believes they cannot be successful as an island. He said the point is well taken to highlight that to reassure the people who have invested so much in the plan that this is an outgrowth of their product.

Mr. Bowling said they spent a long time as developers and the City coming to the point of the scope for the size of this project. He said that is a major milestone. Mr. Bowling said this document says they can build this scope. He said they recognize the land development agreement has a lot of terms in the management aspect. He said they wanted all of the major parties, having a major investment in the scope, to have this agreement. He said the next agreement has all of the additional things they are discussing. He said this is their approach to landing a plane, with the actual touchdown being the developer's agreement.

Mr. Kuhar said from the name of the document, it shows it is a non binding agreement. He questioned if anyone can construe it as an implied contract, and if something changed, if they would be subject to a violation. Mr. Silver said there is specific language in the end that says it is not legally binding for anyone, so he did not think that would happen.

Mr. Ruller said the attorneys had their fair comments on the document. He said the University felt the same way also. He said if they bless this, they will talk to the school system and their attorneys. He said they are doing as much screening as possible to catch those things. He said it must be detailed enough

to be a worthwhile step, but they are not prepared to get into every detail. He said they drew a line which they felt was reasonable.

Mr. Kuhar said he was approached from someone this past week, adding it seems like there is animosity toward the block being built. He said they felt it would isolate Main Street from the downtown. He said he assured them they have a small downtown, with everyone working together.

Chair Valenta said he had the same situation, adding that he told the individual that Mr. Burbick would not have built Acorn Alley with the connection to Main Street, if that were the case.

MOTION TO APPROVE THE DECLARATION OF INTENT.

Motion made by Mr. Wilson, seconded by Mr. DeLeone.

Mr. Ferrara said it is a great idea, solidifying what everyone feels is goodwill and a good intent. He agreed with Mr. Ruller that it is the next step, and sends the message that it is not just talk. He said it says there is a solid commitment, adding he appreciated the work as it was a good plan.

Mr. Kuhar said he would support the motion, but did not support everything in the document. He said it is a way to make a moral commitment, getting the ball rolling. He said there is too much dead property sitting there.

Ms. Shaffer said they are closer than ever before to having a more complete downtown. She said this, if done well with the right intentions, will enhance the downtown, helping them with their goals of creating more jobs for Kent. She said it will make Kent a more vital, vibrant place to live, work, and do business.

The motion carried by a voice vote of 7-0-1, with Mr. Valenta abstaining.

Mr. Valenta said the final item on their agenda dealt with the KSU Esplanade/ Erie Street Expansion MOU. Mr. Ruller said that **Gregg Floyd** and Tom Euclide were present from Kent State, adding the expansion is near and dear to their hearts.

Mr. Bowling said about six months ago, he and Mr. Euclide were talking about moving forward the project. He said they had the framework plan with the stakeholders. He said they were working with developers also. Mr. Bowling said both the City and University recognized they would be together a long time, and wondered what they can do to move things forward.

Mr. Bowling said Mr. Euclide expressed a desire for Kent State to extend the esplanade, but would not dead-end it at a limited access fence. He said it was a very valid point. He said he suggested they land it on Erie Street, at a wonderful, great complete street, with no fence. He said they have talked to ODOT about the fence and the extension of the esplanade. He said they decide that Kent State would extend to SR 59, and Kent would redo Erie Street, making it a great bicycle, automobile, pedestrian friendly street, going to Water Street and the downtown.

Mr. Bowling said those ideas manifested itself into the agreement they are reviewing. He said they can collectively pursue other monies besides their own to make this happen. He said they can get involved and help Kent State get some federal monies for the esplanade extension. He said there is also discussion about future maintenance and responsibilities.

Mr. Bowling said they are looking for approval to enter into the agreement with the University, with an emergency clause.

Mr. Ruller said it is important to remember that the connection will end up in that neighborhood, but they have not nailed down the exact location of the path. He said they know generally where it will start and end, but there is a fair amount of property between those locations. He said this is creating the agreement between the two parties for the physical connection, in the general vicinity, leaving it up to the engineers and designers to figure out the best design. Mr. Bowling agreed, adding they know where they

want to connect and they want to get to Erie Street. He said what they need to do is find the most cost effective, best solution.

Ms. Wallach asked if they have spoken to ODOT and if they know how ODOT feels about the fence, and Mr. Bowling said they have had many discussions with ODOT, culminating with a meeting with the head of Roadway Engineering from Columbus coming to Kent with the person in charge limited access break requests. He said they gave a two-hour presentation, and talked about the entire plan and all the breaks they were looking for. He said Mr. Euclide was at the meeting as well. He said Mr. Grossman's statement was that the easiest one to approve was the esplanade extension. He said they are on board, preliminarily, but will not sign off until the City sends a plan. He noted they have received positive feedback.

There were no further questions nor audience comments.

Mr. Ruller invited Mr. Floyd to speak. Mr. Floyd thanked all members of Council, the Manager, and his team. He said they have been great partners. Mr. Floyd said he is a newcomer, and has been around for a little more than a year. He said he is seeing incredible progress. He said they are committed to making this work. He said he sees that every time they talk with the City. He said he appreciated their support. He said if they are not careful, they are going to screw around and get it done.

MOTION TO APPROVE THE MOU WITH KENT STATE FOR THE ESPLANADE EXTENSION, WITH THE EMERGENCY CLAUSE.

Motion made by Mr. Wilson, seconded by Mr. Ferrara.

Ms. Shaffer said she is looking forward to that neighborhood being integrated with the downtown and vice versa, along with the University. She said something needs to happen. Ms. Shaffer said it is like a gash across the community, adding to have it opened and healed is so exciting.

The motion carried by a voice vote of 7-0-1, with Mr. Valenta abstaining.

MOTION TO RECESS INTO EXECUTIVE SESSION FOR PENDING LITIGATION AND LAND ACQUISITION.

Motion made by Mr. DeLeone, seconded by Mr. Ferrara.

Roll call was taken on the motion. Voting aye: Mr. Valenta, Mr. DeLeone, Ms. Wallach, Ms. Shaffer, Mr. Kuhar, MR. Wilson, Mr. Amrhein, and Mr. Ferrara. The motion carried by a voice vote of 8-0.

Chair Valenta recessed this meeting at 8:05 p.m.

Following Executive Session, Chair Valenta reconvened this meeting at 8:59 p.m.

MOTION TO APPROVE THE DKC PURCHASE OF THE TWO PARCELS OWNED BY TRANSOHIO PROPERTIES IN THE ERIE STREET TO WATER STREET TO HAYMAKER TO DEPEYSTER BLOCK FOR \$337,000 AND TO USE THE LINE OF CREDIT.

Motion made by Mr. Ferrara, seconded by Ms. Shaffer, and carried by a voice vote of 6-2, with Mr. Kuhar and Ms. Wallah dissenting.

MOTION TO APPROVE THE SETTLEMENT IN THE CASE OF CROWE V. KENT.

Motion made by Mr. Ferrara, seconded by Mr. Wilson, and carried by a voice vote of 8-0.

Hearing no further business before this Committee, Chair Valenta adjourned this meeting at 9:01 p.m.

ACTION RECOMMENDED:

- 1) TO APPROVE THE MAIN STREET PROPOSAL FOR ADOPT-A-SPOT
- 2) TO AUTHORIZE THE DOWNTOWN REVITALIZATION PROJECT DECLARATION OF COLLECTIVE INTENT
- 3) TO AUTHORIZE THE KSU ESPLANADE-ERIE STREET EXTENSION MEMORANDUM OF UNDERSTANDING