

**THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WED., FEBRUARY 18, 2009**

This regular meeting of Kent City Council was called to order on Wed., Feb. 18, 2009 by Wayne Wilson, President Pro Tem, in the absence of John Fender, Mayor & President of Council. Pro Tem Wilson welcomed those present.

PRESENT: MR. AMRHEIN, MR. DELEONE, MR. FERRARA (ARR. @ 7:32 p.m.), MR. HAWKSLEY, MR. KUHAR, MS. SHAFFER, MR. TURNER, AND MR. WILSON

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

ABSENT: T. WALLACH, COUNCIL, AND J. FENDER, MAYOR & PRESIDENT OF COUNCIL

MOTION TO EXCUSE MS. WALLACH AND MAYOR FENDER.

Motion made by Mr. Hawksley, seconded by Mr. DeLeone, and carried by a voice vote of 6-0-1, with Mr. Wilson abstaining. (Mr. Ferrara had not yet arrived)

President Pro Tem Wilson called upon Mr. Kuhar for his opening remarks at this time.

Mr. Kuhar said it was nice to see piles of snow melted, adding those piles are a problem themselves. He suggested they cross their fingers, think positive, and wait for "Sunshiny Ohio."

Following his opening remarks, Mr. Kuhar led those present in the Pledge of Allegiance.

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF JANUARY 21, 2009.

Motion made by Mr. Kuhar, seconded by Mr. Hawksley, and carried by a voice vote of 7-0-1, with Mr. Wilson abstaining.

MOTION TO APPROVE THE PUBLIC HEARING OF FEBRUARY 4, 2009

Motion made by Mr. Kuhar, seconded by Mr. Hawksley, and carried by a voice vote of 7-0-1, with Mr. Wilson abstaining.

MOTION TO APPROVE THE WORK SESSION OF FEB. 11, 2009.

Motion made by Mr. Kuhar, seconded by Mr. Hawksley, and carried by a voice vote of 7-0-1, with Mr. Wilson abstaining.

Pro Tem Wilson called for audience comment at this time. He reminded those members of the audience wishing to address Council, to sign up with the Clerk of Council, who will call them forward and to limit their remarks to three minutes.

Fredererick John Kluth, 1060 DeLeone Dr: Mr. Kluth said he has an art gallery at 300 N. Water Street. He explained he came to Kent in 1977, and found Kent limited compared to other communities, but committed to work with the culture. He said that when he retired from regular employment, he opened his art gallery to fill the hole in Kent's art culture, but has found he cannot fill the hole as it is too large. He said there is a lack of art organizations and opportunities, the lack of art on the walls, and the lack of patrons.

Mr. Kluth said there are three separate problems in Kent with respect to visual art. He said visual art may be very therapeutic, and more opportunities with art would reduce community conflict. He said that visual art conveys attitudes and moods about things, and a sense of community is often imbedded in locally produced art. He said more exposure could improve a sense of community. Mr. Kluth said that making visual art can be a career, but there are very few patrons of visual arts in Kent.

Mr. Kluth said that now is the time to develop art programs with the economy doing so badly. He said that people need cheering up, meaningful and therapeutic activities, and more income. He said that public art could be

purchased for government offices and public spaces in Kent. He said that Kent Pars could organize more events, similar to Art in the Park. Mr. Kluth said a public display space could be provided for different types of shows, and funds could be provided to social service agencies for art activity programs. Mr. Kluth said that many other communities have mural projects decorating open walls, adding that any wall with graffiti is subject to that type of treatment.

Mr. Kluth concluded anyone wishing to discuss this further was welcome to stop by his gallery. He noted that most of his gallery services were provided free of charge.

John Thomas, Chadwick Dr.: Mr. Thomas thanked Mr. Wilson for his assistance regarding questions he had about a single vendor waste hauler. He said they should consider the opt out program, adding it was a disincentive, as proposed, to both recycling and to eliminate waste. Mr. Thomas said he has a family of six, with four children. He said some weeks, they do not have a full bag of trash. He said he would like to use his twenty-six dollars a year to pay toward the Ohio Edison projected rate increase. He said plenty of their residents are responsible enough to find a provider below the currently proposed cost. He encouraged the opt-out provision. Mr. Thomas concluded that he pays \$6.40 per 1000 cubic feet of gas per month because he shopped around.

Connie Craven, Elno Avenue: Ms. Craven said that her first concern dealt with snow on city sidewalks. She said they need a plan prepared before next winter. Ms. Craven said her experience in Kent is that the walks are cleaned by the residents. She said one neighbor used his snow blower all the way to Longcoy School, making it easier to clear subsequent snow. Ms. Craven said on the other side of town, she walked to Starbucks, and the snow and ice was hard and harsh, and difficult to navigate. She said she watched the students trying to help each other so they would not fall. She said she hoped and prayed they did not fall. Ms. Craven said she was glad none of them were with her. She said they need to address these concerns and get their equipment ready. She encouraged residents to learn who were their neighbors, and see if they need help. She said she left a message at the City about this issue.

Ms. Craven said there is yellow paint that goes down Elno Ave. She said this is the first year she can remember where the blades on the snow trucks scraped all the way down, removing a great deal of paint. She said the paint was thrown on their tree lawns, and now is on the grass. She said they should study the paint, and find the best paint to use on the streets. She asked they look into this issue.

Ms. Craven asked that they do not force them to have one trash hauler in Kent. She suggested they let each company do their best, and charge good rates. She said the City does not need to take over the administration of hauling trash, as there is enough work to do and they do not need to get into trash. She said the residents need to choose their company.

Hearing no (further) audience comment, Pro Tem Wilson called upon the Clerk for the written correspondence at this time.

The Clerk reported that an email was received on Feb. 4, 2009 from Ron Finley questioning why he should pay for trash collection when he plans to spend his winters in Florida. She said this email was forwarded to the Mayor and all members of Council on the same day.

The Clerk reported that an email was received from Patrick Carpenter on Feb. 4, 2009, regarding citywide trash collection. He expressed concerns about the process, but did speak in support of R & R sanitation. She said this email was forwarded to the Mayor and all members of Council on the same day.

The Clerk reported that a letter was received from Cynthia Linger of Yacavona Dr. on Feb. 9, 2009 speaking against the citywide trash proposal. She said this letter was forwarded to the Mayor and all members of Council Feb. 11, 2009.

The Clerk reported that an email was received from Jim Moore on Feb. 10, 2009, speaking against trash pickup, asking that they demand an "opt out" provision and demand more public hearings. She said this email was forwarded to the Mayor and all members of Council on the same day.

The Clerk reported that she received a letter on Feb. 10, 2009, from Raymond S. Brown of North Willow Street, speaking of a rumor that the tax abatement for residential properties was reduced to five years. She said that Mr. Brown asked the Clerk to provide the ordinance that authorized this change. The Clerk said she responded the

same day that the five-year abatement period was in the original ordinance, 1983-42, passed in 1983 and has not changed since that time. The Clerk said that copies of Mr. Brown's letter and the Clerk's response were forwarded to the Mayor and all members of Council on Feb. 11, 2009.

The Clerk reported that the minutes of the Jan. 15, 2009 Standing Rock Cemetery Board meeting were placed on file by Council's representative, Mr. DeLeone, on Wed., Feb. 11, 2009.

The Clerk reported that after the agenda was printed, an email was received from Council member Kuhar on Feb. 15, 2009, speaking of sign issues that are occurring in Key West Florida. She said the email urged Council to consider Kent's small business owners if they decide to make changes to the City's sign ordinance. The Clerk said this email was forwarded to all members on Feb. 17, 2009.

The Clerk reported that an email was received from James Moore, on Feb. 13, 2009, thanking Council for their decision on the tax increase. She said he urged them to have a citywide vote on the issue of trash pickup. The Clerk said this email was forwarded to all members on Feb. 17, 2009.

The Clerk reported notification was received from the Ohio Division of Liquor Control that IFR Petroleum, Inc., dba Gem Food Mart, 1337 S. Water Street, Kent, OH has requested a C1 liquor license. She said that objections must be postmarked no later than March 16, 2009, and the Safety Director has no objections to this request.

MOTION TO RETURN THE LIQUOR LICENSE REQUEST WITH NO OBJECTIONS.

Motion made by Mr. DeLeone, seconded by Mr. Ferrara, and carried by a voice vote of 7-0-1, with Mr. Wilson abstaining.

The Clerk reported that Council member Wilson hand delivered a letter he received from Theresa Valenski with her concerns about citywide trash pickup. She said the letter was forwarded to all members of Council prior to the start of this meeting.

Hearing no further written correspondence, President Pro Tem Wilson called upon the City Manager for his report.

MOTION TO APPROVE ITEMS #1 THROUGH #4

Motion made by Mr. Ferrara, seconded by Mr. Hawksley, and carried by a voice vote of 7-0-1, with Mr. Wilson abstaining.

The following items were approved by the aforementioned motion:

- 1) Authorization of Draft No. 09-32 (Ohio Nature Works grant)
- 2) Streets, Sidewalks, and Utilities agenda time for consideration of easement purchases necessary for the repair of Admore Drive Bridge.
- 3) Streets, Sidewalks, and Utilities agenda time for discussion on MOU between the City of Kent and Kent State University for Summit St. Improvement Project.
- 4) Streets, Sidewalks, and Utilities agenda time to consider a list of potential water and sewer projects that could be eligible for stimulus funds through the EPA.

STANDING COMMITTEE REPORTS

COMMUNITY DEVELOPMENT COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF FEB. 4, 2009, AND THE RECOMMENDED ACTIONS.

Motion made by Mr. Hawksley, seconded by Mr. Ferrara, and carried by a voice vote of 7-0-1, with Mr. Wilson abstaining.

The following items were approved by the aforementioned motion:

- 1) TO DELAY A VOTE ON CITYWIDE TRASH PICKUP FOR ONE MONTH, WITH TWO PUBLIC MEETINGS TO BE SCHEDULED.
- 2) TO AUTHORIZE REQUESTED ITEMS FOR NSP PROGRAM.

President Pro Tem Wilson asked the Clerk to read Draft No. 09- 26 by title only at this time.

A RESOLUTION ADOPTING THE TARGET AREAS FOR THE CITY OF KENT, OHIO AND PORTAGE COUNTY, OHIO FOR THE USE OF NEIGHBORHOOD STABILIZATION PROGRAM GRANT FUNDS (NSP) 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. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Mr. Wilson, and Mr. Amrhein. The motion carried by a voice vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2009-18: A RESOLUTION ADOPTING THE TARGET AREAS FOR THE CITY OF KENT, OHIO AND PORTAGE COUNTY, OHIO FOR THE USE OF NEIGHBORHOOD STABILIZATION PROGRAM GRANT FUNDS (NSP) AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne A. Wilson, President Pro Tem

President Pro Tem Wilson asked the Clerk to read Draft No. 09- 27 by title only at this time.

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPROVE AND EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF KENT, OHIO, THE CITY OF RAVENNA, OHIO, AND PORTAGE COUNTY, OHIO FOR PURPOSES OF DEFINING ROLES IN APPLYING FOR NEIGHBORHOOD STABILIZATION PROGRAM (NSP) GRANT FUNDS, ALLOCATING AMOUNTS OF AWARDED MONIES BETWEEN THE COMMUNITIES, AND CALLING FOR COOPERATION BETWEEN THE COMMUNITIES, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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, Mr. Wilson, Mr. Amrhein, and Mr. DeLeone. The motion carried by a voice vote of 8-0.

2009-19: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPROVE AND EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF KENT, OHIO, THE CITY OF RAVENNA, OHIO, AND PORTAGE COUNTY, OHIO FOR PURPOSES OF DEFINING ROLES IN APPLYING FOR NEIGHBORHOOD STABILIZATION PROGRAM (NSP) GRANT FUNDS, ALLOCATING AMOUNTS OF AWARDED MONIES BETWEEN THE COMMUNITIES, AND CALLING FOR COOPERATION BETWEEN THE COMMUNITIES, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne A. Wilson, President Pro Tem

President Pro Tem Wilson asked the Clerk to read Draft No. 09- 28 by title only at this time.

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT NEIGHBORHOOD STABILIZATION PROGRAM (NSP) GRANT FUNDING FOR THE COMMUNITIES OF THE CITY OF KENT, OHIO, THE CITY OF RAVENNA, OHIO, AND PORTAGE COUNTY, OHIO IN THE AMOUNT OF \$1,253,137.00 AND TO AUTHORIZE THE CITY MANAGER TO APPROVE AND SIGN A GRANT AGREEMENT/SUBRECIPIENT AGREEMENT FOR SAID NSP GRANT FUNDS, BETWEEN THE CITY OF KENT, OHIO, THE CITY OF RAVENNA, OHIO AND PORTAGE COUNTY, OHIO, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

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

2009-20: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT NEIGHBORHOOD STABILIZATION PROGRAM (NSP) GRANT FUNDING FOR THE COMMUNITIES OF THE CITY OF KENT, OHIO, THE CITY OF RAVENNA, OHIO, AND PORTAGE COUNTY, OHIO IN THE AMOUNT OF \$1,253,137.00 AND TO AUTHORIZE THE CITY MANAGER TO APPROVE AND SIGN A GRANT AGREEMENT/SUBRECIPIENT AGREEMENT FOR SAID NSP GRANT FUNDS, BETWEEN THE CITY OF KENT, OHIO, THE CITY OF RAVENNA, OHIO AND PORTAGE COUNTY, OHIO, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne A. Wilson, President Pro Tem

FINANCE COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF JAN. 21, 2009; THE WRITTEN REPORT AND RECOMMENDED ACTIONS OF FEB. 4, 2009.; AND THE WRITTEN REPORT OF FEB. 11, 2009.

Motion made by Mr. Ferrara, seconded by Mr. DeLeone, and carried by a voice vote of 7-0-1, with Mr. Wilson abstaining.

The following actions were approved by the aforementioned motion:

- 1) TO AUTHORIZE OF THE JUNK VEHICLE DISPOSAL POLICY
- 2) TO AUTHORIZE THE CAPITAL REAPPROPRIATIONS.

MOTION TO APPROVE THE RECOMMENDED ACTION OF FEB. 11, 2009; TO INCREASE THE PROMOTIONS GRANT FOR FESTIVALS BY \$5,000.

Motion made by Mr. Ferrara, seconded by Ms. Shaffer, and carried by a voice vote of 6-2, with Mr. Amrhein and Mr. Wilson dissenting.

MOTION TO REMOVE THE .25% TAX INCREASE FROM THE FALL BALLOT.

Motion made by Mr. Ferrara, seconded by Ms. Shaffer and carried by a voice vote of 7-0-1, with Mr. Wilson abstaining.

President Pro Tem Wilson asked the Clerk to read Draft No. 09- 21 by title only at this time.

AN ORDINANCE AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF KENT AND THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL FOR THE POLICE OFFICER UNIT, TO BE EFFECTIVE FROM NOV. 1, 2008 THROUGH OCT. 31, 2011, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

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. Kuhar, Ms. Shaffer, Mr. Turner, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Hawksley. The motion carried by a voice vote of

2009-21: AN ORDINANCE AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF KENT AND THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL FOR THE POLICE OFFICER UNIT, TO BE EFFECTIVE FROM NOV. 1, 2008 THROUGH OCT. 31, 2011, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne A. Wilson, President Pro Tem

President Pro Tem Wilson asked the Clerk to read Draft No. 09- 22 by title only at this time.

AN ORDINANCE AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF KENT AND THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL FOR THE DISPATCH EMPLOYEE UNIT, TO BE EFFECTIVE FROM NOV. 1, 2008 THROUGH OCT. 31, 2011, 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: Ms. Shaffer, Mr. Turner, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, and Mr. Kuhar. The motion carried by a voice vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2009-22: AN ORDINANCE AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF KENT AND THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL FOR THE DISPATCH EMPLOYEE UNIT, TO BE EFFECTIVE FROM NOV. 1, 2008 THROUGH OCT. 31, 2011, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne A. Wilson, President Pro Tem

President Pro Tem Wilson asked the Clerk to read Draft No. 09- 23 by title only at this time.

AN ORDINANCE AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF KENT AND THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL FOR THE CIVILIAN EMPLOYEE UNIT, TO BE EFFECTIVE FROM NOV. 1, 2008 THROUGH OCT. 31, 2011, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2008-23: AN ORDINANCE AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF KENT AND THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL FOR THE CIVILIAN EMPLOYEE UNIT, TO BE EFFECTIVE FROM NOV. 1, 2008 THROUGH OCT. 31, 2011, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne A. Wilson, President Pro Tem

President Pro Tem Wilson asked the Clerk to read Draft No. 09- 24 by title only at this time.

AN ORDINANCE AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF KENT AND THE OHIO PATROLMEN’S BENEVOLENT ASSOCIATION FOR THE POLICE SUPERVISORS UNIT, TO BE EFFECTIVE FROM JANUARY 1, 2009 THROUGH DECEMBER 31, 2011, 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: Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, and Mr. Turner. The motion carried by a voice vote of 8-0.

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

2009-24: AN ORDINANCE AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF KENT AND THE OHIO PATROLMEN’S BENEVOLENT ASSOCIATION FOR THE POLICE SUPERVISORS UNIT, TO BE EFFECTIVE FROM JANUARY 1, 2009 THROUGH DECEMBER 31, 2011, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne A. Wilson, President Pro Tem

President Pro Tem Wilson asked the Clerk to read Draft No. 09- 29 by title only at this time.

A RESOLUTION REPEALING RESOLUTION NO. 2008-145 WHICH DECLARED "THE NECESSITY OF AN ELECTION ON THE QUESTION OF APPROVING THE PASSAGE OF AN ORDINANCE TO AMEND SECTION 181.03 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT, OHIO TO IMPOSE, FOR A PERIOD OF FIVE YEARS BEGINNING JANUARY 1, 2010 AN ADDITIONAL ONE-QUARTER OF ONE PERCENT (.25%) PER ANNUM INCOME TAX IN EXCESS OF THE TWO PERCENT (2%) PER ANNUM TAX RATE THAT IS CURRENTLY IMPOSED UPON VARIOUS ITEMS OF INCOME ENUMERATED IN THE EXISTING ORDINANCE, SPECIFYING THAT THE NET PROCEEDS OF SUCH ADDITIONAL INCOME TAX SHALL BE USED TO PAY COSTS OF GENERAL MUNICIPAL OPERATIONS, MAINTENANCE, NEW EQUIPMENT, EXTENSION AND ENLARGEMENT OF MUNICIPAL SERVICES AND FACILITIES AND CAPITAL IMPROVEMENTS OF THE CITY AND FOR ALL OTHER LAWFUL PURPOSES AND INCLUDING DEBT SERVICE ON OBLIGATIONS ISSUED TO FINANCE SUCH ACTIVITIES.

MOTION TO SUSPEND THE THREE READINGS.

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

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. The motion carried by a voice vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

Motion made by Mr. Hawksley, 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. The motion carried by a voice vote of 8-0.

2009-25: A RESOLUTION REPEALING RESOLUTION NO. 2008-145 WHICH DECLARED "THE NECESSITY OF AN ELECTION ON THE QUESTION OF APPROVING THE PASSAGE OF AN ORDINANCE TO AMEND SECTION 181.03 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT, OHIO TO IMPOSE, FOR A PERIOD OF FIVE YEARS BEGINNING JANUARY 1, 2010 AN ADDITIONAL ONE-QUARTER OF ONE PERCENT (.25%) PER ANNUM INCOME TAX IN EXCESS OF THE TWO PERCENT (2%) PER ANNUM TAX RATE THAT IS CURRENTLY IMPOSED UPON VARIOUS ITEMS OF INCOME ENUMERATED IN THE EXISTING ORDINANCE, SPECIFYING THAT THE NET PROCEEDS OF SUCH ADDITIONAL INCOME TAX SHALL BE USED TO PAY COSTS OF GENERAL MUNICIPAL OPERATIONS, MAINTENANCE, NEW EQUIPMENT, EXTENSION AND ENLARGEMENT OF MUNICIPAL SERVICES AND FACILITIES AND CAPITAL IMPROVEMENTS OF THE CITY AND FOR ALL OTHER LAWFUL PURPOSES AND INCLUDING DEBT SERVICE ON OBLIGATIONS ISSUED TO FINANCE SUCH ACTIVITIES. MOTION TO SUSPEND THE THREE READINGS.

Linda M. Copley, Clerk of Council

Wayne A. Wilson, President Pro Tem

President Pro Tem Wilson asked the Clerk to read Draft No. 09- 30 by title only at this time.

AN ORDINANCE AMENDING ORDINANCE NO. 2008-220, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 3, 2008, SO AS TO INCREASE APPROPRIATIONS IN FUND 101, WEST SIDE FIRE; FUND 106, RECREATION; FUND 201, WATER; FUND 202, SEWER; FUND 204, UTILITY BILLING; FUND 208, STORM WATER DRAINAGE; FUND 301, CAPITAL PROJECTS; AND FUND 820, UDAG AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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, and Mr. Wilson. The motion carried by a voice vote of 8-0.

2009-26: AN ORDINANCE AMENDING ORDINANCE NO. 2008-220, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 3, 2008, SO AS TO INCREASE APPROPRIATIONS IN FUND 101, WEST SIDE FIRE; FUND 106, RECREATION; FUND 201, WATER; FUND 202, SEWER; FUND 204, UTILITY BILLING; FUND 208, STORM WATER DRAINAGE; FUND 301, CAPITAL PROJECTS; AND FUND 820, UDAG AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne A. Wilson, President Pro Tem

President Pro Tem Wilson asked the Clerk to read Draft No. 09- 32 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPLY FOR A GRANT IN THE AMOUNT OF APPROXIMATELY \$ 25,000 FROM THE STATE OF OHIO NATURE WORKS PROGRAM THROUGH THE OHIO DEPT. OF NATURAL RESOURCES, 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, Mr. Wilson, and Mr. Amrhein. The motion carried by a voice vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

2009-27: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPLY FOR A GRANT IN THE AMOUNT OF APPROXIMATELY \$ 25,000 FROM THE STATE OF OHIO NATURE WORKS PROGRAM THROUGH THE OHIO DEPT. OF NATURAL RESOURCES, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne A. Wilson, President Pro Tem

HEALTH & SAFETY COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF FEB. 11, 2009.

Motion made by Mr. Kuhar, seconded by Mr. Ferrara, and carried by a voice vote of 7-0-1, with Mr. Wilson abstaining.

The following actions were approved by the aforementioned motion:

- 1) TO HAVE THE ADMINISTRATION TALK TO THE PARKS AND RECREATION DEPARTMENT ABOUT BEING THE LEAD ROLE IN THE WALK 'N ROLE.
- 2) TO AUTHORIZE A NEW THREE YEAR LABOR AGREEMENT WITH THE OPBA FOR THE POLICE SUPERVISORS.

STREETS, SIDEWALKS & UTILITIES COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF JAN. 21, 2009, WHICH HAD NO ACTION AND THE "SHOVEL READY" LIST WAS PRESENTED.

Motion made by Mr. DeLeone, seconded by Mr. Ferrara, and carried by a voice vote of 7-0-1, with Mr. Wilson abstaining.

MOTION TO APPROVE THE WRITTEN REPORT OF FEB. 4, 2009, WITH RECOMMENDED ACTIONS #1, #3, #4, AND #5.

Motion made by Mr. DeLeone, seconded by Mr. Hawksley, and carried by a voice vote of 7-0-1, with Mr. Wilson abstaining.

The following actions were approved by the aforementioned motion:

- 1) TO AUTHORIZE THE AGREEMENT WITH PORTAGE COUNTY FOR THE FAIRCHILD AVENUE BRIDGE.
- 2) TO HAVE THE ADMINISTRATION LOOK INTO A VOICE RESPONSE SYSTEM
- 3) TO REQUEST THE ADMINISTRATION TO INVESTIGATE THE POTENTIAL COST FOR CLEANING UP THE MESS THE CITY MAKES ON PRIMARY PEDESTRIAN WAYS IN THE CITY.
- 4) TO AUTHORIZE THE NEGOTIATED COLLECTIVE BARGAINING AGREEMENTS WITH THE FRATERNAL ORDER OF POLICE/OHIO LABOR COUNCIL.

MOTION TO APPROVE ACTION #2, AUTHORIZATION OF AN ORDINANCE LICENSING PRIVATE SNOW PLOWERS.

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

Mr. Kuhar spoke against the motion. He said to require private snow plows to be licensed will not solve the problem, as they will still have to track them down and catch them. He said they need to do policing work. Mr. Kuhar said the license has not fees involved, so it is just more burden on city employees, with no financial reward. He said he cannot support the motion, adding it is time wasted. He said they need to deal with the issues of plowing by everyone, private and commercial. He said it needs to be a joint effort, and they need to talk to the businesses, making them aware there will be penalties.

Ms. Shaffer said this is one piece of a multi-pronged approach. She said the intent was for educational purposes so plow operators understand the City's expectations. Ms. Shaffer said they are not putting it on all business owners, as they go through the process.

The motion failed by a hand count of 4-4, with Mr. Kuhar, Mr. Ferrara, Mr. Turner, and Mr. Wilson dissenting.

President Pro Tem Wilson asked the Clerk to read Draft No. 09- 11 by title only at this time.

A RESOLUTION DECLARING THE OFFICIAL INTENT AND REASONABLE EXPECTATION OF THE CITY OF KENT, OHIO ON BEHALF OF THE STATE OF OHIO TO REIMBURSE ITS STORM DRAINAGE FUND FOR THE SUB AREA Q DRAINAGE IMPROVEMENTS – PHASE V, PROJECT NUMBER CG05M WITH THE PROCEEDS OF TAX EXEMPT DEBT OF THE STATE OF 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: Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Mr. Wilson, Mr. Amrhein, and Mr. DeLeone. The motion carried by a voice vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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, Mr. Wilson, Mr. Amrhein, and Mr. DeLeone. The motion carried by a voice vote of 8-0.

2009-28: A RESOLUTION DECLARING THE OFFICIAL INTENT AND REASONABLE EXPECTATION OF THE CITY OF KENT, OHIO ON BEHALF OF THE STATE OF OHIO TO REIMBURSE ITS STORM DRAINAGE FUND FOR THE SUB AREA Q DRAINAGE IMPROVEMENTS – PHASE V, PROJECT NUMBER CG05M WITH THE PROCEEDS OF TAX EXEMPT DEBT OF THE STATE OF OHIO, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne A. Wilson, President Pro Tem

President Pro Tem Wilson asked the Clerk to read Draft No. 09-10 by title only at this time.

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT A \$100,000 LOAN ON BEHALF OF THE CITY OF KENT FROM THE OHIO PUBLIC WORKS COMMISSION (OPWC) LOAN PROJECT #CG05M.

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, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The motion carried by a voice vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The motion carried by a voice vote of 8-0.

2009-29: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT A \$100,000 LOAN ON BEHALF OF THE CITY OF KENT FROM THE OHIO PUBLIC WORKS COMMISSION (OPWC) LOAN PROJECT #CG05M.

Linda M. Copley, Clerk of Council

Wayne A. Wilson, President Pro Tem

President Pro Tem Wilson asked the Clerk to read Draft No. 09- 25 by title only at this time.

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF KENT AND THE PORTAGE COUNTY BOARD OF COMMISSIONERS FOR THE REALIGNMENT OF CRAIN AVENUE BETWEEN NORTH MANTUA STREET AND NORTH WATER STREET, INCLUDING THE REPLACEMENT OF THE CRAIN AVENUE BRIDGE OVER THE CUYAHOGA RIVER AND THE CSX RAILROAD, 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, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Hawksley. The motion carried by a voice vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2009-30: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF KENT AND THE PORTAGE COUNTY BOARD OF COMMISSIONERS FOR THE REALIGNMENT OF CRAIN AVENUE BETWEEN NORTH MANTUA STREET AND NORTH WATER STREET, INCLUDING THE REPLACEMENT OF THE CRAIN AVENUE BRIDGE OVER THE CUYAHOGA RIVER AND THE CSX RAILROAD, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne A. Wilson, President Pro Tem

President Pro Tem Wilson said that Draft No. 09-31 was not authorized, as the result of the failed vote regarding the licensing of snow plow operators.

SPECIAL COMMITTEE REPORTS

UNFINISHED BUSINESS

NEW BUSINESS

MOTION TO REFER TO THE ADMINISTRATION A REQUEST FOR PLAN FOR CODE ENFORCEMENT TO STOP SNOW FROM BEING PLOWED ON SIDEWALKS BY PRIVATE, PUBLIC, AND INDEPENDENT SNOW PLOWERS, OTHER THAN A LICENSE.

Motion made by Mr. Kuhar, and died for want of a second.

MOTION TO REQUEST THE ADMINISTRATION RETURN WITH INFORMATION ABOUT THE CRA COUNCIL, WHO IS ON IT, HOW IT IS OPERATING, AND IF IT IS OPERATING.

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

Mr. Kuhar said it seems they have something in place, and he has heard some complaints. He said if it is in place, he would like to set it up so they can make sure it is utilized, even though it is minute. He said he knows little about it and would like to know more. Mr. Kuhar said if there is something they should do, he would like them to do more.

Mr. Hawksley said the CRA was designed to prevent mortgage lenders from not making loans. He said they have the opposite problem right now, with too many loans made to those who cannot afford it. He said that is why the economy is going down the tubes. He said he did not think it was worth the Administration spending time on it.

Ms. Shaffer noted that Mayor Fender is working on the CRA issue, adding it is not dead in the water.

Mr. Kuhar said it is all very foggy. He said for what he has been told, this is mandated by State law and questioned if they are doing what they are supposed to do. He said he would like some more information, so he does not feel like he is out in space on the topic.

The motion carried by a hand count of 5-3.

Mr. Hawksley said he would like to tell those who voted against the snow plow license that the business owners are AWOL. He said the only way to do something is to deal with snow plow operators. Mr. Hawksley said he has tried to talk to managers, and they could care less. He said they are young kids, who have been there for a few months, and are not thinking about pedestrians. He said the licensing of snow plow operators is a way to get something done. Mr. Hawksley said he is sorry they could not pass that simple ordinance, proposed by Mr. Roberts, adding that most communities with high standards, like Cuyahoga Falls, are already doing it. He said it is very disappointing.

Mr. Ferrara said he wanted to speak to some small victories. He said that most of them saw that Main Street Kent was re-accredited this year. Mr. Ferrara said he went to the Bakeri, who was celebrating their one-year anniversary, for lunch and it was excellent. He said for Valentine's Day, his wife bought him chocolates from The Empire that were outstanding. He said they are all small victories.

Mr. Hawksley said some of them got a chance to visit with Mr. Burbick's Phoenix project, adding it is a spectacular investment. He said Council should be commended for supporting Main Street.

MAYOR'S REPORT

Pro Tem Wilson said there are articles online that have comments following them. He said that one comment under the article about not putting the income tax increase on the ballot contained criticism they spent \$330,000 on property, with another \$14,900 for the people to move. Mr. Wilson said he wanted to try and set the record straight.

Mr. Wilson said they purchased two properties. He said one was 100 Crain Avenue and the other was 607 N. Mantua Street. He said they were need for the bridge. Mr. Wilson said they paid \$163,900 for Crain Avenue and \$330,000 for North Mantua Street. He said they were reimbursed 90% of what they spent, and paid, from City funds, a total of \$49,490. He said the state and federal monies paid most of the cost. Mr. Wilson said they have all processes outlined in different procedures for acquiring and relocating the businesses. He said they have to pay relocation fees, and again, the City paid 10% and the federal/state dollar paid 90%. Mr. Wilson said he wanted to make this clear, and hoped that Matt (Record Courier) would do a nice story. He said the Engineering Division has good information. Mr. Wilson said he wanted to clarify they did not spend \$500,000 of city monies. He said one other comment was about the City paying to move sinks, etc. for the people. He said there is a formula for using federal dollars, and they have to have the actual bills for what was moved. Mr. Wilson said that this too is reimbursed by the State, so they only pay 10%.

Mr. Wilson agreed with Mr. Hawksley that the Phoenix Project is fantastic. He said that Mr. Ron Burbick, Main Street, and Doug Fuller, who did the design, all need to be commended.

Hearing no further business before this Council, President Pro Tem Wilson adjourned this meeting at 8:10 p.m.

Linda M. Copley, Clerk of Council

Wayne A. Wilson, President Pro Tem