

**THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WED., DEC. 16, 2009**

This regular meeting of Kent City Council was called to order on Wed., Dec. 16, 2009, at 7:30 p.m., by John Fender, Mayor & President of Council.

PRESENT: MR. AMRHEIN, 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; AND L. COPLEY, CLERK OF COUNCIL

ABSENT: MR. TURNER

MOTION TO EXCUSE MR. TURNER.

Motion made by Mr. Wilson, seconded by Mr. Amrhein, and carried by a voice vote of 8-0.

Mayor Fender called upon Ms. Shaffer for her opening remarks.

Ms. Shaffer wished everyone a Merry Christmas and a Happy Holiday. She said this included residents of Kent, those who work in Kent, and those who are present at this meeting.

Ms. Shaffer said there is a lot of positive energy in Kent. She said she attended the Festival of Lights, and there were a lot of people, despite the freezing cold. She said it was good to be there.

Ms. Shaffer said she wanted to thank outgoing Mayor Fender and At-Large Council Hawksley for their dedication and contributions to the City over many years of public service. She said it was an honor to serve with both of them. She welcomed aboard a returning member as well as a new member of Council. She thanked everyone for the last two years, and said she appreciated the respect they offer one another and the decorum as a Council. She said she wanted to continue to build on that foundation, which is her wish for the new year.

Following her opening remarks, Ms. Shaffer led those present in the Pledge of Allegiance.

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF NOV. 18, 2009.

Motion made by Ms. Shaffer, seconded by Mr. Ferrara, and carried by a voice vote of 8-0.

MOTION TO APPROVE THE MINUTES OF THE SPECIAL COUNCIL MEETING OF DEC. 2, 2009.

Motion made by Ms. Shaffer, seconded by Mr. Wilson, and carried by a voice vote of 8-0.

Mayor Fender called for audience comment at this time. He reminded those wishing to speak to sign up with the Clerk of Council who would call them forward. He also reminded them to limit their comments to three minutes.

ANNE MONEYPENNY & LORI WEMHOFF, Kent Area Chamber of Commerce: Ms. Money Penny asked Mayor Fender to come forward at this time. At this time, they presented him, on behalf of the Chamber, with a civic leadership proclamation for his exemplary service to the community and its residents.

Mayor Fender thanked them, adding his wife should get some of the accolades, as she took most of the phone calls, including some at midnight or 1:00 a.m.

Mayor Fender said that some people told him he aged, while serving as Mayor. He said if he has aged, it is because he has waited and waited to break a tie vote. He commented that he only voted once or twice

in the last twelve years.

Cynthia: Cynthia said that several residents were present to ask Council to reverse their vote on removing the dam at Plum Creek. She said they were begging Council not to change it. She said they all know it is not too late to “renege” on the stimulus money they received. She said that many adults and children enjoy the creek and the pond, adding it has sentimental value. She said people enjoy fishing, watching the ducks, and walking on the islands.

Cynthia said that many wedding parties have gone there for their photos. She guaranteed Council that at least 85% of the City does not know what the City intends to do it, as sadly many do not read the paper. Cynthia said that the way it was presented was not clear that the pond will be drained and become a stream. She said that the City has money to replace the culvert. She said the residents would like it replaced, leaving the creek and the pond.

Cynthia said in the Sept. 2 minutes, it was reported that when a bridge or culvert is rated “4”, it already qualifies for funding to be repaired. She noted the Mogadore Road culvert is a “3”. She asked why they cannot use that money from the government to fix the culvert, using the City money to repair the dam. She said it is such a small dam, and asked how it can cost the kind of money that has been quoted. Cynthia said she is not an expert, but does not understand. She said she was sure there were other ways to look at this situation.

Cynthia said that Jim Bowling, City Engineer, does not live in Kent, nor is he from Kent, so he has no idea what it means to people. She told Council they know how important it is to people, adding that many people get enjoyment from that park. She said she was surprised they voted in favor of the removal of the pond and creek. She said that the \$1 million in stimulus funds cannot put a price on the enjoyment the creek and pond gives the residents. She asked they reconsider their vote, adding the people already pay a lot of taxes. She asked they not take away something the whole City enjoys, and asked again that they reconsider.

Dave: Dave explained he was present on behalf of the DKC, adding that one matter they will be considering is the approval of the renewal of the line of credit. He urged their approval of the line of credit, and said there is no obligation to borrow the money. He said it only makes the banks commit to the money, should they need or want it.

Dave said it is prudent to have those funds available should they need to take advantage of an opportunity, adding it may take some time to get funds from another source. He said it took more than one year to put this together. He said this puts the funds at their fingertips, adding it will be available for the next five years. He said with all of the energy mentioned by Ms. Shaffer, it is likely there may be an opportunity where the funds are needed. He said it is prudent to have them available should they be needed. Dave urged their approval of the renewal.

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

The Clerk reported that a letter was received on Nov. 30, 2009 from Mary L. Kenneley with suggestions on how the City could notify residents during emergency situations, like the recent water main break and boil alert. She said this letter was distributed to all members of Council on Dec. 2, 2009.

The Clerk reported that a fax was received on Dec. 2, 2009 from Council member Kuhar with his suggestions on adjusting the City’s budget. She said some of his suggestions included a restructuring of some administrative employees; restricting the use of outside engineering firms; car allowances; and the replacement of Crown Victoria cars. The Clerk said this fax was distributed to all members of Council on Dec. 2, 2009.

The Clerk reported that the agenda packet for the Nov. 19, 2009 Parks and Recreation Board meeting was placed on file by Council’s liaison, Mr. Wilson, on Dec. 2, 2009.

The Clerk reported that the 2009 Annual Bridge Inspection Report was received from the Portage County Engineer on Dec. 7, 2009, and is on file in the Council office.

The Clerk reported that after the agenda was printed, Council member DeLeone placed the minutes on file from the November Standing Rock Cemetery Board of Trustees meeting.

City Manager's Report

MOTION TO APPROVE ITEMS #1 THROUGH #9

Motion made by Mr. Wilson, seconded by Mr. DeLeone, and carried by a voice vote of 8-0.

The following items were approved by the aforementioned motion:

- 1) Authorization of Draft No. 09-147, establishment of a new special revenue fund for the JAG grant.
- 2) Authorization of Draft No. 09-149, extending the Franklin Township Fire Services Agreement for six months.
- 3) Community Development Committee agenda time, discussion on the expansion of the use of civil fines for code enforcement functions
- 4) Community Development Committee agenda time, discussion on a request from Brimfield and Tallmadge to change the tax collection rate in the Kent-Brimfield JEDD.
- 5) Community Development Committee agenda time, discussion on reconsideration of a zoning code amendment where one item was left out by staff.
- 6) Community Development Committee agenda time, discussion on the draft Neighborhood Liaison position description
- 7) Health & Public Safety Committee agenda time, discussion on proposed flab policy for City buildings
- 8) Finance Committee agenda time, 2010 budget discussions
- 9) Finance Committee agenda time, staff report regarding number of capital projects that met criteria regarding the use of local labor.

MOTION TO RECESS, PRIOR TO ADJOURNMENT, INTO EXECUTIVE SESSION FOR PENDING LITIGATION.

Motion made by Mr. Wilson, 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, Ms. Wallach, and Mr. Wilson. The motion carried by a roll call vote of 8-0.

Mr. Ruller told Mayor Fender that on behalf of staff, he wanted to wish Mayor Fender well in his retirement. He said it was a pleasure to work with him, and he hoped the Mayor would stop around with his stories and jokes.

STANDING COMMITTEE REPORTS

COMMUNITY DEVELOPMENT COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF DECEMBER 2, 2009.

Motion made by Mr. Hawksley, seconded by Mr. DeLeone, and carried by a voice vote of 8-0.

MOTION TO APPROVE RECOMMENDED ACTION #1, TO UPHOLD THE EXISTING INCUBATOR POLICY.

Motion made by Mr. Hawksley, seconded by Mr. DeLeone, and carried by a voice vote of 6-2, with Mr. Amrhein and Ms. Wallach dissenting.

MOTION TO APPROVE RECOMMENDED ACTION #2, TO REFER A DISCUSSION ON THE EXISTING INCUBATOR POLICY TO THE ADMINISTRATION.

Motion made by Mr. Hawksley, seconded by Mr. DeLeone, and carried by a voice vote of 8-0.

FINANCE COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF DECEMBER 2, 2009.

Motion made by Mr. Wilson, seconded by Mr. DeLeone, and carried by a voice vote of 8-0.
8-0

MOTION TO APPROVE RECOMMENDED ACTION #1, TO AUTHORIZE THE RENEWAL OF THE LINE OF CREDIT WITH THE DKC.

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

Mr. Kuhar said it is not that he is opposed to the line of credit, but as soon as that money is available, it will be gone. He said they need to get their house in order and need to get some of the projects they have invested millions of dollars in to get started. He said they do not need to think about borrowing more money or looking for more projects to start. He said there are other ways and means to get money if they need to. He said they need to put the reins on the horses so they can get development started.

The motion carried by a voice vote of 7-1, with Mr. Kuhar dissenting.

MOTION TO APPROVE RECOMMENDED ACTIONS#2 THROUGH #6.

Motion made by Mr. Wilson, seconded by Mr. Ferrara, and carried by a voice vote of 8-0.

2. TO AUTHORIZE THE LEASE OF THE BUCKET TRUCK TO THE CITY OF AURORA
3. TO AUTHORIZE THE FINAL AMENDMENTS TO THE 2009 APPROPRIATIONS AMENDMENT
4. TO AUTHORIZE THE SAFERS APPLICATION
5. TO AUTHORIZE A 3% RATE INCREASE FOR BOTH THE WATER AND SEWER FUNDS
6. TO AUTHORIZE THE GRANT FROM ODNR FOR A BOATING FACILITY

The Mayor asked the Clerk to read Draft No. 09-150 by title only at this time.

AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF THE OPERATING AGREEMENT, THE LOAN AGREEMENT AND THE GUARANTEE AGREEMENT FOR THE CITY'S DEVELOPMENT PROGRAM AND PROVIDING FOR THE NECESSARY APPROPRIATIONS THEREFORE, 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. DeLeone, Mr. Ferrara, Mr. Hawksley, Ms. Shaffer, Ms. Wallach, Mr. Wilson, and Mr. Amrhein. Mr. Kuhar dissented. The motion carried by a roll call vote of 7-1.

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. DeLeone, Mr. Ferrara, Mr. Hawksley, Ms. Shaffer, Ms. Wallach, Mr. Wilson, and Mr. Amrhein. Mr. Kuhar dissented. The motion carried by a roll call vote of 7-1.

2009-131: AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF THE OPERATING AGREEMENT, THE LOAN AGREEMENT AND THE GUARANTEE AGREEMENT FOR THE CITY'S DEVELOPMENT PROGRAM AND PROVIDING FOR THE NECESSARY APPROPRIATIONS THEREFORE, 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. 09-147 by title only at this time.

AN ORDINANCE ESTABLISHING FUND 131, A SPECIAL REVENUE FUND WITHIN THE CITY BUDGET, TO BE ENTITLED "JUSTICE ASSISTANCE GRANT (JAG) 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. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, Ms. Wallach, Mr. Wilson, Mr. Amrhein, and Mr. DeLeone. The motion carried by a roll call vote of 8-0.

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, Ms. Wallach, Mr. Wilson, Mr. Amrhein, and Mr. DeLeone. The motion carried by a roll call vote of 8-0.

2009-132: AN ORDINANCE ESTABLISHING FUND 131, A SPECIAL REVENUE FUND WITHIN THE CITY BUDGET, TO BE ENTITLED "JUSTICE ASSISTANCE GRANT (JAG) FUND" 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. 09-145 by title only at this time.

AN ORDINANCE AMENDING ORDINANCE NO. 2008-220, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 3, 2008; AS AMENDED BY ORDINANCE NO. 2009-26, PASSED FEB. 18, 2009; AS AMENDED BY ORDINANCE NO. 2009-32, PASSED MARCH 18, 2009; AS AMENDED BY ORDINANCE NO. 2009-41, PASSED APRIL 15, 2009; AS AMENDED BY ORDINANCE NO. 2009-50, PASSED MAY 20, 2009; AS AMENDED BY ORDINANCE NO. 2009-67, PASSED JUNE 17, 2009, AS AMENDED BY ORDINANCE NO. 2009-108, PASSED OCTOBER 21, 2009, AND AS AMENDED BY ORDINANCE NO. 2009-122, PASSED NOVEMBER 18, 2009, SO AS TO INCREASE APPROPRIATIONS IN FUND 101, WEST SIDE FIRE; FUND 106, RECREATION; FUND 126, COMMUNITY DEVELOPMENT (CDBG); AND FUND 230, GUARANTEED DEPOSITS; AND TO DECREASE APPROPRIATIONS IN FUND 121, STATE & LOCAL FORFEITS; FUND 127, NEIGHBORHOOD STABILIZATION; AND FUND 204, UTILITY BILLING; AND SO AS TO ADJUST TRANSFERS INVOLVING FUND 001, GENERAL FUND; FUND 108, LICENSE TAX; AND FUND 127, NEIGHBORHOOD STABILIZATION, 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, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The motion carried by a roll call vote of 8-0.

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, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The motion carried by a roll call vote of 8-0.

2009-133: AN ORDINANCE AMENDING ORDINANCE NO. 2008-220, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 3, 2008; AS AMENDED BY ORDINANCE NO. 2009-26, PASSED FEB. 18, 2009; AS AMENDED BY ORDINANCE NO. 2009-32, PASSED MARCH 18, 2009; AS AMENDED BY ORDINANCE NO. 2009-41, PASSED APRIL 15, 2009; AS AMENDED BY ORDINANCE NO. 2009-50, PASSED MAY 20, 2009; AS AMENDED BY ORDINANCE NO. 2009-67, PASSED JUNE 17, 2009, AS AMENDED BY ORDINANCE NO. 2009-108, PASSED OCTOBER 21, 2009, AND AS AMENDED BY ORDINANCE NO. 2009-122, PASSED NOVEMBER 18, 2009, SO AS TO INCREASE APPROPRIATIONS IN FUND 101, WEST SIDE FIRE; FUND 106, RECREATION; FUND 126, COMMUNITY DEVELOPMENT (CDBG); AND FUND 230, GUARANTEED DEPOSITS; AND TO DECREASE APPROPRIATIONS IN FUND 121, STATE & LOCAL FORFEITS; FUND 127, NEIGHBORHOOD STABILIZATION; AND FUND 204, UTILITY BILLING; AND SO AS TO ADJUST TRANSFERS INVOLVING FUND 001, GENERAL FUND; FUND 108, LICENSE TAX; AND FUND 127, NEIGHBORHOOD STABILIZATION, 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. 09-142 by title only at this time.

AN ORDINANCE AMENDING SECTION 915.071 OF THE KENT CODIFIED ORDINANCES, INCREASING THE SEWER RATES OF THE CITY OF KENT, OHIO BY 3.0% AND ADJUSTING THE SEWER REVENUE FUND PERCENTAGES IN SECTION 915.07(f).

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, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Hawksley. The motion carried by a roll call vote of 8-0.

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. Kuhar, Ms. Shaffer, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Hawksley. The motion carried by a roll call vote of 8-0.

2009-134: AN ORDINANCE AMENDING SECTION 915.071 OF THE KENT CODIFIED ORDINANCES, INCREASING THE SEWER RATES OF THE CITY OF KENT, OHIO BY 3.0% AND ADJUSTING THE SEWER REVENUE FUND PERCENTAGES IN SECTION 915.07(f).

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 09-143 by title only at this time.

AN ORDINANCE AMENDING SECTION 913.05(c) OF THE KENT CODIFIED ORDINANCES, INCREASING THE WATER RATES OF THE CITY OF KENT, OHIO BY 3.0%.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Ms. Shaffer, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, and Mr. Kuhar. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Roll call was taken on the motion. Voting aye: Ms. Shaffer, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, and Mr. Kuhar. The motion carried by a roll call vote of 8-0.

2009-135: AN ORDINANCE AMENDING SECTION 913.05(c) OF THE KENT CODIFIED ORDINANCES, INCREASING THE WATER RATES OF THE CITY OF KENT, OHIO BY 3.0%.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

HEALTH & SAFETY COMMITTEE

The Mayor asked the Clerk to read Draft No. 09-149 by title only at this time.

AN ORDINANCE REPLACING ORDINANCE NO. 2001-41, PASSED APRIL 18, 2001, ENTITLED "AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A NEW FIRE PROTECTION AND EMERGENCY AMBULANCE SERVICE AGREEMENT WITH FRANKLIN TOWNSHIP, OHIO AND DECLARING AN EMERGENCY" FOR PURPOSES OF TEMPORARILY EXTENDING A CONTRACT FOR FIRE EMERGENCY MEDICAL AND RESCUE SERVICES BY THE CITY FOR THE TOWNSHIP FOR THE PERIOD OF JANUARY 1, 2010 THROUGH APRIL 30, 2010, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, and Ms. Shaffer. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Roll call was taken on the motion. Voting aye: Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, and Ms. Shaffer. The motion carried by a roll call vote of 8-0.

2009-136: AN ORDINANCE REPLACING ORDINANCE NO. 2001-41, PASSED APRIL 18, 2001, ENTITLED "AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A NEW FIRE PROTECTION AND EMERGENCY AMBULANCE SERVICE AGREEMENT WITH FRANKLIN TOWNSHIP, OHIO AND DECLARING AN EMERGENCY" FOR PURPOSES OF TEMPORARILY EXTENDING A CONTRACT FOR FIRE EMERGENCY MEDICAL AND RESCUE SERVICES BY THE CITY FOR THE TOWNSHIP FOR THE PERIOD OF JANUARY 1, 2010 THROUGH APRIL 30, 2010, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

STREETS, SIDEWALKS & UTILITIES COMMITTEE

The Mayor asked the Clerk to read Draft No. 09-146 by title only at this time.

AN ORDINANCE DIRECTING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE IN 0.002 ACRES OF CERTAIN REAL PROPERTY OWNED BY FIRST STATES INVESTORS, 2550A, LLC. FOR THE S.R. 59 SIGNALIZATION PROJECT AND DECLARING 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: Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, and Ms. Shaffer. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Roll call was taken on the motion. Voting aye: Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, and Ms. Shaffer. The motion carried by a roll call vote of 8-0.

2009-137: AN ORDINANCE DIRECTING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE IN 0.002 ACRES OF CERTAIN REAL PROPERTY OWNED BY FIRST STATES INVESTORS, 2550A, LLC. FOR THE S.R. 59 SIGNALIZATION PROJECT 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

Mr. Ferrara said he wished to echo comments by Ms. Shaffer regarding Mayor Fender and Mr. Hawksley. He told them that it was a pleasure serving with them. He said they upheld the highest of standards for integrity, honesty, and fairness without letting their personal opinions get into it. He told both that he hoped to work again with them some day.

Mr. Kuhar said he appreciated the great service of Mayor Fender. He said he was sure that one of the Mayor's last acts was that he said a little prayer to keep the amount of snowfall down, thus reducing the impact on the City's budget.

MOTION TO AUTHORIZE DRAFT NOS. 09-144 AND 09-141.

Motion made by Mr. Wilson, seconded by Mr. DeLeone, and carried by a voice vote of 8-0.

CEREMONIAL DUTIES

The Mayor asked the Clerk to read Draft No. 09-144 by title only at this time.

A RESOLUTION OF COMMENDATION AND APPRECIATION TO THE HONORABLE RICK HAWKSLEY FOR THE GENEROUS CONTRIBUTION OF HIS TIME AND TALENTS AS THE AT-LARGE REPRESENTATIVE OF KENT CITY COUNCIL FOR THE LAST EIGHT YEARS.

MOTION TO SUSPEND THE THREE READINGS.

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

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

7-0-1.

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. Kuhar, Ms. Shaffer, and Ms. Wallach. Mr. Hawksley abstained. The motion carried by a roll call vote of 7-0-1.

2009-138: A RESOLUTION OF COMMENDATION AND APPRECIATION TO THE HONORABLE RICK HAWKSLEY FOR THE GENEROUS CONTRIBUTION OF HIS TIME AND TALENTS AS THE AT-LARGE REPRESENTATIVE OF KENT CITY COUNCIL FOR THE LAST EIGHT YEARS.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 09-141 by title only at this time.

A RESOLUTION OF COMMENDATION AND APPRECIATION TO THE HONORABLE JOHN H. FENDER FOR THE GENEROUS CONTRIBUTION OF HIS TIME AND TALENT AS MAYOR & PRESIDENT OF COUNCIL TO THE CITY OF KENT, OHIO, FOR THE PAST TWELVE YEARS; APPOINTING JOHN H. FENDER "MAYOR EMERITUS", AND RENAMING COUNCIL CHAMBERS IN HIS HONOR.

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. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, Ms. Wallach, and Mr. Wilson. The motion carried by a roll call vote of 8-0.

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. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, Ms. Wallach, and Mr. Wilson. The motion carried by a roll call vote of 8-0.

2009-139: A RESOLUTION OF COMMENDATION AND APPRECIATION TO THE HONORABLE JOHN H. FENDER FOR THE GENEROUS CONTRIBUTION OF HIS TIME AND TALENT AS MAYOR & PRESIDENT OF COUNCIL TO THE CITY OF KENT, OHIO, FOR THE PAST TWELVE YEARS; APPOINTING JOHN H. FENDER "MAYOR EMERITUS", AND RENAMING COUNCIL CHAMBERS IN HIS HONOR.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

Mayor Fender asked Mr. Hawksley to step forward at this time. He read Resolution No. 2009-138, in full, at this time. Mayor Fender presented Mr. Hawksley with a framed copy of the resolution, along with a key to the City.

Mr. Wilson asked Mayor Fender to join him at this time. He told Mayor Fender he enjoyed working with him over the last twelve years. At this time, Mr. Wilson read Resolution No. 2009-139, in full. He presented Mayor Fender with a framed copy of the resolution, along with the key to the City.

Mayor Fender told Mr. Wilson he would love to know what "Mayor Emeritus" means, and Mr. Wilson said

if they have problems, it means the Mayor will return.

Mayor Fender said he has sat next to Mr. Wilson for the last twelve years. He said when Mr. Wilson became agitated, his right knee moved up and down. He said he was afraid to put his hand on Mr. Wilson's knee.

Mayor Fender said it is easy to criticize the City, but difficult to attempt to work with 27,000 people. He said there were some momentous occasions, such as the Cuyahoga River Restoration project. He said it was a tough project, and the EPA wanted the dam taken down. He said between the townspeople, the Historical Society, and the EPA, they came up with a great answer.

Mayor Fender said he was also proud of their JEDDs, adding they used to have contentious relationships with the townships, and now have the JEDDs. He said they came out as winners.

Mayor Fender said he helped plan the Bicentennial Parade in 2006, adding there were 80 units, and it was a lot of fun. He said he believed it sparked KSU back to having their homecoming parade.

Mayor Fender said he is happy with Main Street Kent, as well as the positive relationship with Kent State University. He spoke of the City's involvement with the West River neighborhood development.

Mayor Fender said they do not read anything about furloughs and layoffs regarding Kent, adding that is because of the dynamics of the economics worked on by Council and the Manager.

Mayor Fender said he has had some personal enjoyments. He said he preformed the wedding of Joshua Cribbs, who asked if it had to be public. He said when he told him it was a public record, Mr. Cribbs had to tell his team and coaches that afternoon.

Mayor Fender said another aspect where he enjoyed himself was in 2002, with the team that made it to the Elite 8. He said he had a chance to organize that parade, and it was an outstanding time for him.

Mayor Fender said that five of the Council were involved in a recall attempt. He said he played an active part in the campaign, and he was glad that all retained their seats with a resounding vote.

Mayor Fender thanked everyone at this time, and said he was not coming back!

At this time, Mayor Fender administered the Oath of Office to Michael DeLeone for his four-year term as At-Large Council.

Chas Madonio, Notary Public, administered the Oath of Office to Erik Valenta for his four-year term as At-Large Council.

Marilyn Sessions, Notary Public, administered the Oath of Office to Jerry Fiala, for his four-year term as Mayor of the City of Kent.

Mr. Valenta said there are things that cannot be done without family and friends. He introduced his wife and two sons at this time. He said he met a lot of great people during his campaign, and was looking forward to working with the Council. He said it has been a great journey, and he looked forward to serving Kent for the next four years. He thanked everyone for their support at this time.

Mr. Fiala said that a strong family is the root of anyone in public office. He introduced several members of his family at this time, as well as some friends who were present.

Mr. Fiala said he looked forward working with the Council members. He said he believes a string is weak, but a rope is strong. He said he wanted to be part of the rope.

MAYOR'S REPORT

Mayor Fender thanked everyone for coming. He said they have had a chance to meet new people, and acquaint themselves with others.

Mayor Fender recessed this meeting at 8:15 p.m. for a previously authorized executive session. Following Executive Session, Mayor Fender reconvened this meeting at 8:40 p.m.

MOTION TO APPEAL THE COURT'S DECISION IN THE CASE OF MERLE KUHNS JR VS. THE BOARD OF ZONING APPEALS, CASE NO. 2008 CV 0633.

Motion made by Mr. Ferrara, seconded by Mr. DeLeone, and carried by a voice vote of 8-0.

Hearing no further business before this Council, Mayor Fender adjourned this meeting at 8:43 p.m.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council