

**THE CITY OF KENT, OHIO  
COMMUNITY DEVELOPMENT COMMITTEE  
WED., SEPT. 3, 2014**

This meeting of the Community Development Committee of Kent City Council was called to order at 7:10 p.m. on Wed., Sept. 3, 2014 by John Kuhar, Chair.

**PRESENT: MR. AMRHEIN, MR. DeLEONE, MR. FERRARA, MR. KUHAR, MS. LONG, MS. SHAFFER, MR. SIDOTI, MS. WALLACH, AND MR. WILSON**

**ALSO PRESENT: J. FIALA, MAYOR & PRESIDENT OF COUNCIL; D. RULLER, CITY MANAGER; J. SILVER, LAW DIRECTOR; J. BOWLING, CITY ENGINEER; B. SUSEL, DIR. OF COMMUNITY DEVELOPMENT; AND L. JORDAN, CLERK OF COUNCIL**

Chair Kuhar said the first item would be the MOU with College Town Kent for a pocket park.

**Dave Ruller, City Manager**, said they had discussed this previously. He said they always planned to have Fairmount manage the open space between the two buildings as part of the development and ground leases. He said since that time, a few things have come into play. He said they saw the opportunity to do something a little more special. Mr. Ruller said with the popularity of the downtown and area restaurants, it became obvious that open space was an opportunity to elevate the experience in downtown Kent with a park like setting. He said that Fairmount talked about programming events in that area that would help attract people.

Mr. Ruller said they have raised the bar on their thoughts in terms of what would be in the park. He said with Dan Smith's blessing, they would also integrate a tribute to him. He said as that gained awareness, more people wanted to contribute something in Mr. Smith's name. He said it has changed a little from the original intention, as it has become a little more complex.

Mr. Ruller said that **Jim Bowling, City Engineer**, has spearheaded this project. He said they needed language to define how the park would be used and who is responsible. Mr. Ruller said they have addressed the issue of donations of sculptures or benches, and Fairmount not taking them out. He said Mr. Bowling and the Law Director worked on scoping that out, balancing what they were trying to achieve. He said it is a "good different," adding they will be more appreciative of what goes in there. He said they anticipate it will be highly used, adding the people living in the Landmark are particularly excited.

Mr. Bowling said during the planning phase in 2008 and 2009, they were looking for a pocket park in the downtown. He said no land was available. He said after the project was designed, buildings shrunk in size, creating a bigger open space. Mr. Bowling said they own all of the land in the space, and partially lease some of the land to College Town Kent. He said the area from Erie Street to the parking lot is a right-of-way that the City owns. Mr. Bowling said to make this a better space, they needed to utilize both sides of the alley as well as the walkway. He said they felt working together would be a better opportunity than doing it individually.

Mr. Bowling said in terms of the agreement, they tried to hold to the terms of the existing lease, as far as maintenance goes. He said if there is something on CTK's property, they are required to maintain and/or replace it. He said the only exception would be a donated item that is part of the park. He said once it is at the end of its useful life, they would not require CTK to replace it.

Mr. Bowling said that in exchange for them providing this for the entire public, the City is suggesting they let Fairmount use some of the stone salvaged from recent projects on the condition that the stone stays at the end of the lease or if this agreement separates. He said the stone would be used for open space for the public.

Ms. Wallach said that CTK is leasing part of the space. She asked if someone is injured, whether they are

liable or, because the City owns it, whether no one is liable, and Mr. Silver said it is like every other public space. He said the City is insured if they cause the injury. He said if Fairmount causes the injury, they have insurance. Mr. Silver said it is no different from any other street or sidewalk in the City.

Ms. Wallach said she thought the walkway was originally planned as a pass through for cars, and Mr. Bowling said it was always presented as a walkway. He said they thought it could be used for emergency access for the safety forces, but they did not feel it would work and would rather use Locke Lane.

Mr. Sidoti asked, because of the proximity of the patio of Bar 145, how the park would work with the loud music, and Mr. Bowling said it would be integrated. He said CTK has worked on that, adding that Bar 145 would help manage some of the features in the park. He said the gaming area would be controlled by Bar 145. Mr. Bowling said they want both spaces to work off each other. He said there will be no competing venues with Bar 145. Mr. Bowling said if someone is on the stage in the park, then someone at Bar 145 can enjoy it from their outside patio.

Mr. Wilson asked if the Parks and Recreation Department is involved in any way, shape or form, and Mr. Bowling said there is no maintenance involved, so they are not involved at this time. Mr. Wilson said they are the professional people, adding it would be a good idea to involve them. Mr. Bowling said they can bring Mr. Idone in on this one, adding it would be good to have him help them out.

Ms. Shaffer asked who would be responsible for cleaning up litter or “dog stuff,” and Mr. Bowling said it would be CTK’s responsibility.

**MOTION TO AUTHORIZE THE MOU WITH COLLEGE TOWN KENT FOR THE POCKET PARK.**

Motion made by Ms. Shaffer, seconded by Ms. Wallach.

Ms. Shaffer said she is pleased to be a part of this, especially as a tribute to Dan Smith. She said she is excited about the urban swings, adding she hoped they were part of the final project.

The motion carried by a voice vote of 8-0-1, with Mr. Kuhar abstaining.

Mr. Kuhar said they would be discussing proposed modifications to the PARTA operating agreement.

Mr. Ruller said they had their first year’s recap with PARTA on the operation of the deck and transit center. He said that during that review, PARTA made suggestions for changes to the language in terms of reporting. He said they tried to take those suggestions and capture them into a second amendment of the operating agreement with PARTA. He said **BRIDGET SUSEL, DIR. OF COMMUNITY DEVELOPMENT**, would address those changes.

Ms. Susel said they were a few housekeeping issues. She said the deck went online mid year, and to allow for the commencement of the project to match their financials, PARTA suggested they switch to a calendar year. She said that PARTA also wanted sixty days for the reporting period where all parties meet, as they want to make sure they have time to calculate all revenues and expenditures. She said they also bumped up the time for the reserve fund. She said Year One was to begin in July, but there was no money in the reserve because they still were operating “in the red.” She said this was also moved to match the calendar year.

Ms. Wallach said she knew they take net operating proceeds for the reserve. She asked if there are no net proceeds whether they just wait, and Ms. Susel said that was correct.

There were no further questions or audience comments at this time.

**MOTION TO AUTHORIZE THE MODIFICATIONS TO THE PARTA OPERATING AGREEMENT.**

Motion made by Ms. Wallach, seconded by Ms. Shaffer, and carried by a voice vote of 7-0-2, with Mr. Kuhar and Mr. Amrhein abstaining.

Hearing no further business before this Committee, Chair Kuhar adjourned this meeting at 7:22 p.m.

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Linda M. Jordan, Clerk of Council

**ACTION RECOMMENDED:**

- 1) TO AUTHORIZE THE MOU WITH COLLEGE TOWN KENT FOR THE POCKET PARK.
- 2) TO AUTHORIZE THE MODIFICATIONS TO THE PARTA OPERATING AGREEMENT.