

ORDINANCE NO. 2016-18

AN ORDINANCE AMENDING SECTIONS 135.03, 107.02(f), (i), 107.05(b), (c), (d), 147.02, 165.07 AND 165.08 AND DELETING CHAPTER 148 AND SECTION 121.01 OF THE KENT CODIFIED ORDINANCES TO MODIFY THE CODE SECTIONS TO REFLECT ACTUAL PRACTICE, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent wishes to clean up and amend some code sections of the Kent Codified Ordinances by amending Sections 135.03, 107.02(f), (i), 107.05(b), (c), (d), 147.02, 165.07 and 165.08 and deleting Chapter 148 and Section 121.01; and

WHEREAS:

a) Section 135.03 should reflect that the Law Director may hire a secretary. The position has been full time for over 25 years, not part time;

b) Section 107.02(f) needs to be amended to reflect how and where notices of City Council meetings are to be posted. The building where the code requires notices to be posted, no longer exists, and electronic notification has been implemented since the ordinance was last updated;

c) Sections 107.02(i), 107.05(b), (c) and (d) all currently reflect notification of events by telegraph, fax, etc. These sections need to be modified to reflect electronic notice applications as well as mail service;

d) Section 147.02 does not reflect the fact that the Community Development department assists eleven (11) committees, not the two (2) referred to in the current language of the ordinance;

e) Section 165.07(e) currently requires two (2) members of the Parks and Recreation Board to walk each park in the City and issue a report on the condition of each park. It will be satisfactory to have one (1) report per year instead of the currently required four (4);

f) Section 165.08 requires the Parks and Recreation Board to have liaisons with several agencies that no longer exist and some that are not necessary. It needs to be amended to require liaisons just with City Council and the Kent Board of Education;

g) Chapter 148 requires the City Manager to set up rules and regulations to enforce the Ohio Privacy Act. That act has been replaced by the Ohio Public Records laws. There is no longer a need for Chapter 148 as written, so it should be deleted from the code;

h) Section 121.01 of the code establishes a Citizens Advisory Committee on Energy. With the establishment of the Sustainability Commission there is no longer a need to have the Citizens Advisory Committee on Energy. Therefore, Section 121.02 should be deleted from the code.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-quarters (3/4) of all members elected thereto concurring:

SECTION 1. The Council does hereby accept the code amendments and cleanup by amending Sections 135.03, 107.02(f), (i), 107.05(b), (c), (d), 147.02, 165.07 and 165.08 and deleting Chapter 148 and Section 121.01 as shown on Exhibit "A" attached hereto.

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: 3/16/2016
DATE

MAYOR AND PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

I hereby certify that Ordinance No. 2016-18 was duly enacted this 16th day of

March, 2016, by the Council of the City of Kent, Ohio

CLERK OF COUNCIL

EXHIBIT "A"

Chapter 148, including sections 148.01, 148.02 and 148.03: DELETE

Amend 135.03 to read as follows:

135.03 AUTHORITY TO HIRE SECRETARY.

The Law Director is hereby authorized to hire and employ a Secretary to the Law Director.

Amend Section 107.02(f) and (i) to read as follows:

- (f) "Post" means to post in an area accessible to the public during the usual business hours at the office of the Clerk and at the following locations: bulletin boards located in the first floor lobby of 930 Overholt Street or such other City owned building with public access as City Council may designate. The notice will also be placed upon the City's website. In addition, the notice shall be sent electronically to anyone requesting it, including but not limited to, newspapers and the Kent Free Library. A notice identifying the locations at which notice will be posted in compliance with this section will be published by the Clerk within ten calendar days after the effective date of this section (Ordinance 1976-33, passed March 3, 1976).

- (i) "Written notification" means notification in writing mailed, faxed, emailed or sent by any other appropriate electronic format or delivered to the address of the person for whom such notification is intended, as shown on the records kept by the Clerk, as required herein, or in any way delivered to such person. If mailed, such notification shall be mailed by first class mail, deposited in a US Postal Service mailbox no later than the second day preceding the day of the meeting to which such notification refers, provided that at least one regular mail delivery day falls between the day of mailing and the day of such meeting.

Amend Sections 107.05(b), (c) and (d) to read as follows:

"(b) News media requests for such advance notification of special meetings shall specify: the Municipal Body that is the subject of such request; the name of the media; the name and address of the person to whom written notification to the media may be mailed, faxed, emailed or sent by any other appropriate electronic format or delivered, and the name, address and telephone number, including the address and telephone number at which notification may be given either during or after business hours, of at least two people to either one of whom oral notification to the media may be given, and at least one telephone number which the request identifies as being manned, and which can be called at any hour for the purpose of giving oral notification to such media.

Any such request shall be effective for one year from the date of filing with the Clerk or until the Clerk receives written notice from such media canceling or modifying such request, whichever is earlier. Each requesting news media shall be informed of such period of effectiveness at the time it files its request. Such requests may be modified or extended only by filing a complete new request with the Clerk. A request shall not be considered made unless it is complete in all respects as specified in this chapter, and such request may be conclusively relied upon by the City, the Clerk and the Municipal Body that is the subject of such request.

(c) The Clerk shall give such oral notice, written notice, or other appropriate electronic notice, including but not limited to, fax or email, as the Clerk determines to the news media that have requested such advanced notice in accordance with subsection (b) hereof, of the time, place and purpose of each special meeting at least twenty-four hours prior to the time of the special meeting.

(d) In the event of an emergency requiring immediate official action, a special meeting may be held without giving twenty-four hours advance notice thereof to the requesting news media. The person calling such meeting, or any one or more of such persons or the Clerk on their behalf, shall immediately give oral notification, ~~or~~ written notification, or other appropriate electronic notice, including but not limited to, fax or email, as the person giving such notice determines, of the time, place and purpose of such special meeting to the news media that have requested such advance notice in accordance with subsection (b) hereof. The minutes or the call, or both, of any such special meeting shall state the general nature of the emergency requiring immediate official action.

Section 121.01: DELETE

Amend Section 147.02 to read as follows:

147.02. PLANNING AND ZONING SUPPORT RESPONSIBILITY.

The Department of Community Development shall assist the Planning Commission, Board of Zoning Appeals, Architectural Review Board, Committee on Design & Preservation, Fair Housing Board, Community Reinvestment Area Housing Council, Tax Incentive Review Council, Board of Building Appeals, Revolving Loan Review Committee, Sustainability Commission and the Parking Action Committee in the execution of their duties, as the City Manager shall determine in consultation with the Commission and the Board.

Amend Section 165.07(e) to read as follows:

165.07(e) Make at least an annual review of all parks, recreational facilities and programs to assure that there is satisfactory maintenance of facilities and operation of recreation programs. At least two Board members shall make the observation and report results to the whole Board;

Amend Section 165.08 to read as follows:

165.08 RELATIONSHIPS WITH OTHER AGENCIES.

The Park and Recreation Board, through either the Director or through a member of the Board, shall establish and maintain a formal liaison relationship with groups including, but not limited to, the following:

- (a) Kent Board of Education and Superintendent of Schools
- (b) Kent City Council