

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

This regular meeting of Kent City Council was called to order on Wed., March 18, 2009, by John Fender, Mayor & President of Council at 7:30 p.m. Mayor Fender welcomed those present.

PRESENT: MR. AMRHEIN, MR. DELEONE, MR. FERRARA, MR. HAWKSLEY, MR. KUJAR, 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 Shaffer for her opening remarks at this time.

Ms. Shaffer said it was heartening to see so many sincere people at the joint meeting with the Planning Commission and the Board of Zoning Appeals the previous night. She said there was a number of staff and other people in the audience, also. Ms. Shaffer said it is heartening that they are all working together to answer some long standing problems. She said the topic of that meeting dealt with boarding houses. Ms. Shaffer said she was pleased to see the multi-modal facility moving forward, adding that project helped propel her into politics.

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

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF FEBRUARY 18, 2009; WORK SESSION OF FEBRUARY 24, 2009; AND WORK SESSION OF MARCH 11, 2009.

Motion made by Ms. Shaffer, seconded by Mr. Wilson and carried by a voice vote of 8-0-1 with Ms. Wallach abstaining.

Mayor Fender called for audience comment at this time. He reminded those wishing to speak that they must sign up with the Clerk of Council prior to speaking.

Chris: Chair of Kent Environmental Commission: Chris explained he wanted to provide them with a letter from the Commission, asking Council to change the name of their commission to the "Kent Sustainability Commission", which would better match the City's sustainability plan, as that was the original purpose they were formed. He said it was not of high importance, but asked that they consider it at a later date.

He said the second letter was about the City's participation in "Earth Hour", adding that will be a positive statement in terms of their environment and sustainability. Chris said the Commission supported the City's participation in "earth Hour", which would be all lights turned off for one hour on March 28, 2009 at 8:30 p.m.

Caroline: Caroline supported both topics brought up by the previous speaker. She said she is a member of the Kent Environmental Council, adding they think the name change is a good idea. She said it not only reflects the broader mission of the Commission, but also reduces some confusion between the Kent Environmental Council and the Commission.

Caroline supported the project to turn off all lights for one hour at the end of March, adding it is a symbolic gesture. She said if any of them have see pictures from space, they will see the sea boards and Lake Erie's shoreline are lit up. She said this will remind them of their power usage.

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

The Clerk reported that a letter and a resolution was received from Middleburg Heights City Council on Feb. 19, 2009. She said they wanted Council to have a copy of the resolution they passed, expressing their

concern over ODOT's contract with their City for road salt. The Clerk said this information was distributed to all members of Council on Feb. 24, 2009.

The Clerk reported that an email was received from Council member Kuhar with a suggestion that, in lieu of a single trash company, the City should designate one pick up day each week, allowing citizens to make their own choice whom they hire. She said this email was forwarded to all members of Council on Feb. 24, 2009.

The Clerk reported that a carbon copy of a letter sent to the Utility Billing Department was received on Feb. 24, 2009 from Geneva Hintz, former Kent resident, from Gilbert Arizona. She reported that Ms. Hintz was billed for a delinquent utility bill left unpaid by her tenant and questioned why the City did not stop service to this address before it became high. The Clerk said that Ms. Hintz also expressed concern with her estimated bill for the period of Dec. 4, 2008 thru Jan. 9, 2009. The Clerk said that this letter was distributed to all members of Council on Feb. 24, 2009. She said a response from the Utility Billing Department was received on Feb. 27, 2009, and distributed to all members of Council on March 11, 2009.

The Clerk reported that John Thomas personally delivered his resignation from the Civil Service Commission, effective March 31, 2009. She said this letter was forwarded to all members of Council on March 11, 2009.

The Clerk reported that notification was received on Feb. 19, 2009 from the Ohio Division of Liquor Control that the American Legion Portage Post #496, 1945 Mogadore Rd. had applied for a D5-I license. She said that objections must be received by March 16, 2009. The Clerk said this notification was forwarded to all members of Council on March 4, 2009. She reported that Safety Director Lillich said the license is a non-transferable retail food operation license, and had no objections.

MOTION TO RETURN WITH NO OBJECTIONS.

Motion made by Mr. Wilson, seconded by Mr. DeLeone, and carried by a voice vote of 8-0-1, with Mr. Ferrara abstaining.

The Clerk reported that Council member Wilson delivered two letters on March 4, 2009 from Ellen Amodio Lyman and Sue Gambaccini Briers. She said that both letters spoke against the single-hauler citywide trash pickup, and were forwarded to all members of Council on March 11, 2009.

The Clerk reported that the agenda packet for the Feb. 28, 2009 Kent Parks and Recreation Board meeting were placed on file by Council's liaison, Wayne Wilson, on March 4, 2009.

The Clerk reported that notification was received on March 4, 2009 from the Ohio Division of Liquor Control, informing the City that a request for a transfer of a D5 liquor license was received from Inspirations and Attitudes LLC to TG Carpenter LLC. She said that objections must be postmarked no later than April 3, 2009. The Clerk reported that she spoke with the Ohio Division of Liquor Control, advising them that this particular applicant did not have tenancy to the property located at 200 S. Depeyster. They advised that Council should object to said transfer, and send a letter regarding the tenancy issues.

MOTION TO RETURN WITH OBJECTIONS, AND TO AUTHORIZE THE CLERK TO SEND A LETTER REGARDING THE TENANCY ISSUES.

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

The Clerk reported that minutes of the Standing Rock Cemetery Board meeting of Feb. 12, 2009 were placed on file by Council's representative, Michael DeLeone, on March 11, 2009.

The Clerk reported that after the agenda was printed, a letter was received from Steve Riester and Carl Blaine of S. Willow Street, informing Council that on March 28, 2009, people all around the world will turn off their lights for one hour to demonstrate their concern about the future of the planet. She said they urged Kent to join other cities with this venture.

The Clerk reported that the 2008 annual report from the Kent Police Department was placed on file in the Council office earlier in the day.

Hearing no further written correspondence, Mayor Fender called for the City Manager's report.

MOTION TO APPROVE ITEMS #1 THROUGH #9

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

The following items were approved by the aforementioned motion:

- 1) Authorization of Draft No. 09-38, Kent Parks and Recreation grant authority for Ohio Cooperative Boating Facility grant funds.
- 2) Agenda time, Streets, Sidewalks and Utilities Committee, sanitary sewer easement, Greek Village project on KSU campus.
- 3) Agenda time, Streets, Sidewalks, and Utilities Committee, staff review of 2009 Annual Street Program.
- 4) Agenda time, Community Development Committee, review of Citywide Energy Management bid proposal.
- 5) Agenda time, Community Development Committee, consideration of Zoning Code recommendations
- 6) Agenda time, Finance Committee, consideration of Tax Incentive Review Council's annual report.
- 7) Agenda time, Finance Committee, amendment to 2009 Appropriation Ordinance
- 8) Agenda time, Finance Committee, Bureau of Justice grant
- 9) Authorization for Clerk to schedule two public hearings for zoning amendments, in accordance with City's Zoning Code.

Mr. Ruller said he was pleased to report with his smiling Irish eyes, as he was still dancing a jig, that **Gene Roberts, Service Director**, went toe-to-toe, and received AMATS funding of \$3 million for the Crain Avenue bridge. He said he kept hearing the song, "Pennies from Heaven", by Louis Armstrong, in his head.

Mr. Ruller said the cost of the bridge had increased significantly, and these are a lot of pennies from Heaven to offset those costs. He said they owe Mr. Roberts and **Jim Bowling, City Engineer**, a debt of great gratitude. He said they will never find a person more prepared than Mr. Roberts. He said Mr. Roberts told him he thought he knew the law better than the person who wrote it. Mr. Ruller said they received a favorable vote, and that vote was a substantial one. He said it was a good day for Kent, and led a round of applause for Mr. Roberts at this time. He suggested they may have their the City's Mayor was back in town.

Mayor Fender thanked Mr. Roberts at this time. He said that Mr. Roberts is always well-prepared for a fight.

Mr. Wilson pointed out that all of the work resulting in the \$3 million took place under the Pro Tem who was serving in the absence of the Mayor.

STANDING COMMITTEE REPORTS

COMMUNITY DEVELOPMENT COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF MARCH 4, 2009 AND THE RECOMMENDED ACTION, WHICH WAS TO AUTHORIZE THE STAFF RECOMMENDATIONS FOR THE 2009 CDBG ALLOCATIONS..

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

FINANCE COMMITTEE

MOTION TO APPROVE THE REPORT OF MARCH 4, 2009 AND THE FIRST RECOMMENDED ACTION, WHICH WAS TO LOOK INTO THE BUSINESS LICENSE CONCEPT FURTHER, ASKING THE ADMINISTRATION TO CONTACT THE KEY WEST BUSINESS TAX DEPARTMENT, RETURNING TO COMMITTEE WITH THAT INFORMATION.

Motion made by Mr. Wilson, seconded by Mr. Ferrara, and carried by a voice vote of 6-3, WITH Mr. Hawksley, Mr. Ferrara, and Ms. Shaffer dissenting.

MOTION TO AUTHORIZE THE SECOND RECOMMENDED ACTION OF MARCH 4, 2009, WHICH WAS AUTHORIZATION OF THE APPROPRIATE FUNDS IN THE TWO REVOLVING LOAN FUNDS.

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

MOTION TO APPROVE THE REPORT OF MARCH 11, 2009, AND THE RECOMMENDED ACTION, AUTHORIZING THE MOU WITH KENT STATE AND PARTA, WITH THE INCLUSION OF THE EMERGENCY CLAUSE.

Motion made by Mr. Wilson, seconded by Mr. DeLeone, and carried by a voice vote of 8-0-1, with Mr. Kuhar abstaining.

The Mayor asked the Clerk to read Draft No. 09-38 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPLY FOR A COOPERATIVE BOATING FACILITY GRANT IN THE AMOUNT OF APPROXIMATELY \$ 250,000 THROUGH THE OHIO DEPT. OF NATURAL RESOURCES, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, 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.

2009-31: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPLY FOR A COOPERATIVE BOATING FACILITY GRANT IN THE AMOUNT OF APPROXIMATELY \$ 250,000 THROUGH THE OHIO DEPT. OF NATURAL RESOURCES, 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. 09-39 by title only at this time.

AN ORDINANCE AMENDING ORDINANCE NO. 2008-220, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 3, 2008, AND AS AMENDED BY ORDINANCE NO. 2009-26, PASSED FEB. 18, 2009, SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; FUND 126, COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG); AND FUND 820, URBAN DEVELOPMENT ACTION GRANT (UDAG); 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: 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. 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.

2009-32: AN ORDINANCE AMENDING ORDINANCE NO. 2008-220, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 3, 2008, AND AS AMENDED BY ORDINANCE NO. 2009-26, PASSED FEB. 18, 2009, SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; FUND 126, COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG); AND FUND 820, URBAN DEVELOPMENT ACTION GRANT (UDAG); 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. 09-37 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, KENT STATE UNIVERSITY, AND THE PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY, FOR THE DESIGN OF A DOWNTOWN TRANSIT CENTER, 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: Mr. Hawksley, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. Mr. Kuhar abstained. The motion carried by a roll call vote of 8-0-1.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Mr. Kuhar said he would probably be the only one that did not support this ordinance. He said the residents are not as thrilled about a multi-modal facility in the downtown area. He said that some concerns include the need for more busing due to the parking lot sprawl. He said they see the trouble currently, with the bus stop at Terrace Hall, and traffic spilling over on Main Street. Mr. Kuhar said that some bus drivers think the laws are determined by their vehicular size. He said a bus transit station in the downtown is proposed to be a central focal point, that will bring more new businesses. He said he felt it was a place to move the buses off campus, generating more congestion, traffic and pollution, and he would not support the ordinance for those reasons.

Mr. Turner said they heard in the previous week's discussion that this facility is catalytic to the downtown development. He said he would speak strongly for the passage of this ordinance.

Mr. Hawksley said they do have a downtown, and transit is extremely critical, especially with global warming. He said providing transit services that are linked to pedestrian and bicycle services, with the appropriate amount of parking, is very critical to the accessing of the downtown. He said it would also reduce the number of cars used.

Ms. Shaffer wanted to clarify it was a transit center, and not a bus storage garage.

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.

2009-33: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF KENT, KENT STATE UNIVERSITY, AND THE PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY, FOR THE DESIGN OF A DOWNTOWN TRANSIT CENTER, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

STREETS, SIDEWALKS & UTILITIES COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF MARCH 4 AND THE RECOMMENDED ACTIONS.

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

The following actions were approved by the aforementioned motion:

- 1) TO APPROVE ACCEPTANCE OF THE DONATION OF RIGHT-OF-WAY FROM DON JOSEPH.
- 2) TO AUTHORIZE APPROVAL OF THE MOU WITH KENT STATE UNIVERSITY FOR THE SUMMIT STREET IMPROVEMENT
- 3) TO AUTHORIZE THE SALT CONTRACT WITH THE EMERGENCY CLAUSE

MOTION TO APPROVE THE WRITTEN REPORT OF MARCH 11, 2009 AND THE RECOMMENDED ACTION, AUTHORIZING THE AGREEMENT WITH ODOT FOR THE FAIRCHILD AVENUE BRIDGE PROJECT.

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

The Mayor asked the Clerk to read Draft No. 09-33 by title only at this time.

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO PARTICIPATE IN THE OHIO DEPARTMENT OF TRANSPORTATION'S CONTRACT FOR THE PURCHASE OF SODIUM CHLORIDE/ROCK SALT FOR THE PERIOD OF ONE YEAR, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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.

2009-34: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO PARTICIPATE IN THE OHIO DEPARTMENT OF TRANSPORTATION'S CONTRACT FOR THE PURCHASE OF SODIUM CHLORIDE/ROCK SALT FOR THE PERIOD OF ONE YEAR, 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. 09-34 by title only at this time.

AN ORDINANCE ACCEPTING AND DEDICATING A PARCEL OF PROPERTY CONTAINING 0.306 ACRES OF LAND OWNED BY DON JOSEPH, INC., FOR PURPOSES OF ROAD RIGHT-OF-WAY FOR THE CONSTRUCTION OF THE STONEMASTER DRIVE IMPROVEMENT, 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: Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, and Mr. Kuhar. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2009-35: AN ORDINANCE ACCEPTING AND DEDICATING A PARCEL OF PROPERTY CONTAINING 0.306 ACRES OF LAND OWNED BY DON JOSEPH, INC., FOR PURPOSES OF ROAD RIGHT-OF-WAY FOR THE CONSTRUCTION OF THE STONEWATER DRIVE IMPROVEMENT, 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. 09-35 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 OHIO DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION NECESSARY FOR IMPROVEMENTS TO THE CRAIN AVENUE BRIDGE OVER THE CUYAHOGA RIVER AND CSX RAILROAD AND IMPROVE THE ALIGNMENT OF CRAIN AVENUE FROM NORTH MANTUA STREET (SR 43) TO NORTH WATER STREET, IN PORTAGE COUNTY, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

Motion made by Mr. Kuhar, 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 ADOPT THE DRAFT ORDINANCE.

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

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.

2009-36: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF KENT AND THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION NECESSARY FOR IMPROVEMENTS TO THE CRAIN AVENUE BRIDGE OVER THE CUYAHOGA RIVER AND CSX RAILROAD AND IMPROVE THE ALIGNMENT OF CRAIN AVENUE FROM NORTH MANTUA STREET (SR 43) TO NORTH WATER STREET, IN PORTAGE COUNTY, 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. 09-36 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 KENT STATE UNIVERSITY FOR THE PURPOSE OF CONTINUING THEIR JOINT EFFORTS FOR THE IMPROVEMENT

OF EAST SUMMIT STREET GENERALLY LOCATED FROM LINCOLN STREET TO LOOP ROAD, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, 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. Hawksley, 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.

2009-37: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF KENT AND KENT STATE UNIVERSITY FOR THE PURPOSE OF CONTINUING THEIR JOINT EFFORTS FOR THE IMPROVEMENT OF EAST SUMMIT STREET GENERALLY LOCATED FROM LINCOLN STREET TO LOOP ROAD, 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

Ms. Shaffer said the Sidewalk Snow Removal Committee was ready to make some recommendations to Council.

MOTION TO SCHEDULE TIME IN THE NEXT STREETS, SIDEWALKS, AND UTILITIES COMMITTEE, TO RECEIVE A PRESENTATION FROM THE SIDEWALK SNOW REMOVAL COMMITTEE.

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

Ms. Wallach said she had a technical question. She noted at the beginning of the meeting, they approved minutes from Feb. 18, Feb. 25, and March 11, but none from March 4, 2009, and asked why this occurred.

The Clerk said the section in the beginning of the meeting is reserved for Council meetings, both special and regular, public hearings, and work sessions. She said that all meetings on March 4, 2009 were Committee meetings, and they just approved those minutes under each of the appropriate committees.

MOTION TO AUTHORIZE THE NAME OF THE ENVIRONMENTAL COMMISSION BE CHANGED TO THE SUSTAINABILITY COMMISSION.

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

Mr. Hawksley said the commission was probably incorrectly named from the beginning, and he felt the name change was a good idea.

Mr. Turner asked if the mission of the committee would change also, and Mr. Wilson said that was not up to them. Mr. Hawksley said they just wanted the name changed, and Caroline indicated, from the audience, that there would be no change in their function.

Mr. Kuhar asked if it could be the Environmental Sustainability Commission, so that people would know from a distance what the Commission was about, and Mayor Fender said they have a motion on the floor. Mr. Kuhar said he would hate to make a motion to amend it, as the people involved did not have the opportunity to think over his suggestion.

Ms. Shaffer said she likes the recommendation, as it reflects the sustainability goals they came up with years earlier that were incorporated in their strategic planning. She said it took her quite a while to figure out the two commissions, adding they need a name that is clearly different.

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

Ms. Wallach asked if they had another date for the second public hearing on trash, and Mr. Ruller said he and the Clerk discussed it earlier in the day. He said that meeting would be April 8, 2009.

Ms. Wallach asked if they heard anything from the Parks and Recreation Department on the Walk 'n Roll, and Mr. Ruller said they have not heard anything yet.

MOTION TO AUTHORIZATION PARTICIPATION IN "EARTH HOUR 2009" ON MARCH 28, AS A CITY, TURNING DOWN NONESSENTIAL LIGHTING.

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

Ms. Shaffer said she felt it was a good idea.

Mr. Hawksley agreed, adding they need to get the word out to the citizens to consider doing this. He said it is educational, adding he is unsure what it means for the City's lights, but would leave that up to the Administration.

Mr. Wilson said he would vote against the motion. He said money is tight in the City, and if Mr. Roberts has to call people in to turn lights on and off, the Union guarantees them three hours. He said he would like to hope that all buildings have the minimum of lights on. Mr. Wilson said that given the cost factors, he would not support the motion.

MOTION TO AMEND TO PUT OUT A LETTER OF SUPPORT FOR EARTH HOUR BY COUNCIL AND THE CITY OF KENT.

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

Mr. Kuhar suggested if they put forth a voluntary effort, without extra financial burden, they are sending the message.

Ms. Shaffer suggested they could be aware, and turn off nonessential lighting at the end of the day, rather than calling people in. She said she understood Mr. Wilson's concern, and did not want to cause extra cost.

Mr. Wilson said he can support the motion, adding it was because it was 8:30 p.m. on a Saturday that he was against the original motion. He said that would necessitate bringing in staff. Mr. Wilson said the amendment clarifies the spirit of the event.

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

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

Mr. Kuhar said in the past week, they lost a devoted citizen in Kent, William Birkner, who spent a lot of time, energy, and talent with the historic preservation in Kent. Mr. Kuhar said that Mr. Birkner was his neighbor at one time, and asked that they have a moment of silence to honor all of the work he completed in Kent.

Mr. Turner said he had the occasion, while downtown, to interact with some of the business people. He said he heard some concerns about trash in the alley, and contacted Ms. Robertson from the City Manager's office,

who made the appropriate departments aware of the situation. Mr. Turner said that John Ferlito and Troy Loomis both acted with great dispatch. He circulated pictures of the situation. Mr. Turner said he was pleased with the way the City handled the situation, and wanted to comment both employees for the way they responded and represented the City.

Mr. Turner also commended Mr. Bowling and Mr. Roberts for their actions earlier in the day, which saved the City so much money. He said he appreciated their actions, and the way they benefit the community. Mr. Turner said they see benefits derived from their employment with the City.

Mr. Kuhar said they try to support their local businesses as much as possible, and if the businesses are happy, so is the City. He said he had the pleasure and privilege to support the new Italian restaurant, which is where Denny's used to be. He said they have a good, sweet sauce, and the prices are very affordable. Mr. Kuhar said the person that runs the restaurant is a nut for cleanliness, and encouraged their support of this business.

Mr. Wilson said this may or may not be in the JEDD. He said he asked Mr. Smith, earlier in the evening, to check into that and let him know.

Mr. Ferrara said he was not present the previous week to participate in the discussion of a business tax. He asked how they can discuss a business tax, when they shot down the snowplowers' tax a few weeks earlier. Mr. Ferrara said he voted against the snowplowers' tax because of the bureaucracy it would create with monitoring. He said they are creating the same issue, with a much larger issue with the business tax.

Mr. Ferrara said during this week, he has paid for four babysitters. He said he pays someone to mow his lawn, and shovels his own sidewalks and driveway. He said if he did not do that, he would have to pay someone else, and they would have to pay this business tax. Mr. Ferrara said it was a ridiculous decisions and ridiculous endeavor to ask the Manager and the Administration to look into this, when they turned down a similar issue three weeks earlier.

MAYOR'S REPORT None.

MOTION TO ADJOURN THIS MEETING.

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

Hearing no further business before this Council, Mayor Fender adjourned this meeting at 8:05 p.m.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council