

**THE CITY OF KENT, OHIO
REGULAR COUNCIL
WED., JULY 15, 2009**

This regular meeting of the Kent City Council was called to order at 7:30 p.m. on Wed., July 15, 2009, by John Fender, Mayor & President of Council. Mayor Fender welcomed those present.

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

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

ABSENT: D. RULLER, CITY MANAGER

Mayor Fender called upon Council member Amrhein for his opening remarks at this time.

Mr. Amrhein said it is exciting to see the progress being made in downtown Kent. He said that Acorn Alley is almost ready to open, with a grand opening either August 3 or August 4. He said they owe a great debt of gratitude to Ron Burbick for his development of the Phoenix Project.

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

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF JUNE 17, 2009, PUBLIC HEARING OF JULY 1, 2009, AND SPECIAL COUNCIL MEETING OF JULY 1, 2009.

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

COMMUNICATIONS

Mayor Fender called for audience comment, reminding those wishing to address Council to sign up with the Clerk who would call them forward.

Anne Haas: Ms. Haas explained she was present to speak on behalf of Standing Rock Cultural Arts. She said she is an assistant professor of sociology at Kent State University, with interests in urban development. Ms. Haas said she cares deeply for the Kent community, and serves on the Board of Directors for Standing Rock Cultural Arts. She said Standing Rock has been in existence since 1993, and has provided dozens of creative activities, usually free, for the children of Kent. She said they break even, with no profit, annually, and some times have a loss.

Ms. Haas said they are humbly requesting \$5,000. She said they would like \$3,000 for D.I.C.E. She said through D.I.C.E. they have events such as the ice carving, sidewalk cinemas, and ice cream social. Ms. Haas said that \$2,000 would offset the costs of the 4th annual Whose Your Momma festival, which corresponds with Earth Day. Ms. Haas said that with the cost of the dancers, musicians, and other expenses, they have expenses of about \$20,000.

Ms. Haas said that the festival could be a catalyst for a beneficial economic change. She said it could assist economic recovery for areas disseminated by the loss of manufacturing and people leaving the area. She said the recovery will depend on a green economy, and the people need to be educated.

Ms. Haas said at the last Whose Your Momma festival, about forty sponsors presented a gamut of ways on how Kent might be a part of a green economy. She said they had hands on types of things that people, especially children, enjoyed. She said they enjoy the open minds and receptive attitudes of the children, as they realize they can use their skills in the future. She said they displayed information on green jobs, and had many vendors advertising green products. She said they had a display on green landscaping, including rain gardens, which are good, as they reduce flooding. She said they showed how gutters can

channel rain water into barrels, and had the barrels available for purchase.

Ms. Haas said the films are an important part of the festival, adding they have a number of students from Kent State with such inclinations. She said it is an important venue for producing films. She said there are many different ways the economy could contribute to green economy, and the festival is a good place to become educated.

Ms. Haas concluded by thanking them for listening, adding that Standing Rock would appreciate a \$5,000 donation, with \$3,000 for D.I.C.E. and \$2,000 for the Whose Your Momma festival.

Mayor Fender explained to the audience that they listen to them at this time, and any reactions are done at the end of the evening.

Bob Burford: Mr. Burford said he was representing the KSU Folk Festival, adding it began in the late 1960s. He said that WKSU took over the festival in 2000 when the students opted to no longer fund it. She said with the support of the community and sponsors, they have continued the great tradition.

Mr. Burford said they have free community workshops, and usually have more than seventy musicians on the final day of festival. He said in 2000, they started a new effort known as the "Round Town Kent Day", where they reach out into the community with free live music. Mr. Burford said when they began this in 2000, they had ten venues participate. He said they had thirty-six venues last year, including churches, galleries, restaurants, and book shops.

Mr. Burford said the festival drives business, adding they had great comments over the years. He shared comments from various business owners at this time. He said the festival is a great night in Kent, adding it ranks up there with the Heritage Festival. Mr. Burford joked that it is like Halloween with the SWAT teams. He thanked them for their past support, adding they have had some tough budgetary times. Mr. Burford said they have less outside help, and do more on their own time. He said it is a challenge, and the City's funding is critical.

Cynthia Tuck: Ms. Tuck explained she also was present on behalf of the Folk Festival, and came to voice her support. Ms. Tuck said she is not from Kent, but has volunteered for the past four or five years, giving numerous hours. She said she wanted to share with them that a number of people who never came to Kent now do. She said they are now aware of what Kent offers, and come back to Kent for a visit to places like Taco Tontos and Ray's. She said the money is not just about the festival, but also gives people an awareness of Kent itself.

Philip Farwell: Mr. Farwell said he lives in Ward 2, and is concerned about the fireworks. He said over the weekend of the 4th of July, his neighbor had a fireworks display that came on his house. He said he and his wife were upset, and concerned for their children. He said he called the police, and someone drove by about one hour later. He said they saw nothing, so nothing happened. He said there were two more incidents, adding that when the officer came by, the illegal fireworks were in the back yard. Mr. Farwell said no one asked if they wanted to speak to them. He said his wife called again, and that time, an officer could not come by until 1:00 a.m., when everything was over.

Mr. Farwell said that more went off last Sunday. He said this is a first degree misdemeanor, adding that other crimes in this category include assault, theft, and vehicular homicide. He said he felt it was pretty important to look into, and on Monday, he followed up and did research on the law. He said he spoke with the Police Department, and called the Fire Department. Mr. Farwell said he wanted to know how to behave. He said if there was a felony, he could make an arrest. Mr. Farwell said he did not want to be in the position to have to know the difference. He said he just wants to know when he calls the safety forces, they will show up and protect his family.

Mr. Farwell said he talked to people at the City over the last two days about what can be done. He said he spoke with the Law Director, his Council person, and the Safety Director just prior to the meeting, who appeared to not be pleased with the way things went. He said the State Fire Marshall is in charge of

fireworks, and asked if he has to go to the State Attorney General so a law can be enforced. He said he wanted to express to everyone how helpless he felt, knowing he could not help his family.

Laura Mazur: Ms. Mazur commented it was hard to follow Mr. Farwell, and apologized to him for what he experienced. She said Kent is a valuable community to live and work in, adding that many people care about Kent and make contributions to it.

Ms. Mazur said she represents All Together Now, Inc. She said they were grateful for last year's support, and understood they will be sharing a pool of money. She said they are grateful for whatever they receive.

Ms. Mazur said the community dinners are a Kent tradition. She said Kent understands what a community is, adding they have been supported by Kent, various businesses, the University, the park system, and many individuals. She said because of this support, they can all come together and provide a place for people to break bread.

Ms. Mazur said the Cleveland Plain Dealer and WKSU have taken note of the events, adding it was discussed in the Plain Dealer last year. She said they felt it was a concept worth sharing with all of northeastern Ohio. She said in the article, they had an email interview with Robert Putnam of Harvard University. She said that he called it a social network of trust, adding they are known to have shown positive impact on schools, the crime rate, government and physical health. She said Professor Putnam did not know of a similar dinner. Ms. Mazur said Kent is a wonderful community, with musical events and children's events.

Ms. Mazur said she was contacted by Reverend Fowler, chair of President Lefton's Commission on Inclusion, composed of a group of scholars and community members to see how to make them more inclusive. She said she served on that commission for more than one year, representing the Kent community.

Ms. Mazur said that Rev. Fowler is now a consultant to President Lefton. She said he contacted her, adding he wants to work with them and appreciates the work they are doing. She said he is looking forward to connecting with their efforts for a diverse population. She said KSU will host them in November, and the Hillel will host them in October. She said when KSU hosted them last July, 400 people were present. She said they have been connecting with local Muslims, and the Islamic Center invited them to Cuyahoga Falls for dinner. She said that 300 people joined them, and they are invited back any time as the doors will be open. She said the Muslims want to continue coming to the dinners, and are considering changing their schedules so they can attend.

Ms. Mazur said that recently at the dinner at the Islamic Center, they spoke for ten to fifteen minutes to educate them on their religion. She said they recently invited the local Norwegians to share things about their culture.

Ms. Mazur said she was glad for the City's support, and glad to be part of the wonderful Kent community. She noted she has always said they have the river, the railroad, and college, and asked what more they could need.

Mayor Fender thanked Ms. Mazur for serving on the Commission on Inclusion.

Mayor Fender told Mr. and Mrs. Farwell he was sorry for what they endured. He said he was glad they talked to the Safety Director, and was sure they can come to an amicable settlement on the situation.

Jeff Ingram, 112 Portage Street: Mr. Ingram said he is the Executive Director of Standing Rock Cultural Arts. He said the mission of D.I.C.E. is to revitalize Kent through cultural arts, adding it was a similar mission for the festival. He said they hope to close the street on April 24 next year. He said D.I.C.E. had a record audience at the last sidewalk cinema. He said they have another one on July 31, adding it is "The Incredible Mr. Limpett". He said they try to keep the movies family friendly and something that all can enjoy. He said Kent has been helpful with the funding.

Mr. Ingram requested funding for the Earth Day Festival. He said they had an Iron Chef competition the previous year, with a lot of interest from Kent State and the University of Akron. He said they plan to do it on April 18, as a kickoff of the Whose Your Momma festival. He said they cannot find a kitchen downtown big enough for eight chefs, so it would have to be at the University again. He noted that if everyone agrees, it would be nice to have it in the downtown area.

Hearing no further audience comment, Mayor Fender called for written correspondence.

The Clerk reported that after the agenda was printed, an email was received from Jeff Farmer urging Council to object to the Magistrate's ruling regarding the proposed Sheetz.

The Clerk reported that earlier in the evening, Council's representative on the Cemetery Board, Michael DeLeone, placed minutes of the June meeting on file with the Clerk.

City Manager's Report

MOTION TO APPROVE ITEMS #1 THROUGH #6

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

The following items were approved by the aforementioned motion:

- 1) Authorization of Draft No. 09-87, appointment of Doug Wagener to the Board of Health
- 2) Authorization of Draft No. 09-88, City Manager's contract
- 3) Agenda time, Finance Committee, review of proposed 2010 Capital Improvement Plan
- 4) Agenda time, Streets, Sidewalks & Utilities Committee, continued discussion on sidewalk snow removal program.
- 5) Agenda time, Finance Committee, proposed changes to ambulance service contract
- 6) Agenda Time, Comm. Dev. Committee, relocation request by KRBA to Summit St. incubator bldg.

MOTION TO RECESS INTO EXECUTIVE SESSION, PRIOR TO ADJOURNMENT, FOR LAND ACQUISITION, EMPLOYEES PERFORMANCE EVALUATIONS, AND POTENTIAL 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, Mr. Turner, Ms. Wallach, and Mr. Wilson. The motion carried by a roll call vote of 9-0.

STANDING COMMITTEE REPORTS

The Mayor asked the Clerk to read Draft No. 09-87 by title only at this time.

A RESOLUTION APPOINTING DOUG WAGENER TO THE BOARD OF HEALTH 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, Ms. Wallach, Mr. Wilson, and Mr. Amrhein. The motion carried by a roll call vote of 9-0.

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. 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.

2009-75: A RESOLUTION APPOINTING DOUG WAGENER TO THE BOARD OF HEALTH AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

COMMUNITY DEVELOPMENT COMMITTEE

MOTION TO APPROVE THE REPORT OF JULY 1, 2009.

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

MOTION TO AUTHORIZE THE ADMINISTRATIVE RECOMMENDATIONS FOR THE CELEBRATE KENT! GRANTS.

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

MOTION TO REFER THE CONCEPT OF A LIAISON TO THE ADMINISTRATION TO CONTACT A FEW COMMUNITIES THAT HAVE A JOINT COMMUNITY/UNIVERSITY LIAISON, EXPLORE THE PROCESS USED, AND HOW IT IS FUNDED.

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

The Mayor asked the Clerk to read Draft No. 09-83 by title only at this time.

AN ORDINANCE AMENDING ORDINANCE NO. 2005-34, ENTITLED “ AN ORDINANCE PROVIDING FOR APPROVAL OF THE BRIMFIELD-KENT JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT; AND DECLARING AN EMERGENCY”; AS AMENDED BY ORDINANCE NO. 2007-15, PASSED FEBRUARY 7, 2007 SO AS TO APPROVE AMENDMENT NO. 2 OF THE BRIMFIELD-KENT JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT; 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. 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 SUSPEND THE THREE READINGS.

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.

2009-76: AN ORDINANCE AMENDING ORDINANCE NO. 2005-34, ENTITLED “ AN ORDINANCE PROVIDING FOR APPROVAL OF THE BRIMFIELD-KENT JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT; AND DECLARING AN EMERGENCY”; AS AMENDED BY ORDINANCE NO. 2007-15, PASSED FEBRUARY 7, 2007 SO AS TO APPROVE AMENDMENT NO. 2 OF THE BRIMFIELD-KENT JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT; AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

FINANCE COMMITTEE

MOTION TO APPROVE THE REPORT OF JULY 1, 2009 AND THE FIRST TWO RECOMMENDED ACTIONS.

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

MOTION TO AUTHORIZE THE THIRD ACTION, AUTHORIZATION OF THE PUBLIC SERVICE EMPLOYEE'S RECLASSIFICATION AND REAPPROPRIATION.

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

Ms. Wallach said she could not support the action, as it will be a 27% increase to the salaried position. She said the recycling fund is barely keeping its head above the water, and she was unsure they could pay salaries from the Solid Waste fund. She said she would not support the recommended action.

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

The Mayor asked the Clerk to read Draft No. 09-85 by title only at this time.

AN ORDINANCE SUBMITTING THE QUESTION OF REPLACING AN EXISTING TAX LEVY FOR RECREATIONAL PURPOSES PURSUANT TO SECTIONS 5705.19(H) AND 5705.192 OF THE REVISED CODE, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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.

MOTION TO SUSPEND THE THREE READINGS.

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

Mr. Kuhar said he could not support the motion. He said by replacing the levy, as opposed to renewing it, it would represented an added increase for those paying it.

Mr. Wilson agreed, adding it is up to those paying to make that decision. He said it was requested by the Park Board, and he has no problem letting the voters decide.

Mr. Turner said he wished to reinforce what Mr. Wilson said. He said that it was requested by the Park Board, and the voters can determine if is appropriate.

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

2009-77: AN ORDINANCE SUBMITTING THE QUESTION OF REPLACING AN EXISTING TAX LEVY FOR RECREATIONAL PURPOSES PURSUANT TO SECTIONS 5705.19(H) AND 5705.192 OF THE REVISED CODE, 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. 09-86 by title only at this time.

AN ORDINANCE SUBMITTING THE QUESTION OF RENEWING AN EXISTING CURRENT EXPENSE TAX LEVY PURSUANT TO SECTIONS 5705.19(A) AND 5705.191 OF THE REVISED CODE, 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 SUSPEND THE THREE READINGS.

Motion made by Mr. Ferrara, 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.

2009-78: AN ORDINANCE SUBMITTING THE QUESTION OF RENEWING AN EXISTING CURRENT EXPENSE TAX LEVY PURSUANT TO SECTIONS 5705.19(A) AND 5705.191 OF THE REVISED CODE, 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. 09-88 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. Hawksley.

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

MOTION TO ADOPT THE FIRST READING.

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

Ms. Wallach said that given the current economy and the state of the budget, she cannot support pay raises at this time. She said the Mayor of Akron and his cabinet voluntarily chose to accept pay freezes. She said it would be nice to see that leadership coming out of Kent.

Mr. Amrhein said Mr. Ruller does a great job, and he respects him greatly. He said he could not support the increase because of the economy.

Mr. Wilson agreed with Mr. Amrhein that Mr. Ruller does a great job, and said that an easy way to lose him is to give everyone else a raise, and not him. He noted that Ms. Wallach said the Mayor and his staff took pay cuts, and Ms. Wallach said that what she said was that the Mayor and his cabinet voluntarily chose to take pay freezes. Mr. Wilson said they should give back part of their pay, then, as Council people. He said Mr. Ruller deserves a raise, and he wished they could do more.

Mr. Turner said he supported the motion. He said they are laying an infrastructure that will have a greater opportunity and benefit for the community. He said Mr. Ruller's leadership is leading them in that direction,

and it is imperative they support the position. He said it would be short-sighted to create this type of statement of non support. Mr. Turner said he understands where the others are coming from, as it relates to economic circumstances. He said that by investing in Mr. Ruller, they are investing in their future. He said their hope is that with his direction and leadership, the City will move forward in a more dynamic way. He said he would support the motion.

Mr. Hawksley echoed Mr. Wilson's comments. He said they have given the lowest paid employees the same benefits and an increase. He agreed that if the upper management wished to return their increases, they were welcome to do so, but added that was not their call.

Ms. Shaffer echoed the words of Mr. Wilson, Mr. Hawksley, and Mr. Turner. She said that because of Mr. Ruller's stewardship and leadership and because of his encouragement to the various departments, they are not in an emergency situation. She said while money is tight, and they have to be careful, they are in a lot better shape than many other communities that have to let people go and enact cost cutting measures. She said she did not wish to single out Mr. Ruller, and reward him for the leadership he has shown and will continue to show..

Mr. Kuhar said if they put Council at some type of plateau in government, they will see that Council has not asked for a raise in years, adding the pay has remained the same. He said they did not want taxpayers to think they wanted more money to perform their jobs. He said on a personal note, he froze all prices for the last two or three years on his businesses and rentals, as the economy is tough. He said in the private sector, most everyone he know has not gotten automatic raises annually or every time something comes up. He said Mr. Ruller is doing a good job, but with a salary over \$100,000, he expects him to do a good job. He said it doesn't take a PhD in Math to figure out things are tight. He said if Kent's income raised to match the money they are giving out, he might think differently. He said that the rewards do not have to be dollars and cents when someone is making more than 80% of the people in Kent.

Ms. Wallach told Mr. Wilson she suggested a 10% pay cut the previous year during salary negotiations.

Mr. Ferrara said he fully supports the motion. He said the Manager has done a great job, adding that salary is not indicative of performance. Mr. Ferrara said because someone has a high salary does not mean they are performing high. He said the job dictates the salary, adding Mr. Ruller's performance has been excellent, and eventually someone will want to pay for that performance. He said if they do not reward that type of performance, they will lose a quality person. Mr. Ferrara said that the Mayor of Streetsboro wants a job, adding he is sure they can get him for a lot less. He said he supported the motion, adding Mr. Ruller deserves more than 3%. He said their tax revenues were higher than the year before. Mr. Ferrara said Mr. Ruller's performance dictates and deserves the raise, and more, in his opinion.

Mr. Wilson said he brought up the issue of Council's salary. He said that Section 28 of the Charter said they must have a non partisan committee look at their salaries. He told Ms. Wallach if she wanted to do that, they needed to put that type of committee together. He said that is the only way they can change their pay.

At this time, a few people called a point of order. Mayor Fender acknowledged them, and said he gave Mr. Wilson latitude.

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

The Mayor asked the Clerk to read Draft No. 09-89 by title only at this time.

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF OVERBROOK DRIVE, BRENTWOOD DRIVE, LAUREL DRIVE AND CHELTON DRIVE, BETWEEN CERTAIN TERMINI, BY THE CONSTRUCTION OF STORM SEWERS, CATCH BASINS, DRIVEWAY

APPROACHES, ROADSIDE DITCHES AND ROOF DRAIN PIPES (LATERAL), TOGETHER WITH THE NECESSARY APPURTENANCES THERETO AND RELATED RESTORATION, SEEDING AND MULCHING, AND REPLACEMENT OF EXISTING DRIVEWAY APPROACHES, AS NECESSARY, AND RELATED IMPROVEMENTS, 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, 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 9-0.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Mr. Turner, 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 9-0.

2009-79: AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF OVERBROOK DRIVE, BRENTWOOD DRIVE, LAUREL DRIVE AND CHELTON DRIVE, BETWEEN CERTAIN TERMINI, BY THE CONSTRUCTION OF STORM SEWERS, CATCH BASINS, DRIVEWAY APPROACHES, ROADSIDE DITCHES AND ROOF DRAIN PIPES (LATERAL), TOGETHER WITH THE NECESSARY APPURTENANCES THERETO AND RELATED RESTORATION, SEEDING AND MULCHING, AND REPLACEMENT OF EXISTING DRIVEWAY APPROACHES, AS NECESSARY, AND RELATED IMPROVEMENTS, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

HEALTH & SAFETY COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT, AND THE ACTION RECOMMENDED, WHICH IS TO AUTHORIZE THE DRUG HOUSE LEGISLATION.

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

The Mayor asked the Clerk to read Draft No. 09-84 by title only at this time.

AN ORDINANCE ADOPTING CLANDESTINE DRUG LABS AS CHAPTER 523 OF THE KENT CITY ORDINANCES TO CLARIFY PROCEDURES AND RESPONSIBILITY FOR THE CLEAN UP OF PROPERTIES USED FOR THE ILLEGAL MANUFACTURING OF DRUGS.

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. 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 SUSPEND THE THREE READINGS.

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

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.

2009-80: AN ORDINANCE ADOPTING CLANDESTINE DRUG LABS AS CHAPTER 523 OF THE KENT CITY ORDINANCES TO CLARIFY PROCEDURES AND RESPONSIBILITY FOR THE CLEAN UP OF PROPERTIES USED FOR THE ILLEGAL MANUFACTURING OF DRUGS.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

STREETS, SIDEWALKS & UTILITIES COMMITTEE

MOTION TO AUTHORIZE THE WRITTEN REPORT OF JULY 1, 2009 AND THE RECOMMENDED ACTIONS.

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

The following actions were approved by the aforementioned motion:

- 1) TO DECOMMISSION THE CITIZENS ACTION COMMITTEE
- 2) TO AUTHORIZE THE ACCEPTANCE OF UTILITIES FOR THE GREEK VILLAGE
- 3) TO SCHEDULE ANOTHER MEETING ON SIDEWALK SNOW REMOVAL, AT THE NEXT AVAILABLE TIME.

The Mayor asked the Clerk to read Draft No. 09-90 by title only at this time.

AN ORDINANCE ACCEPTING FOR DEDICATION PURPOSES, A SANITARY SEWER EASEMENT FROM THE STATE OF OHIO FOR THE GREEK VILLAGE ON KENT STATE UNIVERSITY PROPERTY AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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, Mr. Turner, and Ms. Wallach. The motion carried by a roll call vote of 9-0.

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2009-81: AN ORDINANCE ACCEPTING FOR DEDICATION PURPOSES, A SANITARY SEWER EASEMENT FROM THE STATE OF OHIO FOR THE GREEK VILLAGE ON KENT STATE UNIVERSITY PROPERTY 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. Amrhein said they received information about the funds from the Bicentennial Celebration. He said a previous Council authorized \$24,000, but only \$13,000 was spent, leaving a balance of \$11,000. He said the Committee would like to use that balance for artwork that has been previously approved.

MOTION TO AUTHORIZE THE RELEASE OF \$11,000 FOR THE ARTWORK.

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

Ms. Shaffer supported the motion. She said they could always use more public art, as it helps define the space. She said she would like to see what they have in mind.

Mayor Fender noted this did not have to come to Council as \$24,000 was allocated. He said in the thought of transparency, they wanted to bring it forward, and wanted Council's blessing.

Mr. Wilson said he voted against it before, and will do it again.

Mr. Kuhar asked what it was not spent previously, adding he would probably go with the flow.

Mr. Hawksley said the artwork has gone through an elaborate competition process. He said the Committee raised substantial amounts of money. He noted that he agreed with the Mayor and Mr. Amrhein that bring it forward was a courtesy, and even though Mr. Wilson voted against it before, they have a moral obligation.

Mr. Wilson asked how much they raised, and Mayor Fender said they raised about \$20,000. Mr. Wilson asked if the artwork would cost \$30,000 and Mayor Fender said that was correct.

Mr. Turner said he was not on Council at that time, and asked for further clarification about what they were discussing.

Mr. Hawksley said Council allocated \$24,000 for the Bicentennial celebration, comprised of activities every month of the year. He said they wanted a lasting memorial, and had a competition to design a piece of art. He said they raised \$20,000 for the artwork, and because they raised other monies, they did not use all of the money allocated by Council. He said at the time of the request, they talked about using some of the money for this art commission.

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

MOTION TO REFER TO THE ADMINISTRATION A MORE AGGRESSIVE EDUCATION CAMPAIGN ABOUT FIREWORKS, INCLUDING INFORMATION IN THE TREE CITY BULLETIN, TO LET PEOPLE UNDERSTAND THE SAFETY ISSUES AND THAT THEY ARE ILLEGAL.

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

Mr. Hawksley said he had a good friend who had fireworks blow up in his eye about a year earlier, and he is fortunate that he did not lose his vision. He said he was in Rochester for the 4th of July, and someone put on a fireworks display that cost \$15,000. He said they have similar displays in Kent, and it has to stop.

Ms. Shaffer said she never had the fear of her house catching on fire, but left her first house in Kent because of fireworks. She said it is not that much quieter, as there are still bombs going off. Ms. Shaffer said she realized it is difficult to enforce, and suggested they could do a neighborhood initiative. She said if it relies on witnessing, then the witnesses should come forward. Ms. Shaffer said she supported the referral.

Mr. Wilson said he is not against the motion, and told the Farwells that he sympathizes with them. He said the Safety Director and Council member met with these folks, and have not even had a chance to work out or solve the problem. He suggested they wait a few weeks to see if they can come up with an answer. Mr. Wilson suggested they give the Administration the chance to do the job they are hired to, and if they cannot solve it, the Council can do something. He said he felt they were over reacting at this time.

Mr. Amrhein agreed with the motion. He said they have a beautiful display during the festival annually, and do not need neighborhoods for weeks that follow the forth.

Mr. Hawksley said the motion does not say they are to deal with this issue. He said the police, for the most part, have a lot to do, and he did not want to give them more to do. He said this raises the profile in Kent, and looks at creative ways of dealing with a problem that is way out of control.

Mr. Turner said he is trying to figure out the scope of the motion and what it would encompass, as far as laying the ground work. He said he has some of the same feels as Mr. Wilson, adding he has had ongoing discussions with their safety forces and the Law Director as they try to deal with issues. He said he has great sympathy for those affected, adding he is one of them. He said he would like to see what happens with the situation with the Police and the Fire Department, adding then, if it is an issue, it may be appropriate to discuss it. He said he would like to find out where they are first.

Ms. Wallach said she would like to make Mr. Turner's an amendment.

MOTION TO AMEND TO WAIT AND SEE THE RESULTS OF THE DISCUSSION WITH THE ADMINISTRATION AND THE FARWELLS, BEFORE MOVING FORWARD WITH THE MOTION.

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

Ms. Shaffer said she is hearing this as one issue by one resident, and they may solve it. She said they are talking about aq larger issue. She said it is more of a public discussion than one neighborhood and one dispute. She suggested the Administration may grace them with some suggestions, adding Council has the power to specifically direct questions to them.

Mr. Ferrara said he could go either way on the motion or the amendment. He said if it comes back up to Council, they could set the direction they want them to go. He said they do not need neighborhood watch groups, but, instead, they need to enact steep fines. He said they need to make them an example. Mr. Ferrara suggested they let the Administration come back with the results of this incident, and they can then set the direction. He said they can start levying fines if they do not want to tolerate it. He suggested he did not wish to hold hands and discuss it.

Mr. Wilson supported the amendment, as it does what he was trying to say. He suggested they let the Administration do the quality job that they do, adding if it is not enough, they can go forward with Mr. Hawksley's motion. He said he has faith in the Police Chief and the Safety Director, adding he felt they will all be satisfied, and they do not need big neighborhood meetings.

Mr. DeLeone asked if that was the amendment, and Mr. Wilson said that was correct.

MOTION TO CALL THE QUESTION.

Motion made by Mr. Ferrara, seconded by Mr. Hawksley. (No vote was taken on this motion).

The motion carried by a voice vote of 7-2, with Mr. Amrhein and Ms. Shaffer dissenting.

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

MOTION TO ASK THE ADMINISTRATION TO RETURN WITH A RECOMMENDATION ON HOW MUCH MONEY THEY NEED TO SET ASIDE FOR CLEANUP OF DRUG HOUSES.

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

Mr. Wilson said he wanted to clarify when someone calls the question, it takes a motion and the second. (The Clerk noted that they did have a motion and a second, but no vote).

Mr. Ferrara said he was out of town for the Heritage Festival, during the day, returning to town by 6:00 p.m. He said they went downtown by 7:00 p.m. He said the festival was a great job, and the City

employees did a great job. He said the fireworks seemed a little misplaced, but still were good.

Mr. Turner said he wanted to personally thank the Clerk and Cathy Wilson for putting forth the effort of being at the City's booth at the festival. He noted that Ms. Wallach and Ms. Shaffer also helped out, and he said he was appreciative for their efforts.

Mr. Turner said he had the occasion to speak to the Police Chief, adding he does not hide nor shirk his duties. He said he is trying to keep integrity up front for the Police Department, and he was proud of the Chief's leadership. Mr. Turner said there may be times when they are up and down, but the leadership that is shown is something they should let people know they appreciate.

Mr DeLeone said he called Mr. Roberts a few months earlier, adding that he had two calls from the same street about the condition of the street. He said these same people have since called to say the street was paved and the City did a wonderful job. He said they can't wait for the Chip and Seal program.

Mr. Amrhein thanked the Police Department at this time. He said he has had a number of residents who have had questions, and when he emails, it is answered immediately. He thanked them for their professionalism.

Mr DeLeone said he has received three positive calls on the trash program, adding that people were not aware there were different levels available. He said he thought a lot of senior citizens were getting raked over the coals, as they did not know about the different levels.

MAYOR'S REPORT

Mayor Fender said he wished to speak to the City Manager's performance review and 3% increase. He said his evaluation was in excess of 4 out of a possible 5. He said they have had no layoffs, and the Manager has done a great performance. He said he has a lot of responsibilities, and is a good City Manager. Mayor Fender said the Manager does an excellent job.

MOTION TO RECESS THIS MEETING INTO THE PREVIOUSLY AUTHORIZED EXECUTIVE SESSION.

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

Mayor Fender recessed this meeting at 8:32 p.m. Following Executive Session, he reconvened the public portion of this meeting at 9:03 p.m.

MOTION TO AUTHORIZE A PURCHASE AGREEMENT FOR 4.6372 ACRES OF LAND FROM WHEELING AND LAKE ERIE RAILROAD FOR \$27,840 AND AN EASEMENT FOR .7 ACRES FOR \$2500.

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

MOTION TO AUTHORIZE THE FILING OF OBJECTIONS TO THE PROPOSED CONSERVANCY DISTRICT.

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

MOTION TO ADJOURN THIS MEETING.

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

Hearing no further business before this Council, Mayor Fender adjourned this meeting at 9:04 p.m.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council