

**THE CITY OF KENT, OHIO
COMMUNITY DEVELOPMENT COMMITTEE
WEDNESDAY, JULY 7, 2010**

This meeting of the Community Development Committee of the Kent City Council was called to order at 7:10 p.m. on Wed., July 7, 2010 by Robin Turner, Vice Chair, in the absence of Erik Valenta Chair.

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

ALSO PRESENT: J. FIALA, MAYOR & PRESIDENT OF COUNCIL; D. RULLER, CITY MANAGER; J. SILVER, LAW DIRECTOR; G. LOCKE, COM. DEV. DIRECTOR; B. SUSEL, GRANTS ADMINISTRATOR; AND L. COPLEY, CLERK OF COUNCIL

ABSENT: MR. KUHAR AND MR. VALENTA

Vice Chair Turner said the first issue dealt with a proposed Charter amendment regarding the recall process. He said this was introduced by the League of Women Voters. Mr. Turner asked if the Administration had anything prepared, and **Dave Ruller, City Manager**, said they had no presentation planned. He said members of the League were present. He said the Clerk and the Law Director could comment on the process, but they had no presentation planned.

Ms. Shaffer said she would like to hear what the League had to say before there were any motions.

Terrie Nielsen, President, LWV, 4474 Wayne Road, Mantua, OH: Ms. Nielsen said the proposal submitted to the City with regard to changing the Charter was done as the result of several community meetings. She said they went to the community to find out the concerns that created the recall. She said several issues were raised, and the general consensus was that the citizenry believed there needed to be a change.

Ms. Nielsen said she would not be going through the proposal, as she sent one to each of them personally. She said it is their responsibility to show their leadership. She said the issue is not about the League of Women Voters submitting the proposal, but what is right for the community.

Ms. Nielsen said that those asked to sign recall petitions and those being recalled did not know the reason for the recall. She said that many believed it had to do with the tax issue. She said it was completely inappropriate. Ms. Nielsen said the issue deals with due process, and deals with all of them who sit on Council. She said the citizenry should be clear as to why they were signing a recall petition, adding they were not clear. She said that many felt that once the tax issue went away, that recall petition would go away. She said they want to have the reason specifically stated on the petition, so everyone knows what is going on and everything is above board. She said the citizenry can be confident in the reason they are signing the petition. Ms. Nielsen said as leaders that is their responsibility to the citizenry of Kent.

Ms. Nielsen implored them, on behalf of the Kent League of Women Voters, to make the changes. She said they need to have the reason stated, and needed to have a much larger group of people required to sign the petitions. She said some petitions only needed to be signed by a handful. She said if they amend the Charter, it would ensure they would not be subject to a recall because one person was disgruntled. She said they would need five people to start the process instead of just one person. She said they would need a reason and more signatures.

Ms. Nielsen said those are the reasons for this petition, adding it is a leadership issue. She said they are looking to Council to show their leadership, take up the matter, and put it on the ballot for the citizens to decide.

Carol Crimi, 672 Longmere Dr.: Ms. Crimi said she is not a member of the League, but is speaking as a private citizen who did work on the anti-recall campaign. Ms. Crimi said she tried to talk to as many

people as possible from a broad spectrum. She said there was a sense that it was the rule of the mob, a small minority of disgruntled people who lost and wanted another whack. She said there was a sense of concern that sometimes rose to a level of resentment, that this process was forced down their throats and that the City had to expend significant funds.

Ms. Crimi said Akron faced the same issue in the last year, and their Council put a proposal on the ballot, which passed by a vast majority of the people. She said that most see their proposal as a good, responsible policy. She said that no one is against the recall concept, but there needs to be a more responsible process. She said they are asking Council to give the citizens of Kent the opportunity to review the proposal by the League of Women Voters, to determine if they want to adopt this process.

Ms. Crimi said she has heard that some of the Council sees this as self-serving, adding she did not think that is an argument. She said it is farfetched to think they would elect to put this on a ballot merely to preserve their own position. She said that means the people would have to agree to pass the amendment, and secondly, that there would be someone who wanted to recall them, having enough signatures, but unable to obtain signatures under the proposed process. She said that is somewhat far fetched. Ms. Crimi asked they take this issue into consideration.

There was no further audience comment.

MOTION TO ADOPT THE CHARTER AMENDMENT PROPOSAL, PLACING IT ON THE NOVEMBER BALLOT.

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

Ms. Shaffer said the League and the other citizens gave an eloquent argument as to why they should do this. She said that about one year earlier, Akron put it on the ballot for the citizens to decide. Ms. Shaffer said they did not have issues, like some of the concerns she has heard from members of Council about other people wanting other things on the ballot. She called it the slippery slope argument, adding they are elected so that they are able to discern what should go on the ballot.

Ms. Shaffer agreed that the threshold of signatures is too low. She said she was targeted for a recall, and once the issue went away, the recall process still moved forward. She said she did not have a defense, as she did not know what she was being charged with. She said she relied on the citizens who worked hard, along with her resources and time, adding it was very stressful. Ms. Shaffer said she did not want others to go through this.

Ms. Shaffer said as long as the threshold is too low, there is no reason and they do not have transparency in other ways, this has a potential to have a chilling effect over Council and their decisions. She said some decisions might be controversial. Ms. Shaffer said if they decide to not do this at this time, and there is no petition drive with the needed signatures accumulated by August 4, it will go before the next Charter Review. She said that Council would have to decide at that time. Ms. Shaffer said the issue is whether they should decide now or wait six years down the line with this hanging over them and future Council members.

Mr. Amrhein said he did not have much more to offer. He said as the ones chosen to be the leaders, they are responsible. He said that either way, it goes to the voters. Mr. Amrhein said he would not want to see any other Council members go through this stress, time and money that some of them went through because of a handful of people.

Ms. Wallach said she agreed that the amendment should go on the ballot and completely agreed with the changes. She said they were given a few choices with respect to the percentages, and were told they could have 5%, 10%, or 15%. She asked the intent of the motion, and Ms. Shaffer said she believed the League said 20%. She noted that Akron voted on 20%, clarifying that was 20% of the registered voters. She said they are open to a lower number, as they have a town with a lot of young people whom many not vote. She noted that many are not registered to vote in Kent. Ms. Shaffer said her motion was 20% of the electors.

Mr. Wilson said he read, very carefully, what the League says, adding that he agrees with them. He said that he has made a commitment during his tenure that if something passes through the Charter Review Commission, he would agree to put it on the ballot. He said if something did not pass the Commission, he believed it needed signatures to put it on the ballot. He said that anyone who wanted something on the ballot has heard him express his belief on the signatures. Mr. Wilson said he would pass the petitions, adding he likes what they put together. He said it should be done by signature, and Council putting it on the ballot in this way is not the proper way to do it.

Mr. Ferrara said the counter argument is that the issue is significant enough for their decision. He said they saw what happened with the recall, in terms of the time and effort, as well as money spent fighting it. He said he saw the final vote tally. Mr. Ferrara said it was a futile endeavor, except for those who fought it with their time, money and resources. Mr. Ferrara said the process is flawed, adding that just a few people can create such a problem. He said by putting it on the ballot now, they are bringing it to the attention of the greater population, as opposed to the other process. Mr. Ferrara said that voter apathy is so bad, adding they will still have the recall hanging over them while this is going on. Mr. Ferrara said the process Mr. Wilson speaks of is not bad in most cases, but is flawed in this case because of such a few number of votes. Mr. Ferrara supported putting it on the ballot now, adding that the Charter Review Commission can change the percentage at a later date.

Ms. Shaffer said she wanted to speak to Mr. Wilson's comments. She said she was not on Council when the last Charter Review Commission made their recommendation. She said that Council did not put all of their suggestions on the ballots. She said she also heard this was raised at the last Charter Review Commission, and no weight was given to it. Ms. Shaffer said many could not conceive of this happening, adding it did happen. She said it cost the taxpayers money, and that burned a lot of people. She said there is a lot they could have done with the \$15,000. She said it cost a lot in terms of time lost. She said it is time to put it before the voters, letting them decide and be done with it.

Mr. Turner asked, as a point of clarification, if the percentage would be 20% for the number of signatures needed, and Ms. Shaffer said that was correct. Mr. Turner asked the Clerk if that was an appropriate amendment, and the Clerk noted that Ms. Shaffer was the maker of the motion, and was clarifying her motion.

The motion failed by a hand count of 4-2-1, with Mr. Wilson and Ms. Wallach dissenting. Mr. Turner abstained.

Mr. Turner questioned whether he could vote, and Mr. Wilson told him that was his decision. Mr. Turner voted against the motion, resulting in a vote of 4-3. The Clerk said it is not authorized as they need a majority of five votes to move it forward to Council.

Mr. Wilson said it would still be in the report for the next meeting, and the two absent members could change that vote. The Clerk said she reports the action recommended, adding there was no action recommended at this meeting.

Mr. Turner asked if it would come up for action at the next meeting, if Council requested, and Mayor Fiala pointed out the Clerk will be reporting what they did. The Clerk said nothing was authorized, and that is the report.

The Clerk asked for clarification at this time about whether they are expecting to see a draft ordinance on the agenda, despite the fact it failed, because with no recommended action, there is no draft ordinance. Mayor Fiala said that was his impression and Mr. Wilson asked the Law Director for clarification. Mr. Ferrara said Council can ask for further action at another point in time, adding it cannot be 20%. He suggested it could be 21%. He asked if that could be done, and the Clerk said it could be done under new business, resulting in a special Council meeting before August 4.

The Clerk told them that all Charter amendments require a 2/3 vote (6 votes) to move it to a ballot. She

said they can authorize it out of Committee with five votes, but to move it to a ballot requires six votes. The Clerk said they have had situations previously that were authorized, but failed to pass because of the number of votes in favor of the draft ordinance.

Mr. Wilson asked if they could go with the same language of 20%, since the motion did not pass or fail, and the Clerk said they needed five votes for passage. She said that because they had a vote of 4-3, the motion failed.

Mr. Turner said the next item on their agenda dealt with a midyear update from Main Street Kent. Mr. Ruller said they try to bring in Main Street at various times throughout the year. He said they thought it would tie in well with the downtown redevelopment project to have this presentation, adding they want to be sure that anything new complements the existing businesses. Mr. Ruller said that **Mary Gilbert, Director**, was present as well as some representatives from the organization. He said that their shining star, Ron Burbick of the Burbick Foundation, has talked about his support of Main Street and new phases of his project. He said they felt those were timely topics.

Ms. Gilbert said she wanted to update them on the activities of Main Street Kent. She said there are four areas of focus to their structure, adding their structure keeps them going and is required by the national Main Street Organization. She said because they follow those guidelines is why they are nationally accredited.

Ms. Gilbert said they came up with a new logo, designed by a Kent State graduate student, and a new tag line, "Everyone's downtown". She said they were asked by the person who designed the logo to describe what downtown Kent was about, and they used words like eclectic and different, because there was something for everyone. She said that is how they came up to the tag line. She said the other aspect that came out was that people better get down there as there is a lot happening.

Ms. Gilbert said the organization committee has focused on public relations. She said they snagged a KSU intern who has worked with them through the Tannery and will be there through the end of August. She said the nice thing about young interns is their focus on social networking. She said they need to do this to reach the young people in the community. Ms. Gilbert said Main Street Kent has almost 1000 fans on Facebook, as well as a Twitter feed. She said links will be on their website.

Ms. Gilbert said they also invested in a leader board on www.recordpub.com. She said it will be at the top, and will change monthly, displaying different events or information about downtown Kent.

Ms. Gilbert said they have a new brochure, and are handing them out at all events, in the downtown, at businesses and in offices. She said there is a nice map with all of the businesses. Ms. Gilbert said this was sent to the new freshmen in April, and the downtown brochure was in the packet. She said they plan to do that every year.

Ms. Gilbert said they focused on existing business owners. She said they were trying to focus on their market business. Ms. Gilbert said they brought in a national consultant who evaluated everything they do. She said what the businesses received would cost \$10,000. She said she could not tell them who the businesses were, but they were happy with the process and received great advice. Ms. Gilbert said many have taken that advice, and changed things.

Ms. Gilbert said they recently had a Secret Shopper program, adding it was an exchange with another Main Street Program. She said that people from that program gave their first impressions on the looks, the stores, and the customer service. She said they were from Main Street Greenville, four hours from Kent. She said they had many great things to say, as well as constructive criticism, mainly in the customer service area. Ms. Gilbert said they only shared the results with the business owners, adding it was confidential. She said they will be working with them on training.

Ms. Gilbert said they are trying to form a retail subcommittee, adding they want them to cross promote and coordinate their hours of business. She said they are hoping they will be willing to work with the new

retailers. Ms. Gilbert said they want to form one big merchant association, and are also working with people in existing buildings to get their space ready, in case they lose a business and need help recruiting new businesses.

Ms. Gilbert said they are working on an entertainment district, and would need Council's approval. She said there are no liquor permits available in the downtown, which is an issue with new restaurants. She said in order for a restaurant to succeed, they need a license, and the City is at its quota. She said they could possibly transfer licenses from other counties or create an entertainment district, which would allow five more licenses in the downtown.

Ms. Gilbert said they are also coordinating the existing businesses with the new projects, as they want to be sure it looks the same and keeps the downtown character. Ms. Gilbert said they are striving for seamless connections, adding they would like to work on joint marketing and promotion. She said they will reach out to new businesses once they know who they are. Ms. Gilbert said the Design Committee is looking to have similar trash cans and light poles.

Ms. Gilbert said they will be unveiling their new website, which was created by Kent State students at the Tannery. She said it is an updated design, more user friendly, with social networking links. She said they will have e-commerce capabilities. Ms. Gilbert said each business will have their own page, and the ability to sell six items, even if they do not have their own website. She said it is expected to go live at the end of August. Mr. Burbick said he was pushing for August 11. Ms. Gilbert showed a sneak peek at this time, adding the current website is geared more toward Main Street people, while this will be more user friendly to visitors. She said they can find out what is happening in the downtown. Mr. Ferrara asked if they will be linked from other sites, and Ms. Gilbert said that was correct.

Ms. Gilbert said the Design Committee took over the Adopt A Spot program, and requested the volunteers stick with blue and gold flowers in honor of Kent State's Centennial. She said it looks beautiful. Ms. Gilbert said they hired Keith Barton, retired City gardener, who has been watering twice a day, and they have more hanging baskets. She said they focused on clean designs and proper watering. Ms. Gilbert said they utilized organic fertilizer this year. She said that even though it was organic, the flowers are still growing nicely.

Ms. Gilbert said with respect to graffiti removal, there is a lot happening behind the scenes. She said that Main Street pays for materials to remove it all year, with the use of volunteers. She said Allan Orashan volunteers, and tries to get to it as soon as it happens. She said another individual helping is Sue Nelson, who has helped defray the cost of the materials, giving them discounts on materials used by Mr. Orashan.

Ms. Gilbert said the design guidelines were completed last year, and they are working with the Community Development Department to incorporate them into the Zoning Code.

Ms. Gilbert said the Promotion Committee is the most popular committee, adding they enjoy great ideas about different events. She said this year they wanted to focus on events that helped the businesses' bottom line. She said some events, previously were when businesses were closed, or late at night. She said it did not create business for the local, small businesses. Ms. Gilbert said they are also looking at creating a fun enjoyable third space. She said everyone has work space, home space, and third space, where they hang out and talk to their neighbors. She said they are advertising all events, not just Main Street events, adding they are trying to send them on the email blast, Facebook, and in written materials. She said they want to be sure the events break even, and have had a few fund-raising events.

Ms. Gilbert said she was unsure they were aware of the Wine and Arts festival, adding it had to be rescheduled due to inclement weather. She said they closed down when the tornado siren went off. She said they rescheduled for July 24, and none of the wineries or artists has to pay again. Ms. Gilbert said they will have live music, adding it will be the same time as the Kent Blues Fest. She said they are anticipating a great weekend in Kent.

Ms. Gilbert said their welcome event for new students will be August 28, and they are trying to make that more exciting. She said trolleys will be bringing the students from Kent State, and will be provided by Kent

State. She said the students wanted them to have it on the weekend, as they did not want to be with their parents. She said they will be doing it on Saturday afternoon, with live music. She said that WKSU will have their van with music. She said they are asking food businesses to give out samples, with free giveaways and prizes. She said the students will know the downtown when they first arrive.

Ms. Gilbert said they will have the Sherlock Homes Scavenger Hunt on Sept. 25, with teams going through the downtown. She said each clue will have a letter corresponding to local businesses. She said it costs a team of four \$50, adding the best top four times will receive prizes, including a grand prize of a week's stay in a Florida condominium. She said they hope to get a lot of students involved, adding the businesses are excited. She said if they would like to participate, to let her know. Ms. Gilbert said it will be a good day downtown.

Ms. Gilbert said they will have their family-friendly Halloween on Oct. 30. She said Kent is famous for their Halloween night, but in the afternoon they have some family activities, including trick or treat, games, costume contests, and a pumpkin carving contest.

Ms. Gilbert said they also assist other organizations. She said they helped with the Heritage Festival, and provided live music and food for the Black Squirrel Triathlon. Ms. Gilbert said they have a booth at all events, and assisted with the homecoming parade.

Ms. Gilbert said people want to know the bottom line. She said their net new businesses were seventeen, with twenty-four net new full time jobs and ninety-one net new part time jobs. She said for every dollar spent by Main Street, \$27 returns in private investment. Ms. Gilbert noted this is just the beginning.

Ms. Gilbert thanked her board members at this time, with a special thank you to the volunteers. She said this is completely volunteer driven, and everyone has helped in many ways. Ms. Gilbert said the organization would not work without them.

Ms. Gilbert said they presented the Volunteer of the Year award to Marilyn Sessions. She said Ms. Sessions comes running whenever they yell help. She said they owe thanks to Kent City Council for having the courage and belief, adding they really appreciate it. Ms. Gilbert gave special thanks to Ron Burbick for being the catalyst for revitalizing downtown Kent. She said he received the Spirit of Main Street Award from Heritage Ohio, and Mr. Burbick received a round of applause at this time.

Mr. Burbick said he has come to believe in the Main Street concept. He said as long as the opportunities are there, they need to pursue them. He said that several people want space sooner than later, and at this time, he said he would be giving them a brief look at Acorn Alley II.

Mr. Burbick said he recently acquired the Kline and Kavali property. He said they have to be careful how they do this, because they could be without parking until the Multi modal is built. He displayed a drawing of the current Acorn Alley. He said they plan to extend it from Alley #4 to Erie Street. He said that Acorn Alley is sixteen feet wide, and the new area will be twenty-five feet wide so they can accommodate more tables. He said they have a unique situation, in that there is about a nine-foot drop in elevation from Alley #4 to Erie Street. He said they are able to build a building on Erie Street that is three stories high, but only two stories will appear from the alley side. Mr. Burbick said the lowest level will only be accessible from Erie Street. He said everything from the alley will enter on the second floor.

Mr. Burbick showed which area will be kept for parking until the multi modal facility is done. He said the middle section will not be done before the completion of the multi modal facility. He said they plan to have a coffee shop, with a bakery, that has a drive through window. He said that local people are putting in these businesses. He said another will be a large restaurant with outdoor seating. He said the seating will be covered by the second floor of the building.

Mr. Burbick said there will be two shops on the second floor from the alley side and one restaurant from Erie Street. He said the third floor will be residential. Mr. Burbick said the middle section will have some retail and residential. He said the second floor above the restaurant will have another restaurant, offices,

or residential areas. Mr. Burbick said he has about 30,000 to 35,000 feet of building, with 60-65% already committed, including all of Erie Street on the ground floor. He said approximately 80-85% of the second and third floors are committed. Mr. Burbick said the financing is in place, and the idea is that they will open the first part in time for next year's Heritage Festival.

Mr. Burbick said with no exception, everyone coming in as a tenant is local, meaning they are within twenty miles. Ms. Shaffer said she admired that he looked local. She said she did not know who would do the construction, and Mr. Burbick said Mr. Hummel did the first one. He said he may or may not be doing this phase. He said they only bid to contractors and subcontractors in the area. He said by the area he means Kent and Portage County. He said if someone comes in at half the price, and two miles over the border, he may consider them.

Mr. Burbick was thanked by the Mayor and various members of the committee at this time.

Mr. Ruller said that they will be working for the seamless continuity as mentioned by Ms. Gilbert. He said they were looking to have Erie Street blocked for the mobilization of the projects. He said the City Engineer has a complex plan for staging areas, and Mr. Burbick threw them a curve ball. He noted it was a good curve ball. He said they are committed to him, and will not leave the restaurants high and dry. He said they want to make sure they maintain access on the front side. Mr. Ruller said Mr. Burbick is not asking for a lot, in terms of infrastructure or dollars, adding it is incumbent on them to be sure people can get to the property as easily and safely as possible. He said that parking is an issue, and with the construction, will be a challenge. He said he encouraged Mr. Burbick not to wait, and committed to accommodating him. He said it may add a little more, but will be worth every minute. He said they are looking forward to the next phase.

There was no audience comment at this time.

Mr. DeLeone asked what he would be doing with the Kline and Kavali trailer, and Mr. Burbick said they are in discussions with the Parks and Recreation department. He said they would like to use it, but do not have a use for it right now. He said his foundation donated money to help them move it, as did other entities. Mr. Burbick said the question is whether it can be moved, and engineers are looking at it now. He said they would like to use it at some point in time, but is unsure where and when. He said it costs about \$7,000 to \$10,000 to move it.

Hearing no further comments or questions, Vice Chair Turner thanked Mr. Burbick and Ms. Gilbert at this time.

Mr. Turner said the last issue on their agenda dealt with a request to terminate the Star of the West Enterprise Zone Agreement. Mr. Ruller explained that **Gary Locke, Director of Community Development**, was present. He said it is not a complicated issue, adding that with the changes in tax laws in Ohio, related to personal property, previous benefits from the enterprise zone legislation are no longer relevant. He said it is no longer a benefit to the business. Mr. Ruller said that since they no longer receive the benefit, the question is why they need to continue to file the paperwork. He said it does not seem to make sense, and he supports the recommendation.

Mr. Locke said he had nothing to add. He said companies have to pay a fee annually if they do not terminate the agreement. He said the only other one is Land O Lakes, adding they contacted them previously. He said they may come forward with their request at another time in the future. He said he is unsure why they would continue it, as no one is getting any benefit from it.

There were neither questions nor comments at this time.

MOTION TO AUTHORIZE THE TERMINATION OF THE STAR OF THE WEST ENTERPRISE ZONE AGREEMENT.

Motion made by Mr. Ferrara, seconded by Mr. Wilson, and carried by a voice vote of 6-0-1, with Mr. Turner abstaining.

Hearing no further business before this Committee, Vice Chair Turner adjourned this meeting at 8:11 p.m.

Linda M. Copley, Clerk of Council

ACTION RECOMMENDED:

- 1) DISCUSSION ON REQUEST BY LEAGUE OF WOMEN VOTERS; NO ACTION AUTHORIZED
- 2) UPDATE RECEIVED FROM MAIN STREET AND MR. BURBICK; NO ACTION AUTHORIZED
- 3) TO AUTHORIZE THE TERMINATION OF THE STAR OF THE WEST ENTERPRISE ZONE AGREEMENT