

**THE CITY OF KENT, OHIO  
HEALTH & SAFETY COMMITTEE  
WED., JAN. 9, 2008**

This meeting of the Health and Safety Committee of Kent City Council was called to order by John Kuhar, Chair, on Wednesday, January 9, 2008 at 9:20 p.m.

**PRESENT:** MR. AMHREIN, MR. DELEONE, MR. FERRARA, MR. HAWKSLEY, MR. KUHAR, MS. SHAFFER, MS. WALLACH, AND MR. WILSON

**ALSO PRESENT:** J. FENDER, MAYOR; D. RULLER, CITY MANAGER; J. SILVER, LAW DIRECTOR; WILLIAM LILLICH, SAFETY DIRECTOR; G. LOCKE, DIR. OF COMM. DEV.; LINDA COPLEY, CLERK OF COUNCIL

Mr. Kuhar said the only item on their agenda was the West River parking lot they lease from Kent City Schools. **Dave Ruller, City Manager**, explained they discussed it previously, and the Committee asked for more research. He said they have received a very thorough history and a staff recommendation. He asked **Gary Locke, Community Development Director**, to address the issue at this time.

Mr. Locke said they presented three options, with the first option being to do nothing, letting the lease expire. He said the next two options would reduce the number of spaces. Mr. Locke said they have spoken with people at the schools. He said Option "A" reduced the number of spaces, without asking for a specific commitment, with a new lease. He said that Option "B", which is their recommendation, is to determine the number of spaces to be leased, based on a commitment from the users. He said if it is primarily used by the West River Place people, they would tell the City how much they owe. He said if they get new tenants, and need more spaces, they can go back to the schools. He said it leaves the burden on the City for plowing, but puts some of the responsibility on the users who are making a commitment. Mr. Locke said they are not walking away from their commitment, adding this is the best short term solution until they have a more permanent solution.

Mr. Hawksley asked how long the lease ran, and Mr. Locke said all of the parking leases were five year leases with this one having expired in December 2007. He said they have no lease at this time.

Mr. Hawksley asked why the City is the middle man, and the owners cannot directly negotiate with the schools, and Mr. Locke said they are trying to continue the concept that the City would help support redevelopment. He said one option is to walk away, as it is an additional burden and cost. He said one building is not entirely occupied, and Mrs. Carlson and Mr. Fuller have reminded him they have difficulty leasing their space as the result of parking. He said it is up to Council whether they want to continue to support this or go in another direction.

Ms. Wallach asked if they would renegotiate it, if they leased again, and Mr. Locke said they would negotiate a new lease. Ms. Wallach asked about the 5% increase, adding they are paying more than the annual cost of living or inflation increases. She asked why they chose 5%, and Mr. Locke said he was not involved in the initial negotiations. He said he did not know why that percentage was picked.

Mr. Kuhar began to ask a question about Option "B", and **Mr. Ferrara called for a point of order, asking Mr. Kuhar to step down if he wished to speak**. Mr. Kuhar stepped down at this time, and Mr. Amhrein took over chairing the meeting.

Mr. Kuhar asked if there will be a clause in the lease so they do not have to redo it every time they need more space, and Mr. Locke said it would have the ability to modify the number of spaces upon written notice to the school board. He said it would be adjusted without rewriting the lease.

Mr. Kuhar said he was at a parking meeting a few weeks earlier, and Mr. Fuller made the statement that his people did not want to park in this lot because it is hidden. He said he had the impression it was "Dark and scary." Mr. Kuhar asked how they address that when the need for parking is in the day time.

Mr. Locke said the primary reason it is not utilized is that they are able to use their own parking. He said the additional parking is when they lease the rest of the space. He said they could put up lights, but that

would increase their capital costs. Mr. Locke said he would not be comfortable recommending lights, without a long term commitment. He said this is not the best solution, but if there is a need for parking, this is probably the best short term solution.

Ms. Shaffer said she is aware that other businesses use this lot, adding she will recuse herself from any voting. She said she owns a yoga center, and her business uses the lot. She said there are ten to fifteen class members, and most drive, parking in that lot. She said there is not enough on street parking. Ms. Shaffer said the church uses the lot on the weekends and in the evenings also. Ms. Shaffer said the lot is used more than what they think, adding it is not in good shape, but is an essential lot. Ms. Shaffer said they need to continue using it. She said the church is a temporary location for her business, but the lot is essential to her business. She said she attended the parking committee meeting, and there was an idea of allowing two-hour parking. She said rather than give up the existing parking, they need to hold on to this until another lot is built down the road.

Ms. Wallach said she would like to use Option "A", and find out how many spaces are needed, cutting it down from thirty-four to what is needed. Mr. Locke asked if that was without them paying for the spaces, and Ms. Wallach said that is correct. Mr. Locke said the users would still pay for the permits.

Ms. Wallach asked if parking on the street is workable, and could long term passes be issued, and Mr. DeLeone said that is already in place. Mr. Locke said they are not all being used, adding they have only sold one or two of those permits.

Mr. Locke said there is no point leasing thirty-four spaces if they are not using them, and Ms. Wallach suggested leasing less and having flexibility, which would cut down their costs. Mr. Locke said they reduced some of their costs, as the plowing is minimal. Ms. Wallach suggested a 4% increase instead of 5%. Mr. Locke said that amount would be minimal since the lease amount monthly would be \$150 to \$200.

Ms. Shaffer asked if it was possible to lease one side, leaving the other side open. Mr. Locke said he was unsure it would be practical to plow one side versus another. He said Council would have to modify that policy.

Mr. Ruller said they originally brought this forward with the recommendation to renew it "as is." He said when it was returned, they felt the recommendation was not acceptable, as Council did not seem supportive.

Mr. Kuhar said they should require hang tags for people to use the parking lot, and Mr. Locke said that is what they are now doing. Mr. Kuhar asked about those who park and do not pay, and Mr. Locke said it is at the good graces of the schools. He said they have no formal arrangement with anyone. Mr. Locke said the schools could change their mind at any time and not let them park there, and the City is trying to guarantee parking. He said they need something, like a release, so it is not pulled out from under the City.

Mr. Kuhar said they are trying to solve parking problems, and asked if there are eight parking tags sold if there will be eight parking spaces available. Mr. Locke said it depends on the two-hour parking idea. He said if they have two-hour parking, there is more of a chance of people parking there.

Mr. Hawksley asked if anyone evaluated the idea of parking meters on the bridge to allow as much parking as necessary. Mr. Locke said they have not discussed them, as it was decided to be a direction they did not want to go.

Mr. Lillich said to make a long term commitment to the bridge parking is adverse to the interests of the businesses. Mr. Hawksley said they could buy what they want. Mr. Lillich said the core parking area downtown is dedicated to the quick turnover. He said that people rely on that turnover so people can get in and out. He said if they make that change, they must analyze it again. He said that dedicated parking is another change to the idea.

Mr. Wilson said a lot of businesses pay the full amount, including the maintenance. He agreed they needed to help the area in the beginning, but said they need to bear some of the costs. He said it is a

cost of doing business, and they are going to have a reasonable fixed cost. Mr. Wilson said it is an unfair advantage over any other business in Kent that must supply their own parking.

Mr. Kuhar said he was not insinuating that they were guaranteeing a specific parking space. He said the tags could be used anywhere in town.

Mr. Amhrein called for audience comment.

**Barbara Carlson, 171 Grainger Rd., Medina:** Ms. Carlson said her building is the West River Place, adding she distributed a letter to them. She said she wanted to address the comment about an unfair advantage over other businesses. She said there is a number of parking lots in Kent, owned by the city, with parking tag purchasers parking in them. She said they are employees of the businesses in the downtown area, and no one has asked them to guarantee or purchase a certain number of hang tags. She said she employees no one, and all of the businesses are separate businesses. She said they do not purchase parking tickets for their employees. She said that part of her parking lot is because of the agreement. She said the building is 50% vacant and not developed. She said the latest tenant is Coleman Foundation.

Ms. Carlson said that four to six employees already purchased parking stickers, adding there are not enough spaces. She said that most park at the First Christian Church, as it is closest, paved, and a short walk. She said she does not know how many parking in the school's parking lot, as one employer told her it was a lousy site. He said their secretary purchased a sticker and was parking off site. She said when the employer saw the lot, he gave her his spot, and bought the parking sticker, as he did not want her walking to and from the lot. She said that the day time parking includes going to work in the dark and coming home in the dark. She said the lot was to be a temporary solution to the parking issues, and the problem is not just that of West River Place. She said there are times during the year when the church has events and closes the lot. She questioned if they lease only ten spaces in the school lot, where the others would go.

Ms. Carlson said the Planning Commission asked that they have 79 parking spaces available for the development of the building. She said that no one thought they would have it only 50% filled in five years. Ms. Carlson said that is when the City got involved, adding she did not think people would use the Masonic Temple, as it is too far, sidewalks are icy and it requires going up and down the hill.

Ms. Carlson said their commitment to move forward was based on the City's commitment to provide parking. She said they have put \$1.2 million in the building, and it is only 50% done. She said this was with no funds from the City. She said they borrowed \$90,000 from the revolving loan fund, and are getting tax abatement on half of the development. She said they are paying taxes on \$600,000 of the new development. Ms. Carlson said they did not get all of their abatement due to a misunderstanding as to when they should apply. She said if things were right, they would have abatement on the entire building.

Ms. Carlson said that five businesses have told her they would not be in Kent if her building did not go forward. She said they have kept some major businesses in Kent, and brought some new ones. She said a conservative estimate of the tax revenue is about \$22,000 annually. She said she does not have the actual figures, but is sure it is a conservative estimate.

Ms. Carlson said the City made a commitment to them. She said they have lost five or six good tenants because they lack adequate parking. She said her building would be full if she had not lost them.

Ms. Carlson said she has tried to develop it in a green way, adding it was a boarded up building. She said all she wanted was parking, and the City still has not delivered. Ms. Carlson said they are talking about a gravel parking as a way to promote businesses. She said that a parking lot was discussed on the northern end of Gouger, which is property owned by the City, and it has not been built. She said if they had that parking lot, she could show it to perspective tenants. Ms. Carlson said people are not knocking on the door trying to come to Kent, and they are being picky by trying to cut it back. She suggested they bite the bullet, adding that if the church lot is closed, there would be no where to park. She said they need to make some of the bridge parking long term, adding that it is under utilized during the day. Ms.

Carlson said half of them could be long term parking, adding they are already maintaining them.

**MOTION TO RENEW THE FIVE-YEAR LEASE, AS ORIGINALLY RECOMMENDED BY THE ADMINISTRATION, WITH THE UNDERSTANDING THAT WHEN WEST RIVER PLACE REACHES FULL OCCUPANCY, THEY WILL RETURN TO THEM FOR DISCUSSIONS ON PAYMENT OF THE PROPERTY.**

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

Mr. Ferrara said the building looks excellent, and is in the cornerstone of the neighborhood. He thanked Ms. Carlson, the library and the medical offices. He said they need to continue to promote this area. He said it is not an optimal place for business. Mr. Ferrara said he works in downtown Akron, and pays \$350 monthly for four employees to park. He said the walk from the Masonic Temple is shorter than the proposed Gouger lot, but people do not want to walk to work. He said the City needs to continue their support, adding it is a small amount of money.

Ms. Shaffer asked what it would take to bring the lot up to snuff, and Mr. Amhrein asked her to speak to the motion.

Mr. Hawksley agreed with Mr. Ferrara. He said they need to continue the agreement out of good faith, but do need a more sophisticated parking management in Kent.

Mr. Wilson said he is voting against it. He said that unless he misunderstood Ms. Carlson, they are not using the lot now. He said he heard complaints that it is a gravel lot, hard to get to and dark. He suggested they concentrate elsewhere where it would benefit them.

Mr. Kuhar said he is confused if the motions addresses Option "A", "B", or "C", adding he will not vote for the motion either. He asked why they should lease it if no one uses it. He said he would prefer Option "B".

Ms. Wallach said she heard they do use it when the church lot is off limits. She said a few employees use it on a regular basis. Ms. Wallach said she supports the motion.

Mr. Ferrara said it is not about utilization, but about providing resources for economic development. She said if they take that ability away, they are putting them in a choke hold. He urged those voting against the motion to reconsider the rote.

The motion carried by a voice vote of 5-2-1, with Mr. Wilson and Mr. Kuhar dissenting. Ms. Shaffer abstained.

Mr. Silver said that to the Chair running the meeting, they cannot make comments, and need to step down if they so chose. He said in a conflict situation, a member must recuse themselves at the beginning. He said the Ethics Commission calls for them to sit in the audience. He said this would be for economic views or if it affected someone close enough to influence your vote. He said if they are actively working with a family member, and it benefits them, a member should step aside.

Hearing no further business before this Committee, Vice Chair Amhrein adjourned this meeting at 9:59 p.m.

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Linda M. Copley, Clerk of Council

**ACTION RECOMMENDED:**

- 1) **TO RENEW THE FIVE-YEAR LEASE, AS ORIGINALLY RECOMMENDED BY THE ADMINISTRATION, WITH KENT SCHOOLS, WITH THE UNDERSTANDING THAT WHEN WEST RIVER PLACE REACHES FULL OCCUPANCY, THEY WILL RETURN TO THEM FOR DISCUSSIONS ON PAYMENT OF THE PROPERTY.**