

**THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WED., AUGUST 19, 2009**

This regular meeting of Kent City Council was called to order by John Fender, Mayor & President of Council, on Wed., August 19, 2009 at 7:30 p.m.

PRESENT: MR. AMRHEIN, MR. DELEONE, MR. FERRARA, MR. HAWKSLEY, MR. KUHAR, MS. SHAFFER, MR. TURNER, MS. WALLACH & MR. WILSON

ALSO PRESENT: J. FENDER, MAYOR; D. RULLER, CITY MANAGER; J. SILVER, LAW DIRECTOR; AND L. COPLEY, CLERK OF COUNCIL

Mayor Fender welcomed those present, and asked Council member DeLeone for his opening remarks at this time.

Mr. DeLeone had no opening remarks, and led those present in the Pledge of Allegiance.

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF JULY 15, 2009; THE PUBLIC HEARING OF JULY 15, 2009; THE WORK SESSION OF AUGUST 5, 2009; AND THE SPECIAL COUNCIL MEETING OF AUGUST 5, 2009.

Motion made by Mr. DeLeone, seconded by Mr. Wilson, and carried by a voice vote of 9-0.

Mayor Fender called for audience comment at this time, reminding those wishing to address Council to sign up with the Clerk of Council, who will call them forward.

Connie Craven: Ms. Craven said she was inspired by the article in the Record Courier on snow shoveling. She said this is a good time to do, and suggested they not wait for the snow to fall.

Ms. Craven said that as she walked toward campus to Starbucks, the previous winter, that side of the street and across the street had uncleaned walks, filled with thick ice and snow. She said she observed students struggling, trying to keep from falling. She said the sidewalks were filled with "sharp and lumpy" ice.

Ms. Craven said she drove to Ravenna last winter, as workers were clearing their streets and sidewalks. She said Kent looked sad, and the downtown looked neglected. Ms. Craven said the citizens should work together, and each Council person should choose a day to walk their ward with their citizens. She said they should take notes of projects needing to be done, and compliment those properties that look good. She said this should be done the year around, and suggested once a month. She told Council she understood their lives were busy, but if this were done, it would help.

Ms. Craven said the plows drive too fast, pushing snow up on the corners of the sidewalks. She said the corner of Elno and Roosevelt had large piles of snow, creating difficulties for the young students crossing the street. She said she worked with her hands and feet, helping the little children cross the street.

Ms Craven said they must work together. She said she talked to people on Elno about the proposal of a contractor clearing the sidewalks, and all of the people said they should not do it. She said her neighbors said they can get people, and do not want this proposal to go through. She said they should not let the City vehicles shovel snow on the sidewalks.

Ms. Craven said they had a bad winter last year, adding it may not be as snowy this year. She said they must encourage Kent people to get to know their neighbors. She said if a disabled person lives in their neighborhood, they need to get to know them and understand their needs.

Ms. Craven said that business owners in the downtown must be responsible. She said she is from the Upper Peninsula in Michigan, and they have a lot of snow, adding it is beautiful. Ms. Craven said that people owning businesses cleared their sidewalks themselves, and if they needed the snow moved, they would call someone.

Ms. Craven said in the residential areas, those who live in houses are responsible, and this includes the renters. She said if someone rents, they need to still clear the sidewalks

Ms. Craven suggested there is a printing of the ordinances and laws in Kent regarding the sidewalks, and said it would be a good idea if this could be worked into a column that people read.

Mayor Fender commented that Ms. Craven does not see the snow in Kent that she saw in the Upper Peninsula.

Hearing no further audience comment, Mayor Fender called for the written correspondence at this time.

The Clerk reported that a notice to legislative authorities was received from the Ohio Division of Liquor Control, advising that municipalities may object to the renewal of a liquor license in the City. She said the deadline to object is Sept. 1, 2009.

The Clerk reported that an email was received from Williard Davies on July 27, addressing his concerns with Fish Creek. She said this email was forwarded to all members of Council on July 30, 2009.

The Clerk reported that agenda packets for the June 18 and July 23, 2009 Parks and Recreation Board meeting were placed on file by Council's liaison, Mr. Wilson, on August 5, 2009.

The Clerk reported that Council member DeLeone placed minutes of the July 9, 2009 Standing Rock Cemetery Board meeting on file just prior to the start of this meeting.

Hearing no further written correspondence, Mayor Fender called upon the City Manager for his report.

MOTION TO APPROVE ITEMS #1 THROUGH #10

Motion made by Mr. Wilson, seconded by Mr. Ferrara, and carried by a voice vote of 9-0.

The following items were approved by the aforementioned motion:

- 1) Authorization of Draft No. 09-101
- 2) Authorization of Draft No. 09-103
- 3) Authorization of Draft No. 09-104
- 4) Authorization of Draft No. 09-105
- 5) Comm. Dev. Committee, agenda time, engineering improvement alternatives for the Plum Creek Park project
- 6) Streets, Sidewalks, and Utilities Committee, agenda time, acceptance/dedication of a waterline in the Lakes of Franklin Mills subdivision Phase 1
- 7) Finance Committee, agenda time, to consider the status of the City's short term financial notes
- 8) Land Use Committee, agenda time, two proposed text amendments to the Zoning Code related to uses in the University District and Open Space/Recreational District
- 9) Authorization for public hearing for proposed text amendment to the zoning code for U: University District
- 10) Authorization for public hearing for proposed text amendment to the zoning code for O-R: Open Space-Recreation District

Mr. Ruller said they may have already noticed the students are returning. He said it is hard to believe that summer is almost over. Mr. Ruller said he wanted to take the time to compliment the University for some of the work done around the edge of campus. He said it may be nicer than it ever looked. Mr. Ruller said they have upgraded a lot of signs, done more landscaping, and added brick stone work. He said it is a good sign, and they are reaching out to rest of community.

Mr. Ruller said he wanted to publicly thank them for that investment. He said they see the importance of being a good neighbor. Mr. Ruller said he has been busy this last month working on suggestions from their community relation discussions, such as joint patrols, and has received good feedback on the concept of a liaison. He said they will be returning soon. Mr. Ruller said the University is anxious to try some new things, and want to create that synergy and the town/gown relationship. Mr. Ruller concluded that even Summit Street, near the library, has done some good things.

STANDING COMMITTEE REPORTS

Mayor Fender announced they had completed balloting for the vacancies on City boards and commissions. He said the following people received enough votes to be appointed:

Denise Hardman
Gregory Trask
Ronald Burbick

Stormwater District Review and Appeals Board
Fair Housing Board/Housing Appeals Board
Parking Action Committee

MOTION TO AUTHORIZE DRAFT NOS. 09-91, 09-94, AND 09-95, WITH THE APPROPRIATE NAMES INSERTED.

Motion made by Mr. Wilson, seconded by Mr. Ferrara, and carried by a voice vote of 9-0.

The Mayor asked the Clerk to read Draft No. 09-91 by title only at this time.

A RESOLUTION APPOINTING TO THE FAIR HOUSING BOARD/HOUSING APPEALS BOARD, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, and Mr. DeLeone. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Roll call was taken on the motion. Voting aye: Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, and Mr. DeLeone. The motion carried by a roll call vote of 9-0.

2009-84: A RESOLUTION APPOINTING GREGORY TRASK TO THE FAIR HOUSING BOARD/HOUSING APPEALS BOARD, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 09-94, by title only at this time.

A RESOLUTION APPOINTING RONALD BURBICK TO THE PARKING ACTION COMMITTEE, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Roll call was taken on the motion. Voting aye: Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The motion carried by a roll call vote of 9-0.

2009-85: A RESOLUTION APPOINTING RONALD BURBICK TO THE PARKING ACTION COMMITTEE, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 09-95 by title only at this time.

A RESOLUTION APPOINTING DENISE HARDMAN TO THE STORMWATER DISTRICT REVIEW AND APPEALS BOARD, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Hawksley. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Roll call was taken on the motion. Voting aye: Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Hawksley. The motion carried by a roll call vote of 9-0.

2009-86: A RESOLUTION APPOINTING DENISE HARDMAN TO THE STORMWATER DISTRICT REVIEW AND APPEALS BOARD, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

COMMUNITY DEVELOPMENT COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF AUGUST 5, 2009, ACTIONS #2 and #3.

Motion made by Mr. Hawksley, seconded by Mr. Ferrara, and carried by a voice vote of 9-0.

The following actions were approved by the aforementioned motion:

- 1) **AUTHORIZATION OF THE ADMINISTRATION TO MOVE FORWARD WITH THE FACILITIES PROPOSAL, RETURNING AT A LATER DATE WITH FUNDING RECOMMENDATIONS.**
- 2) **AUTHORIZATION OF THE SERVICE DIRECTOR TO DECIDE ON THE GENERATION COMPONENT FOR GAS AND ELECTRIC, REPORTING BACK TO COUNCIL THE LOGIC USED.**

MOTION TO APPROVE RECOMMENDED ACTION #1, APPROVAL OF THE REQUEST BY KRBA TO USE 211 E. SUMMIT STREET.

Motion made by Mr. Hawksley, seconded by Mr. Ferrara, and carried by a voice vote of 9-0.

Mr. Kuhar said it is a good organization, but he was not comfortable with the fact they can get a lot of grant money, but cannot pay rent for the space.

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

The Mayor asked the Clerk to read Draft No. 09-100 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A THREE (3) YEAR LEASE AGREEMENT WITH KENT REGIONAL BUSINESS ALLIANCE (KRBA) FOR PROPERTY LOCATED AT 211 EAST SUMMIT STREET, KENT, OHIO AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Hawksley. Mr. Kuhar dissented. The motion carried by a roll call vote of 8-1.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Roll call was taken on the motion. Voting aye: Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Hawksley. Mr. Kuhar dissented. The motion carried by a roll call vote of 8-1.

2009-87: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A THREE (3) YEAR LEASE AGREEMENT WITH KENT REGIONAL BUSINESS ALLIANCE (KRBA) FOR PROPERTY LOCATED AT 211 EAST SUMMIT STREET, KENT, OHIO AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

FINANCE COMMITTEE

The Mayor asked the Clerk to read Draft No. 09-88, which stands on first reading, by title only at this time.

A RESOLUTION AUTHORIZING THE CITY BUDGET & FINANCE DIRECTOR AND LAW DIRECTOR, OR THEIR DESIGNEES, TO SIGN AN ADDENDUM TO AN EMPLOYMENT CONTRACT BETWEEN THE CITY OF KENT AND DAVID RULLER, DATED JULY 3, 2008 FOR AN EXTENSION OF THE CURRENT CONTRACT FOR ONE (1) YEAR AND GRANTING THREE PERCENT (3%) PAY RAISE AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Mr. Turner, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, and Ms. Shaffer. Ms. Wallach and Mr. Kuhar dissented. The motion carried by a roll call vote of 7-2.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Ms. Wallach said she cannot support any raises because of the economic times.

Mr. Kuhar said that Mr. Ruller is doing a terrific job, adding a one year extension is fine. He said if they look at the stack of reports they received, their revenues and permits are down. He said they just tore down another building on Mogadore Road, where the handful of employees are gone. He said Kent Hardware is gone, where another handful of people worked. Mr. Kuhar said that everyone is cutting back and laying off people. He said Kent has not done that, and he hoped they did not have to lay off people.

Mr. Hawksley said it is an issue of fairness, adding when they give everyone else a three percent, their CEO deserves one too.

Ms. Shaffer said that she agreed with Mr. Hawksley. She said that Mr. Ruller has made Kent lean and mean, which is why they are not seeing the cuts that other cities are suffering.

Mr. Turner echoed the comments of Ms. Shaffer and Mr. Hawksley. He said it is an investment in the future of their community. Mr. Turner said Mr. Ruller has shown an extraordinary leadership style that will

pay them benefits. He said in time they will see a turnaround. Mr. Turner said they are putting Mr. Ruller in a situation where he would maintain a leadership role for longer period, adding that continuity is important. Mr. Turner said he was very supportive of the extension.

Mr. Ferrara said they are not paying him based on the economic conditions of the city, state or country. He said they are paying him for his leadership and management skills. He suggested they look at the downtown, and the leadership shown. He said Mr. Ruller's actions have warranted a raise and an extension of his contract.

Roll call was taken on the motion. Voting aye: Mr. Turner, Mr. Wilson, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, and Ms. Shaffer. Mr. Kuhar, Ms. Wallach and Mr. Amrhein dissented. The motion carried by a roll call vote of 6-3.

2009-88: A RESOLUTION AUTHORIZING THE CITY BUDGET & FINANCE DIRECTOR AND LAW DIRECTOR, OR THEIR DESIGNEES, TO SIGN AN ADDENDUM TO AN EMPLOYMENT CONTRACT BETWEEN THE CITY OF KENT AND DAVID RULLER, DATED JULY 3, 2008 FOR AN EXTENSION OF THE CURRENT CONTRACT FOR ONE (1) YEAR AND GRANTING THREE PERCENT (3%) PAY RAISE AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 09-96 by title only at this time.

AN ORDINANCE AMENDING ORDINANCE NO. 2008-219 PASSED DEC. 3, 2008, ENTITLED "AN ORDINANCE ALLOCATING THE NUMBER OF PERSONS WHO MAY BE EMPLOYED BY THE CITY FOR THE YEAR 2009 WITH RESPECT TO EACH POSITION, TITLE AND WORK CLASSIFICATION RECOGNIZED BY THE CITY, DESIGNATING THE TREATMENT OF SUCH POSITIONS AS FULL OR PART-TIME POSITIONS AND DESIGNATING THE FUND OR FUNDS FROM WHICH EACH SUCH POSITION SHALL BE PAID" SO AS TO ALLOCATE PAYMENT OF THE ENGINEERING AIDE I FROM ALL UTILITY FUNDING SOURCES.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, and Mr. Turner. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Roll call was taken on the motion. Voting aye: Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, and Mr. Turner. Ms. Wallach dissented. The motion carried by a roll call vote of 8-1.

2009-89: AN ORDINANCE AMENDING ORDINANCE NO. 2008-219 PASSED DEC. 3, 2008, ENTITLED "AN ORDINANCE ALLOCATING THE NUMBER OF PERSONS WHO MAY BE EMPLOYED BY THE CITY FOR THE YEAR 2009 WITH RESPECT TO EACH POSITION, TITLE AND WORK CLASSIFICATION RECOGNIZED BY THE CITY, DESIGNATING THE TREATMENT OF SUCH POSITIONS AS FULL OR PART-TIME POSITIONS AND DESIGNATING THE FUND OR FUNDS FROM WHICH EACH SUCH POSITION SHALL BE PAID" SO AS TO ALLOCATE PAYMENT OF THE ENGINEERING AIDE I FROM ALL UTILITY FUNDING SOURCES.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 09-101 by title only at this time.

AN ORDINANCE ESTABLISHING FUND 127, A SPECIAL REVENUE FUND WITHIN THE CITY BUDGET, TO BE ENTITLED "NSP GRANT FUND" AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, and Ms. Wallach. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Roll call was taken on the motion. Voting aye: Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, and Ms. Wallach. The motion carried by a roll call vote of 9-0.

2009-90: AN ORDINANCE ESTABLISHING FUND 127, A SPECIAL REVENUE FUND WITHIN THE CITY BUDGET, TO BE ENTITLED "NSP GRANT FUND" AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

HEALTH & SAFETY COMMITTEE

MOTION TO APPROVE THE REPORT OF AUGUST 5, 2009 AND THE RECOMMENDED ACTIONS.

Motion made by Mr. Kuhar, seconded by Mr. DeLeone, and carried by a voice vote of 9-0.

The following items were approved by the aforementioned motion:

- 1) TO AUTHORIZE THE IDENTITY THEFT POLICY, WITH THE EMERGENCY CLAUSE.
- 2) TO AUTHORIZE THE INCREASE IN THE AMBULANCE "LOADED MILE RATE," DECLINING TO INCREASE THE ALS2 RATE; AND AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH LIFEFORCE.
- 3) TO AUTHORIZE THE JAG GRANT INFORMATION AND ALLOCATION AS PRESENTED.

The Mayor asked the Clerk to read Draft No. 09-98 by title only at this time.

AN ORDINANCE AMENDING CHAPTER 137 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT, ENTITLED "DEPARTMENT OF SAFETY," SO AS TO AMEND SECTION 137.15 ENTITLED "EMERGENCY AMBULANCE SERVICE FEES," AND DECLARED AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, and Mr. Wilson. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Roll call was taken on the motion. Voting aye: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, and Mr. Wilson. The motion carried by a roll call vote of 9-0.

2009-91: AN ORDINANCE AMENDING CHAPTER 137 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT, ENTITLED "DEPARTMENT OF SAFETY," SO AS TO AMEND SECTION 137.15 ENTITLED "EMERGENCY AMBULANCE SERVICE FEES," AND DECLARED AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 09-99 by title only at this time.

AN ORDINANCE AMENDING THE BILLING SERVICE AGREEMENT BETWEEN LIFE FORCE MANAGEMENT, INC. AND THE CITY OF KENT, OHIO DATED JANUARY 3, 2002, ORDINANCE NO. 2002-4, PASSED JANUARY 2, 2002, TO BRING THE CONTRACT UP TO DATE WITH CURRENT LEGAL REQUIREMENTS, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, and Mr. Amrhein. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Roll call was taken on the motion. Voting aye: Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, and Mr. Amrhein. The motion carried by a roll call vote of 9-0.

2009-92: AN ORDINANCE AMENDING THE BILLING SERVICE AGREEMENT BETWEEN LIFE FORCE MANAGEMENT, INC. AND THE CITY OF KENT, OHIO DATED JANUARY 3, 2002, ORDINANCE NO. 2002-4, PASSED JANUARY 2, 2002, TO BRING THE CONTRACT UP TO DATE WITH CURRENT LEGAL REQUIREMENTS, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 09-103 by title only at this time.

AN ORDINANCE AUTHORIZING AN EXTENSION OF ORDINANCE NO. 2006-145, PASSED DECEMBER 20, 2006 ENTITLED "AN ORDINANCE AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF KENT AND LOCAL UNION #721, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS FOR THE PERIOD OF SEPT. 1, 2006 THROUGH AUGUST 31, 2009," FOR AN ADDITIONAL NINETY DAYS, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, and Mr. DeLeone. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Roll call was taken on the motion. Voting aye: Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, and Mr. DeLeone. The motion carried by a roll call vote of 9-0.

2009-93: AN ORDINANCE AUTHORIZING AN EXTENSION OF ORDINANCE NO. 2006-145, PASSED DECEMBER 20, 2006 ENTITLED "AN ORDINANCE AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF KENT AND LOCAL UNION #721, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS FOR THE PERIOD OF SEPT. 1, 2006 THROUGH AUGUST 31, 2009," FOR AN ADDITIONAL NINETY DAYS, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

STREETS, SIDEWALKS & UTILITIES COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF AUGUST 5, 2009 AND THE TWO RECOMMENDED ACTIONS.

Motion made by Mr. DeLeone, seconded by Mr. Ferrara, and carried by a voice vote of 9-0.

The following items were approved by the aforementioned motion:

- 1) **AUTHORIZATION TO ACCEPT THE WATER EASEMENT FROM THE SHELLY COMPANY.**
- 2) **TO REFER TO THE ADMINISTRATION A PLAN WHERE THE CITY PUTS FOR THE EFFORT TO ENFORCE §521.16, DEALING WITH SNOW ON THE SIDEWALKS, INCLUDING AN EDUCATIONAL PIECE, SUBSCRIPTION SERVICE, WITH REMOVAL OF THE DIRECT ENFORCEMENT PIECE FOR ALL PROPERTY OWNERS EXCEPT COMMERCIAL OWNERS, RETURNING TO COUNCIL.**

The Mayor asked the Clerk to read Draft No. 09-97 by title only at this time.

AN ORDINANCE ACCEPTING, FOR DONATION AND DEDICATION PURPOSES, ONE PARCEL FOR A RIGHT-OF-WAY UTILITY EASEMENT FROM THE SHELLY COMPANY FOR THE CHERRY MIDDLEBURY ROAD WATERLINE – PHASE 2 PROJECT, CONSISTING OF 0.040 ACRES VALUED AT \$536.76, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Roll call was taken on the motion. Voting aye: Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The motion carried by a roll call vote of 9-0.

2009-94: AN ORDINANCE ACCEPTING, FOR DONATION AND DEDICATION PURPOSES, ONE PARCEL FOR A RIGHT-OF-WAY UTILITY EASEMENT FROM THE SHELLY COMPANY FOR THE CHERRY MIDDLEBURY ROAD WATERLINE – PHASE 2 PROJECT, CONSISTING OF 0.040 ACRES VALUED AT \$536.76, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 09-104 by title only at this time.

AN ORDINANCE AMENDING ORDINANCE NO. 2008-130, PASSED AUGUST 20, 2008, ENTITLED,

“AN ORDINANCE DIRECTING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE A TEMPORARY EASEMENT IN 604 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY ROBERT A. HOSPODOR FOR THE PURPOSE OF CONSTRUCTING THE NEW FAIRCHILD/CRAIN AVENUE BRIDGE, STREET WIDENING, CHANGING THE GRADE, DRIVEWAY, WALK CONSTRUCTION, AND GRADING IN FURTHERANCE OF PUBLIC ROADWAY RECONSTRUCTION OF SR 43, FAIRCHILD AVENUE, CRAIN AVENUE AND NORTH WATER STREET WHICH IS SITUATED ON BOTH SIDES OF THE CUYAHOGA RIVER, NEAR THE INTERSECTIONS OF FAIRCHILD AVENUE AND SR 43; CRAIN AVENUE AND SR 43; AND THE NEW INTERSECTION NEAR NORTH WATER STREET AND CRAIN AVENUE, IN THE CITY OF KENT, OHIO AND DECLARING AN EMERGENCY.” SO AS TO REFLECT THE ACTUAL APPRAISED VALUE OF THE PROPERTY TO BE ACQUIRED, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Hawksley. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Roll call was taken on the motion. Voting aye: Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Hawksley. The motion carried by a roll call vote of 9-0.

2009-95: AN ORDINANCE AMENDING ORDINANCE NO. 2008-130, PASSED AUGUST 20, 2008, ENTITLED, “AN ORDINANCE DIRECTING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE A TEMPORARY EASEMENT IN 604 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY ROBERT A. HOSPODOR FOR THE PURPOSE OF CONSTRUCTING THE NEW FAIRCHILD/CRAIN AVENUE BRIDGE, STREET WIDENING, CHANGING THE GRADE, DRIVEWAY, WALK CONSTRUCTION, AND GRADING IN FURTHERANCE OF PUBLIC ROADWAY RECONSTRUCTION OF SR 43, FAIRCHILD AVENUE, CRAIN AVENUE AND NORTH WATER STREET WHICH IS SITUATED ON BOTH SIDES OF THE CUYAHOGA RIVER, NEAR THE INTERSECTIONS OF FAIRCHILD AVENUE AND SR 43; CRAIN AVENUE AND SR 43; AND THE NEW INTERSECTION NEAR NORTH WATER STREET AND CRAIN AVENUE, IN THE CITY OF KENT, OHIO AND DECLARING AN EMERGENCY.” SO AS TO REFLECT THE ACTUAL APPRAISED VALUE OF THE PROPERTY TO BE ACQUIRED, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 09-105 by title only at this time.

AN ORDINANCE AMENDING ORDINANCE NO. 2008-131, PASSED AUGUST 20, 2008, ENTITLED, “AN ORDINANCE DIRECTING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE IN 1,962 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY ROBERT A. HOSPODOR FOR THE PURPOSE OF CONSTRUCTING THE NEW FAIRCHILD/CRAIN AVENUE BRIDGE, STREET WIDENING, CHANGING THE GRADE, DRIVEWAY, WALK CONSTRUCTION, AND GRADING IN FURTHERANCE OF PUBLIC ROADWAY RECONSTRUCTION OF SR 43, FAIRCHILD AVENUE, CRAIN AVENUE AND NORTH WATER STREET WHICH IS SITUATED ON BOTH SIDES OF THE CUYAHOGA RIVER, NEAR THE INTERSECTIONS OF FAIRCHILD AVENUE AND SR 43; CRAIN AVENUE AND SR 43; AND THE NEW INTERSECTION NEAR NORTH WATER STREET AND CRAIN AVENUE, IN THE CITY OF KENT, OHIO AND DECLARING AN EMERGENCY.” SO AS TO REFLECT THE ACTUAL APPRAISED VALUE OF THE PROPERTY TO BE ACQUIRED, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, and Mr. Kuhar. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Roll call was taken on the motion. Voting aye: Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, and Mr. Kuhar. The motion carried by a roll call vote of 9-0.

2009-96: AN ORDINANCE AMENDING ORDINANCE NO. 2008-131, PASSED AUGUST 20, 2008, ENTITLED, "AN ORDINANCE DIRECTING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE IN 1,962 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY ROBERT A. HOSPODOR FOR THE PURPOSE OF CONSTRUCTING THE NEW FAIRCHILD/CRAIN AVENUE BRIDGE, STREET WIDENING, CHANGING THE GRADE, DRIVEWAY, WALK CONSTRUCTION, AND GRADING IN FURTHERANCE OF PUBLIC ROADWAY RECONSTRUCTION OF SR 43, FAIRCHILD AVENUE, CRAIN AVENUE AND NORTH WATER STREET WHICH IS SITUATED ON BOTH SIDES OF THE CUYAHOGA RIVER, NEAR THE INTERSECTIONS OF FAIRCHILD AVENUE AND SR 43; CRAIN AVENUE AND SR 43; AND THE NEW INTERSECTION NEAR NORTH WATER STREET AND CRAIN AVENUE, IN THE CITY OF KENT, OHIO AND DECLARING AN EMERGENCY." SO AS TO REFLECT THE ACTUAL APPRAISED VALUE OF THE PROPERTY TO BE ACQUIRED, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

SPECIAL COMMITTEE REPORTS None

UNFINISHED BUSINESS None

NEW BUSINESS

MOTION TO EXTEND SIX PARKING PASSES TO ST. PATRICK’S SCHOOL ON PORTAGE STREET.

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

Mr. Hawksley said he was willing to go along with continuing to do this. He noted that the cars parked there are worth more than \$20,000 per year. He said they need a comprehensive parking plan that is fair, adding that all 498 parking spaces should be treated fairly and equally. He said since they have not done that, he will not support it.

Mr. Kuhar said he cannot support it, as it just popped up. He said they have lowered the price from \$15 to \$5, adding people parking in those spaces do pay and are glad to pay. He said they should not show a preference to someone driving a \$500 ca or a \$20000 car for \$5. He noted that he was a member of the church, and suggested they either pay the \$5 or park at the church.

The motion carried by a voice vote of 7-2.

Ms. Shaffer said there is a sustainability conference the next month, sponsored by the State of Ohio. She said she heard a rumor they were sending a staff person. Ms. Shaffer said this was being sponsored by a few other communities, like Cuyahoga Falls, where the conference was located, as well as Akron and a few other cities. She said they did not have to spend a lot to be included as a sponsor, adding this is their heritage. Ms. Shaffer suggested they donate \$100, adding it could position them to bringing the conference to Kent in the future.

MOTION TO DONATE \$100 TO THE SUSTAINABILITY CONFERENCE IN SEPTEMBER.

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

Ms. Shaffer said she was happy they were sending someone. She said that they would be in good company, on the list of co-sponsors, along with the City of Kent.

The motion carried by a voice vote of 9-0.

MOTION TO SCHEDULE DISCUSSION ON SIDEWALKS SNOW REMOVAL FOR SEPTEMBER.

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

Ms. Shaffer noted that Ms. Craven referred to the need to think about snow removal now. She said there is a sense of urgency to get the discussion further along, and suggested they go ahead with some program this year. She said they are going to miss the boat if they put it off.

Mr. Wilson said he thought they referred it to the Administration for information, and Mayor Fender said that was correct. Mr. Wilson asked if they knew whether the Administration was going to be ready, and Mr. Ruller said that much of what has been presented previously is relevant to the discussion. He said he would be meeting with Mr. Roberts the following Monday, adding they could shoot for that date at this time.

Mr. Turner said he has had some discussions with members of the Administration for clarity as to what they are saying, with relationship to the ordinance. He said if it was appropriate, he would like Mr. Roberts to speak.

Mayor Fender said Mr. Roberts can address the issue in September, adding there is a motion on the floor.

Mr. Turner said there has to be an agreement as to what is meant by the ordinance. Mayor Fender said that the committee referral will provide them with clarity.

The motion carried by a voice vote of 9-0.

Mr. Kuhar said he was shocked and saddened by the announcement of Kent Hardware's closing. He said a hardware store in Kent is almost a necessity. He said he did not know the circumstances, as they have been vague. Mr. Kuhar said as a community, they need a hardware store. He said he knows, as a landlord, the number of times he goes in there for little items. He said there is a lot of time, expense, and delays if he tries to go elsewhere. He said the place was filled with people earlier in the day. Mr. Kuhar said it is a tremendous loss to the community, adding he is unsure there is anything they can do as a City, but they need to do it. Mr. Kuhar said this is a definite tragedy.

Mr. Hawksley echoed the sentiments of Mr. Kuhar. He said he goes to Lowe's for half the price, adding to buy a few nuts and bolts, they are great.

Mr. Hawksley apologized to Council for the last committee meeting. He said it was his birthday, adding he got a little personal, and was upset with the direction they were going. Mr. Hawksley said that he should focus on the policy, and not take it personally.

Mayor Fender noted he accepted Mr. Hawksley's apology, although he was not present.

MOTION TO ADJOURN THIS MEETING.

Motion made by Mr. Wilson, seconded by Mr. DeLeone, and carried by a voice vote of 9-0.

Hearing no further business before this Council, Mayor Fender adjourned this meeting at 8:10 p.m.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council