

**THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WED., JUNE 17, 2009**

This regular meeting of Kent City Council was called to order on Wed., June 17, 2009, by John Fender, Mayor & President of Council, at 7:30 p.m.

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

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

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

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF MAY 20, 2009 AND TWO PUBLIC HEARINGS OF MAY 20, 2009.

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

Todd Abell, 126 E. Williams: Mr. Abell said he wanted to ask questions about the downtown development. He said he read the newspaper and saw the article about the funds from the federal government. Mr. Abell said it is their responsibility to answer his questions.

Mr. Abell asked the time line they see for significant development, and asked if it was one year or two years. He asked the total cost, and asked if it is \$10 million or \$24 million. He asked the total costs, and asked when they expect the results.

He said he can apply the same question to the judge who criticized this Council for their lack of action regarding the new justice center/courthouse in place. He said it was sort of a rebuke. He asked the total cost, adding in 2009, they have allocated \$5 million, with \$4 million in 2010. He asked if they are going ahead, and whether the money is being spent. He asked when they will see results, when they break ground, and when will it be completed. Mr. Abell said he is just a person watching Council over the last few years. He said they have a lot of big plans, have proposed a lot of money, have monies in the budget, and have spent money. He said they are looking for results, not good intentions.

Mr. Abell asked what drastic cuts are being done at this time, and noted they offered a 3% raise for the employees, which they deserve. He asked how quickly the City is running out of money, adding it is clear it will happen in the next few years and the savings will be depleted. He said he thinks the numbers were before the recession took hold. He said these questions should be answered. Mr. Abell asked how much City savings was lost as the markets turned downward, and how much was lost with the City investments, either through the stock market or with bonds. He asked how much was lost, and what that does to the savings they are living off of at this time. He noted they are not living off their fees and/or tax collections.

Mr. Abell said he wants the answers to these questions, adding there is nothing in the Tree City Bulletin about the financial picture. He said he realized they are going to raise the taxes, adding it is a goal of the Council. He said he may vote for a new tax. He said his question is for accountability for this Council. He asked if they are being accountable or if it is business as normal.

Mayor Fender said they listen to citizens' comments at this point, and do not answer the questions. He asked that the Manager or his designee get Mr. Abell answers to his questions.

The Mayor called upon the Clerk for written correspondence at this time.

The Clerk reported that a carbon copy of a letter sent to the Record Courier was received from J.S. Gibbons on June 9, 2009. She said this letter spoke about the conditions at Plum Creek Park. The Clerk said this letter was forwarded to all members of Council on June 10, 2009. She said that a follow up email was received from Ms. Gibbons on June 16, 2009, and forwarded to all members of Council. The Clerk said that the Parks and Recreation Director responded, by email, to Ms. Gibbons and that email was forwarded to all members of Council earlier in the day.

The Clerk reported that an email was received from Jeff Farmer, on June 16, 2009, in response to a memo sent by the Law Director as a follow up to the discussion on the public testimony amendment to the Zoning Code. This email was forwarded to all members of Council.

The Clerk reported that an agenda packet for the May Parks and Recreation Board meeting was placed on file earlier in the evening by Council's liaison, Mr. Wilson.

The Clerk reported that the minutes of the May Standing Rock Cemetery Board meeting were placed on file by Council's representative, Mr. DeLeone, earlier in the evening.

Hearing no further correspondence, the Mayor called for the City Manager's report at this time.

MOTION TO APPROVE ITEMS #1 THROUGH #10

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. 09-74, donations to Parks and Recreation
- 2) Authorization of Draft No. 09-77, 2009 Appropriations Ordinance Amendment
- 3) Agenda time, Community Development Committee, 2009 Celebrate Kent grants
- 4) Agenda time, Health & Safety Committee, drug lab cleanups
- 5) Agenda time, Community Development Committee, status of KSU CAC Committee
- 6) Agenda time, Community Development Committee, acceptance, dedication of sewer, Greek Village property
- 7) Agenda time, Finance Committee, reclassification, reallocation in Public Service Dept.
- 8) Authorization for Public Hearing/Special Council on July 1 for 2010 tax budget
- 9) Agenda time, Community Development Committee, continued discussions on community relations
- 10) Finance Committee/Special Council on July 1 to consider JAG grant funds.

STANDING COMMITTEE REPORTS

COMMUNITY DEVELOPMENT COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF JUNE 3, 2009 AND THE RECOMMENDED ACTIONS.

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

The following items were approved by the aforementioned motion:

- 1) TO HAVE DISCUSSION IN JULY ON STUDY CIRCLES
- 2) TO AUTHORIZE A PUBLIC HEARING AND ORDINANCE TO AMEND BRIMFIELD JEDD BOUNDARIES
- 3) TO AUTHORIZE THE REHAB GUIDELINES BE AMENDED TO INCLUDE STORM SEWERS.

The Mayor asked the Clerk to read Draft No. 09-64, which stands on a first reading, by title only at this time.

AN ORDINANCE AMENDING CHAPTER 1337 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT, ENTITLED "FLOOD DAMAGE CONTROL," IN ORDER TO COMPLY WITH THE NEW FEMA REGULATIONS FOR SPECIAL FLOOD HAZARD AREAS.

MOTION TO SUSPEND THE REMAINING TWO 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, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, and Mr. Amrhein. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

Motion made by Mr. Wilson, 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.

2009-60: AN ORDINANCE AMENDING CHAPTER 1337 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT, ENTITLED "FLOOD DAMAGE CONTROL," IN ORDER TO COMPLY WITH THE NEW FEMA REGULATIONS FOR SPECIAL FLOOD HAZARD AREAS.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 09-65, which stands on first reading, by title only:

AN ORDINANCE REPEALING CHAPTER 1195 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT, ENTITLED "FLOODWAYS AND FLOODPLAINS."

MOTION TO SUSPEND THE REMAINING TWO READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2009-61: AN ORDINANCE REPEALING CHAPTER 1195 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT, ENTITLED "FLOODWAYS AND FLOODPLAINS."

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

FINANCE COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF JUNE 3, 2009 AND ALL RECOMMENDED ACTIONS, EXCEPT ITEM #3.

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) TO AUTHORIZE THE AMENDMENT TO THE LEASE AGREEMENT WITH CUTTER OIL.

- 2) TO AUTHORIZE THE OPWC PREAPPLICATION
- 4) TO AUTHORIZE PLACING A 1.16 MILL RENEWAL LEVY FOR GENERAL OPERATING EXPENSES ON THE BALLOT
- 5) TO AUTHORIZE RETURNING THE GARDEN CLUB'S MEMORIAL STONE

MOTION TO APPROVE ITEM #3, TO AUTHORIZE PLACING A .50 MILL CONTINUING REPLACEMENT LEVY FOR THE PARKS ON THE BALLOT.

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

Mr. Kuhar said he is opposed to the replacement levy versus a renewal levy. He said that while the millage does not change, the property values do. He said a tax increase for anything at this time is not appropriate.

Mr. Hawksley said this was requested by the Park Board, and is up to the voters. He said it was appropriate at this time.

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

The Mayor asked the Clerk to read Draft No. 09-70 by title only at this time.

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SUBMIT ON BEHALF OF THE CITY OF KENT, AN APPLICATION FOR OHIO PUBLIC WORKS COMMISSION (OPWC) FINANCING FOR ROUND 24 AND FURTHER AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, IN THE EVENT THE APPLICATION IS APPROVED, TO AGREE TO PARTICIPATE IN FUNDING OF ITS LOCAL SHARE FOR THE SUBJECT OPWC PROJECT 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 ADOPT THE DRAFT ORDINANCE.

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

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

2009-62: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SUBMIT ON BEHALF OF THE CITY OF KENT, AN APPLICATION FOR OHIO PUBLIC WORKS COMMISSION (OPWC) FINANCING FOR ROUND 24 AND FURTHER AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, IN THE EVENT THE APPLICATION IS APPROVED, TO AGREE TO PARTICIPATE IN FUNDING OF ITS LOCAL SHARE FOR THE SUBJECT OPWC PROJECT 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. 09-78 by title only at this time.

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN AN

ADDENDUM TO A CONTRACT BETWEEN THE CITY OF KENT AND CUTTER OIL COMPANY, DATED DECEMBER 17, 2008 FOR OIL & GAS DRILLING PURPOSES TO RELOCATE THE CITY'S WELL HEAD AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2009-63: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN AN ADDENDUM TO A CONTRACT BETWEEN THE CITY OF KENT AND CUTTER OIL COMPANY, DATED DECEMBER 17, 2008 FOR OIL & GAS DRILLING PURPOSES TO RELOCATE THE CITY'S WELL HEAD 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. 09-72 by title only at this time.

A RESOLUTION DECLARING IT NECESSARY TO RENEW AN EXISTING TAX LEVY FOR THE PURPOSE OF CURRENT EXPENSES AND REQUESTING THE PORTAGE COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THAT RENEWAL LEVY, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2009-64: A RESOLUTION DECLARING IT NECESSARY TO RENEW AN EXISTING TAX LEVY FOR THE PURPOSE OF CURRENT EXPENSES AND REQUESTING THE PORTAGE COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THAT RENEWAL LEVY, 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. 09-73 by title only at this time.

A RESOLUTION DECLARING IT NECESSARY TO REPLACE AN EXISTING TAX LEVY FOR RECREATIONAL PURPOSES AND REQUESTING THE PORTAGE COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THAT REPLACEMENT LEVY, 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, and Ms. Shaffer. Mr. Kuhar abstained. The motion carried by a roll call vote of 8-1.

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. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, and Ms. Shaffer. Mr. Kuhar abstained. The motion carried by a roll call vote of 8-1.

2009-65: A RESOLUTION DECLARING IT NECESSARY TO REPLACE AN EXISTING TAX LEVY FOR RECREATIONAL PURPOSES AND REQUESTING THE PORTAGE COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THAT REPLACEMENT LEVY, 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. 09-74 by title only at this time.

AN ORDINANCE ACCEPTING A DONATION OF \$1,000.00 FROM DUBOIS FAMILY FOUNDATION TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT, \$500.00 TO BE USED FOR THE LOG CABIN EDUCATIONAL EXHIBITS AND \$500.00 TO SUPPORT THE KENT PARKS & RECREATION CHILDREN'S THEATER PROGRAM; ALSO RECEIVED \$225.00 FROM NORWOOD AND BEECH STREETS NEIGHBORS FOR THE PURCHASE OF TREES FOR THE KENT PARKS, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

0.

2009-66: AN ORDINANCE ACCEPTING A DONATION OF \$1,000.00 FROM DUBOIS FAMILY FOUNDATION TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT, \$500.00 TO BE USED FOR THE LOG CABIN EDUCATIONAL EXHIBITS AND \$500.00 TO SUPPORT THE KENT PARKS & RECREATION CHILDREN'S THEATER PROGRAM; ALSO RECEIVED \$225.00 FROM NORWOOD AND BEECH STREETS NEIGHBORS FOR THE PURCHASE OF TREES FOR THE KENT PARKS, 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. 09-77 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 2009-41, PASSED APRIL 15, 2009; AND AS AMENDED BY ORDINANCE 2009-50, PASSED MAY 20, 2009, SO AS TO INCREASE APPROPRIATIONS IN FUND 129, WIRELESS 911; AND FUND 205, SOLID WASTE, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2009-67: 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 2009-41, PASSED APRIL 15, 2009; AND AS AMENDED BY ORDINANCE 2009-50, PASSED MAY 20, 2009, SO AS TO INCREASE APPROPRIATIONS IN FUND 129, WIRELESS 911; AND FUND 205, SOLID WASTE, 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 OF JUNE 3, 2009, AND THE RECOMMENDED ACTION, AUTHORIZING THE ADDENDUM TO THE CAD AGREEMENT AND THE WIRELESS 911 FUND AS PRESENTED.

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

The Mayor asked the Clerk to read Draft No. 09-75 by title only at this time.

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN AN ADDENDUM TO A CONTRACT BETWEEN THE CITY OF KENT AND KENT STATE UNIVERSITY, DATED JANUARY 20, 2006 FOR A "SERVICES CONTRACT" TO PROVIDE FOR THE SHARING OF WIRELESS 9-1-1 REVENUE 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. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, and Mr. Wilson. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2009-68: RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN AN ADDENDUM TO A CONTRACT BETWEEN THE CITY OF KENT AND KENT STATE UNIVERSITY, DATED JANUARY 20, 2006 FOR A "SERVICES CONTRACT" TO PROVIDE FOR THE SHARING OF WIRELESS 9-1-1 REVENUE AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

LAND USE COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF JUNE 3, 2009.

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

MOTION TO APPROVE THE RECOMMENDED ACTION, AUTHORIZING THE PROPERTY CODE.

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

MOTION TO AMEND THE RECOMMENDATION TO DISCUSS THE INTERIOR COMPONENT FURTHER IN COMMITTEE, REMOVING IT FROM THE ORDINANCE.

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

Mr. Wilson said he has some concerns, along with other members. He said there are some gray areas that need more discussion.

Ms. Shaffer said she feels the same way. She said she wants them to be comfortable with it, and be able to explain what it is about. She said she has a strong sense of obligation to move the exterior portion forward. She said she is behind getting something done at this time.

Mr. Kuhar said he supports the exterior component, but noted that Kent has a lot of homes that are more than one hundred years old. He said this would open the door to not allowing people to utilize their properties because of current codes, instead of grand fathering them. He said when they go into owner-occupied homes, and tell people how to live, it is an invasion of privacy. He said they have adequate laws to protect tenants, and adequate building codes to be sure properties are constructed properly. He said they have an obligation to protect people, but if someone wants to live in a house with chipped paint, they should have the right to do so.

Mr. Hawksley said he would agree that there is enough potential controversy that could cause them, as they have seen before, more distraction. He said the exterior portion is critical, but agreed they need to revisit the interior at a later date.

Mr. Turner said he is appreciative to have the opportunity to reevaluate where they are, and he commended the other Council members for their "re thought." He said he hoped they would come up with something workable. Mr. Turner said Mr. Wilson's amendment is very positive, and he supported it.

The amendment carried by a voice vote of 8-1, with Mr. Ferrara dissenting.

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

MOTION TO APPROVE ITEM #2, TO GIVE THE ADMINISTRATION THE AUTHORITY TO ESTABLISH APPROPRIATE ENFORCEMENT MEASURES AS PREVIOUSLY PRESENTED TO COUNCIL.

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

The Mayor asked the Clerk to read Draft No. 09-76 by title only at this time.

AN ORDINANCE ADOPTING THE MODIFIED INTERNATIONAL PROPERTY MAINTENANCE CODE AS CHAPTER 14 OF THE KENT CITY ORDINANCES.

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Ms. Wallach asked if they have to make an amendment, and Mr. Wilson said they already did the amendment when they approved the recommended action, as amended.

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.

2009-69: AN ORDINANCE ADOPTING THE MODIFIED INTERNATIONAL PROPERTY MAINTENANCE CODE AS CHAPTER 14 OF THE KENT CITY ORDINANCES.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

STREETS, SIDEWALKS & UTILITIES COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF JUNE 3, 2009 AND THE RECOMMENDED ACTIONS.

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

The following items were approved by the aforementioned motion:

- 1) TO AUTHORIZE THE AGREEMENT WITH ODOT FOR THE SUMMIT STREET PROJECT
- 2) TO AUTHORIZE ACCEPTANCE OF THE PUBLIC UTILITIES FOR KENT RIDGE.

The Mayor asked the Clerk to read Draft No. 09-71 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF KENT AND THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE SUMMIT STREET IMPROVEMENT PROJECT TO ALLOW THE MAXIMUM USE OF FEDERAL FUNDS IN THE AMOUNT OF \$10,187,129.00 WITH 20% LOCAL SHARE TO BE SPLIT BETWEEN THE CITY OF KENT AND KENT STATE UNIVERSITY, 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, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, and Mr. DeLeone. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2009-70: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF KENT AND THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE SUMMIT STREET IMPROVEMENT PROJECT TO ALLOW THE MAXIMUM USE OF FEDERAL FUNDS IN THE AMOUNT OF \$10,187,129.00 WITH 20% LOCAL SHARE TO BE SPLIT BETWEEN THE CITY OF KENT AND KENT STATE UNIVERSITY, 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. 09-79 by title only at this time.

AN ORDINANCE ACCEPTING, FOR DEDICATION PURPOSES, A PORTION OF THE SANITARY SEWER LINE, WATER LINE AND EASEMENTS FOR SAID LINES OF THE KENT RIDGE ASSISTED LIVING FACILITY PROPERTY 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. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2009-71: AN ORDINANCE ACCEPTING, FOR DEDICATION PURPOSES, A PORTION OF THE SANITARY SEWER LINE, WATER LINE AND EASEMENTS FOR SAID LINES OF THE KENT RIDGE ASSISTED LIVING FACILITY 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. Kuhar said in this day of energy conservation and building green, they would set a good example to decide which building uses the most hot water, and look into the costs and evaluation of a solar hot water system in that building. He said this would represent a savings, and set an example in the community.

MOTION TO ASK THE ADMINISTRATION TO DECIDE WHICH CITY BUILDING USES THE MOST HOT WATER, AND RETURN WITH COSTS AND AN EVALUATION OF A SOLAR HOT WATER SYSTEM IN THAT BUILDING.

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

Ms. Shaffer said it was a great idea. She said they are already exploring some of that, adding she liked moving forward with the idea. She said the costs of solar heat are coming down, and are manufactured in Ohio. She said they ought to participate in that process.

Mr. Wilson said he may be wrong, but he thought they wanted the whole city done to figure out where to save the energy. He suggested they let the Administration return with their report, and not start picking and choosing which facility. He asked that they not circumvent the Administration, and wait for a report. Mr. Wilson said he would vote against the motion.

Mr. Kuhar said what they passed was a demand from Council for the City to come back with a plan to reduce their energy conservation by about 20%. He said the most practical application for solar energy is the water producing solar. He said they need to show people they are in this century, and not the last one. He said they should get ready to do it. He said they do not need a \$200,000 study. He said they know it will work. Mr. Kuhar said they need to go out and see what contractors would charge.

Ms. Wallach asked the City Manager if the company doing the assessment is only looking at heating energy or the total picture, and Mr. Ruller said it is the total picture. Ms. Wallach asked if water would be included, and Mr. Ruller said they are in negotiations at this time.

Mr. Turner asked if they are already evaluating what Mr. Kuhar mentioned, and Mr. Ruller said they used a standard bid document, as used by other cities, but it could be captured in that process. He said they tend to focus on those areas where they could get the "biggest bang for their dollar". He said he cannot say that solar for water would be at the top of the list, but since Council brought it up, they will ask them to comment on it.

Ms. Shaffer said she would vote against the motion, adding they do not need to put something else on the table.

Mr. Kuhar said they are missing the ball on this issue. He said the original demand from Council was not just energy conservation for lights, electric, and heat, but also included the vehicles and the City as a whole. He said this is an application of one practical purpose. He said it is not asking them to study the application, but to pursue the cost. Mr. Kuhar said it is a "now" thing, not a consensus on different ways to save money. He said the Administration has been requested to save the money, and have to figure out the best way to do it.

The motion failed by a hand count of 4-5, with Mr. DeLeone, Ms. Wallach, Ms. Shaffer, Mr. Wilson, and Mr. Ferrara dissenting.

MOTION TO RECESS INTO EXECUTIVE SESSION, PRIOR TO THE CONCLUSION OF THIS MEETING, FOR DISCUSSION ON COMPENSATION AND REVIEW OF THE EMPLOYEES.

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

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.

Ms. Wallach congratulated Chief Williams on his award.

MOTION TO RECESS INTO EXECUTIVE SESSION.

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

Mayor Fender recessed this meeting at 8:10 p.m.

Following Executive Session, Mayor Fender reconvened this meeting at 9:15 p.m.

MOTION TO ADJOURN THIS MEETING.

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

Hearing no further business before this Council, Mayor Fender adjourned this meeting at 9:15 p.m.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council