

**THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WED., MAY 20, 2009**

This regular meeting of Kent City Council was called to order on May 20, 2009, at 7:30 p.m., by John Fender, Mayor & President of Council.

PRESENT: MR. AMRHEIN, MR. DELEONE, MR. FERRARA, MR. HAWKSLEY, MR. KUHAR, MS. SHAFFER, 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 Ms. Wallach for her opening remarks. Ms. Wallach had no remarks, and led those present in the Pledge of Allegiance.

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF APRIL 15, 2009.
Motion made by Ms. Wallach, seconded by Mr. Hawksley, and carried by a voice vote of 9-0.

MOTION TO APPROVE THE MINUTES OF THE JOINT MEETINGS WITH FRANKLIN TOWNSHIP TRUSTEES OF MAY 6, 2009 AND MAY 13, 2009.
Motion made by Ms. Wallach, seconded by Mr. DeLeone, and carried by a voice vote of 9-0.

MOTION TO APPROVE THE MINUTES OF TWO PUBLIC HEARINGS OF MAY 6, 2009.
Motion made by Ms. Wallach, seconded by Mr. DeLeone, and carried by a voice vote of 8-0-1, with Ms. Wallach abstaining.

MOTION TO APPROVE THE WORK SESSION OF MAY 13, 2009.
Motion made by Ms. Wallach, seconded by Mr. DeLeone, and carried by a voice vote of 9-0.

The Mayor called for audience comment at this time. He told those wishing to speak to sign up with the Clerk of Council, who would call them forward. He asked that they limit their comments to three minutes.

Jeff Farmer: Mr. Farmer explained Council had received an email he sent the previous day regarding his objections to the amendment to the Zoning Code regarding public testimony. He said he has three objections to this amendment, with the first being that it prevents free speech. He said the current wording is "shall," adding it should say "should." He said the language is narrow, and should be comprehensive. Mr. Farmer said it is also negative, when it could be positive. He said it could state goals that the membership should strive for. Mr. Farmer questioned if this language belongs in an ordinance. He said the City Charter governs the appointment of board members, the City Manager, Council, and the employees. He said the Charter also governs the removal of the City Manager, Council and the employee. He said there may be a question of propriety for inclusion in the Charter.

Peter Paino: Mr. Paino said he is a member of the Board of Zoning Appeals. He said he just found out about the amendment several days earlier. Mr. Paino said he submitted a letter to all members of Council.

Mr. Paino said he has a hard time seeing where this amendment addresses conflict of interest issues, adding it appears to be addressing another type of issue. He said if Council or the Administration feels there needs to be guidelines regarding a conflict of interest, he would suggest Council look into them and make a proposal. Mr. Paino said for the wording to say that as a member of the Board of Zoning Appeals that he cannot appear in front of the Planning Commission and express his opinion is insulting.

Mr. Paino said he takes pride in the fact that he can have an opinion on a topic related to growth, construction matters, and the livability of Kent, can make comments, and still be a person who can sit on

the Board and make a conscious, unbiased decision. He said this amendment takes away that right.

Mr. Paino said the wording appears to be put together hastily. He said if there is a need for guidelines governing conflicts of interest, they need to do so. He said the amendment is not a solution to a perceived problem.

Diane Werner: Ms. Werner explained she is also on the Board of Zoning Appeals, and was just made aware of the proposed legislation the previous night. She said that the issue that most concerns her is that she feels the language is discriminatory, as it only addresses two boards. She said it appears to be a reaction to a situation that occurred between the two boards. Ms. Werner said they need to look at it more broadly, and not just something that reacted to at a situation that occurred in Kent in the last few months.

Elizabeth Howard: Ms. Howard said she is also on the Board of Zoning Appeals, and just found out about this amendment recently. She said there is a problem when issues concerning boards and commissions are not appropriately sent out to the members of those boards. Ms. Howard said this amendment is a violation of the first amendment, adding that speech has to occur before it is restrained. She noted that issue was decided in 1971.

Ms. Howard said they must have a compelling interest, and not wanting a Board of Zoning Appeals member to speak against a project at the Planning Commission is not a compelling interest. She said they are restricting the free speech of uncompensated volunteers to express themselves. She said the act of public comment does not create conflicts, if the opinion expressed is held before comment is made. She said if it is a conflict for a board member to have preconceptions, suppression will not cure the problem, but will just shut it up. She said the language references projects that are currently before the Board and those that are "likely" to come before the Board or Commission, adding that includes every important project in Kent.

Ms. Howard said Kent is a small town of approximately 30,000, with a small number of that population actively participating in making policy by either volunteering their free time to serve on a board and commission, or volunteering their time, energy, and money to serve in other ways. Ms. Howard said this amendment will have a chilling effect on volunteerism, and will force citizens to think about serving. She said there is no room "in between." Ms. Howard said this language appears to have been ignited by Council's desire to not be sued. She asked if they would prefer to be sued for that amendment, or for passing an ordinance invalid under US Constitution. She told them to decide.

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

The Clerk reported that the April 16 agenda packet for the Parks and Recreation Board meeting was placed on file by Council's liaison, Mr. Wilson on April 15, 2009.

The Clerk reported that notification was received from the Ohio Division of Liquor Control advising that Lunas Management LLC, dba Lunas Restaurant & Deli, 1225 W. Main Street has applied for a D-51 license. She said that objections must be postmarked no later than June 1, 2009, and Safety Director Lillich has indicated there are no legal grounds to object to this food service based permit.

MOTION TO RETURN WITH NO OBJECTIONS.

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

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The Clerk reported that emails were received from Angel Langstaff and Kasha Legeza on April 30, 2009, regarding anticipated neighborhood issues in the Sherman Street area on the upcoming weekend. She said that these emails were forwarded to the Mayor & all members of Council when received.

The Clerk reported that carbon copies of multiple emails were received from Kevin Clark regarding the incident on College Avenue. She said that these emails were forwarded to the Mayor & all members of

Council when received.

The Clerk reported that emails were received from Jeff Farmer regarding the proposed Zoning Code amendments. She said these emails were forwarded to the Mayor & all members of Council prior to the public hearings on May 6, 2009. The Clerk said another email was received from Mr. Farmer on May 19, 2009, opposing the amendment regarding public testimony. She said this email was forwarded, also, to all members of Council the same day.

The Clerk reported that a letter was received on May 6, 2009, from Charles Walton requesting enforcement of existing city codes in Kent, as well as the addition of new legislation to safeguard property investments and interests. She said this letter was forwarded to all members of Council the same day.

The Clerk reported that an email, with a letter attached, was received on May 13, 2009 from John Thomas, endorsing William Tarver for the vacancy on the Civil Service Commission. She said this email was forwarded to all members of Council the same day.

The Clerk reported that after the agenda was printed, minutes of the April 9 Standing Rock Cemetery Board meeting were placed on file by Council's representative, Mr. DeLeone, prior to the start of this meeting.

The Clerk reported that an email was received from Council member Hawksley, regarding a study circle process. She reported that this was forwarded to all members of Council on May 18, 2009.

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

MOTION TO AUTHORIZE ITEMS #1 THROUGH #16

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

The following items were approved by the aforementioned motion:

- 1) Authorization of Draft No. 09-60, accepting Adopt A Spot donations.
- 2) Authorization of Draft No. 09-47, transferring ownership of Jessie, the police canine
- 3) Authorization to pay for food for emergency personnel during spring party weekends
- 4) Authorization of a new special event permit for the Clydesdale horses on May 28
- 5) Committee time in the Streets, Sidewalks, and Utilities Committee to discuss revisions to the sidewalk snow removal policy
- 6) Authorization to accept two benches donated by the Haymaker's Farmer Market
- 7) Committee time in the Land Use Committee to discuss the Exterior Maintenance Code
- 8) Committee time in the Community Development Committee to discuss boundaries for the Kent/Brimfield JEDD
- 9) Committee time in the Community Development Committee to discuss an amendment of the guidelines for rehab home funds in Kent
- 10) Committee time in the Finance Committee to discuss OPWC Project funding opportunities
- 11) Committee time in the Finance Committee to discuss the Parks levy
- 12) Committee time in the Finance Committee to discuss the General Operating levy
- 13) Committee time in the Finance Committee to discuss a modification to the agreement w/Cutter Oil
- 14) Committee time in the Health & Safety Committee to discuss changes to the 911 CAD Agreement with Kent and KSU.
- 15) Committee time in the Streets, Sidewalks, and Utilities Committee to discuss acceptance of public improvements in Golden Pond Development
- 16) Committee time in the Finance Committee to discuss the status of Bicentennial Art project.

MOTION TO AUTHORIZE AN EXECUTIVE SESSION, PRIOR TO THE ADJOURNMENT OF THIS MEETING, FOR PENDING LITIGATION.

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.

Mr. Ruller explained that he distributed the 2009 strategy update. He said they are in the process of doing the 2008 annual report, but wanted to give people the "Reader's Digest" version. He said it lists activities and accomplishments in 2008, as to what the City has done. He said the City covered a lot of ground, and it is easy to forget what they do. Mr. Ruller said it is a body of work to assemble the information, and they should be proud. He said he kept it in a format that tied it to the general strategy goals set by the community and Council. He commented that he detected a "typo" already. Mr. Ruller said there are copies on the table in the hallway.

Mr. Wilson suggested they list phone numbers of all members of Council.

Mr. Ruller said it is similar to the budget document they did previously. He said people find it easy to read, adding it captures a lot of information. He said it is another way to communicate what they are doing, and how they are living up to the promises they have made to the community.

Mayor Fender said it looks comprehensive, and very good.

STANDING COMMITTEE REPORTS

Mayor Fender announced the results of the balloting for vacancies on boards and commissions at this time:

BOARD OF BUILDING APPEALS	Richard A. Duncan
ASSESSMENT EQUALIZATION BOARD	Mary Louise Grigg
CIVIL SERVICE COMMISSION	Robert Bossar
P.A.R.T.A.	Brian Gray
SUSTAINABILITY COMMISSION	Tami T. Roberts

MOTION TO AUTHORIZE THE DRAFT ORDINANCES, WITH THE APPROPRIATE NAMES INSERTED.

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

The Mayor asked the Clerk to read Draft No. 09-52 by title only.

A RESOLUTION APPOINTING BRIAN GRAY TO THE PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY 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. 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 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. 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 of 9-0.

2009-42: A RESOLUTION APPOINTING BRIAN GRAY TO THE PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY 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. 09-53 by title only.

MOTION TO AUTHORIZE THE CLERK TO RE-ADVERTISE FOR THE VACANCY ON THE FAIR HOUSING BOARD/HOUSING APPEALS BOARD.

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

The Mayor asked the Clerk to read Draft No. 09-54 by title only.

A RESOLUTION APPOINTING RICHARD DUNCAN TO THE BOARD OF BUILDING APPEALS AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2009-43: A RESOLUTION APPOINTING RICHARD DUNCAN TO THE BOARD OF BUILDING APPEALS 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. 09-55 by title only.

MOTION TO AUTHORIZE THE CLERK TO READ ADVERTISE FOR THE VACANCY ON THE BOARD OF HEALTH.

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

The Mayor asked the Clerk to read Draft No. 09-56 by title only.

A RESOLUTION APPOINTING ROBERT BOSSAR TO THE CIVIL SERVICE COMMISSION 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: Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar. The motion carried by a roll call of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2009-44: A RESOLUTION APPOINTING ROBERT BOSSAR TO THE CIVIL SERVICE COMMISSION 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. 09-57 by title only.

A RESOLUTION APPOINTING MARY LOUISE GRIGG TO THE ASSESSMENT EQUALIZATION BOARD 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. 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 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. 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 of 9-0.

2009-45: A RESOLUTION APPOINTING MARY LOUISE GRIGG TO THE ASSESSMENT EQUALIZATION BOARD 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. 09-58 by title only.

A RESOLUTION APPOINTING TAMI ROBERTS TO THE SUSTAINABILITY COMMISSION 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 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: 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 of 9-0.

2009- 46: A RESOLUTION APPOINTING _____ TO THE SUSTAINABILITY

COMMISSION AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

MOTION TO SEND A LETTER TO BETH SCHOONOVER, THANKING HER FOR HER SERVICE ON THE SUSTAINABILITY BOARD.

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

COMMUNITY DEVELOPMENT COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF APRIL 22, 2009 AND THE RECOMMENDED ACTIONS.

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

The following actions were approved by the aforementioned motion:

- 1) TO ACCEPT THE DESIGN GUIDELINES, CONTINGENT ON THE FINAL DRAFT.
- 2) TO SCHEDULE COMMITTEE TIME TO DISCUSS THE MERITS OF CREATING AN ARCHITECTURAL REVIEW BOARD.

MOTION TO APPROVE THE WRITTEN REPORT OF MAY 6, 2009, AND THE RECOMMENDED ACTIONS.

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

The following actions were approved by the aforementioned motion:

- 1) TO AUTHORIZE CERTIFICATION OF THE REVOLVING LOAN FUND
- 2) TO AUTHORIZE INCLUSION OF THE EMERGENCY CLAUSE FOR THE STONEWATER DRIVE PROJECT DONATIONS FOR EASEMENTS AND RIGHT-OF-WAY
- 3) TO AUTHORIZE CHANGES TO CHAPTER 1337, STRIKING SECTION 1195.

MOTION TO APPROVE THE WRITTEN REPORT OF MAY 13, 2009, AND THE RECOMMENDED ACTION, AUTHORIZING THE AMENDMENT, AS PRESENTED, TO THE FY 2008 CDBG MONIES.

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. 09-49 by title only at this time.

A RESOLUTION CERTIFYING THAT THE CITY'S REVOLVING LOAN PLAN IS CONSISTENT WITH AND SUPPORTIVE OF THE AREA'S ECONOMIC DEVELOPMENT ADJUSTMENT STRATEGY AND IS BEING OPERATED IN ACCORDANCE WITH THE POLICIES AND PROCEDURES CONTAINED IN THE REVOLVING LOAN PLAN AND THAT THE LOAN PORTFOLIO MEETS THE STANDARDS CONTAINED WITHIN SAID PLAN 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. 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 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. 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 of 9-0.

2009-47: A RESOLUTION CERTIFYING THAT THE CITY'S REVOLVING LOAN PLAN IS CONSISTENT WITH AND SUPPORTIVE OF THE AREA'S ECONOMIC DEVELOPMENT ADJUSTMENT STRATEGY AND IS BEING OPERATED IN ACCORDANCE WITH THE POLICIES AND PROCEDURES CONTAINED IN THE REVOLVING LOAN PLAN AND THAT THE LOAN PORTFOLIO MEETS THE STANDARDS CONTAINED WITHIN SAID PLAN 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. 09-50 by title only at this time.

AN ORDINANCE APPROVING A REQUEST FOR ASSISTANCE FOR FISCAL YEAR 2009 UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, INCLUDING THE FIVE YEAR CONSOLIDATED DEVELOPMENT PLAN OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF FUNDS RELATED THERETO AS AMENDED, INCLUDING THE FY2009 ANNUAL ACTION PLAN AND AUTHORIZING THE EXECUTION AND FILING OF THE FIVE YEAR CONSOLIDATED DEVELOPMENT PLAN AND FY2009 ANNUAL ACTION PLAN, INCLUDING RELATED CERTIFICATIONS, AND UPON AWARDDING OF THE GRANT, AUTHORIZING APPROPRIATION OF FUNDS THEREFOR 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 of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2009-48: AN ORDINANCE APPROVING A REQUEST FOR ASSISTANCE FOR FISCAL YEAR 2009 UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, INCLUDING THE FIVE YEAR CONSOLIDATED DEVELOPMENT PLAN OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF FUNDS RELATED THERETO AS AMENDED, INCLUDING THE FY2009 ANNUAL ACTION PLAN AND AUTHORIZING THE EXECUTION AND FILING OF THE FIVE YEAR CONSOLIDATED DEVELOPMENT PLAN AND FY2009 ANNUAL ACTION PLAN, INCLUDING RELATED CERTIFICATIONS, AND UPON AWARDDING OF THE GRANT, AUTHORIZING APPROPRIATION OF FUNDS THEREFOR 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. 09-64 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 APPROVE FIRST READING.

Motion made by Mr. DeLeone, 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 of 9-0.

The Mayor asked the Clerk to read Draft No. 09-65 by title only at this time.

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

MOTION TO APPROVE FIRST READING.

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

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 of 9-0.

The Mayor asked the Clerk to read Draft No. 09-51 by title only at this time.

AN ORDINANCE AMENDING ORDINANCE 2008-69, PASSED MAY 21, 2008, ENTITLED "AN ORDINANCE APPROVING A REQUEST FOR ASSISTANCE FOR FISCAL YEAR 2008 UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, INCLUDING THE FIVE YEAR CONSOLIDATED DEVELOPMENT PLAN OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF FUNDS RELATED THERETO AS AMENDED, INCLUDING THE FY2008 ANNUAL ACTION PLAN AND AUTHORIZING THE EXECUTION AND FILING OF THE FIVE YEAR CONSOLIDATED DEVELOPMENT PLAN AND FY2008 ANNUAL ACTION PLAN, INCLUDING RELATED CERTIFICATIONS, AND UPON AWARDING OF THE GRANT, AUTHORIZING APPROPRIATION OF FUNDS THEREFOR AND DECLARING AN EMERGENCY", SO AS TO ACCEPT CDBG-R FUNDS, AVAILABLE THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA), IN THE AMOUNT OF \$81,024.00, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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 of 9-0.

2009-49: AN ORDINANCE AMENDING ORDINANCE 2008-69, PASSED MAY 21, 2008, ENTITLED "AN ORDINANCE APPROVING A REQUEST FOR ASSISTANCE FOR FISCAL YEAR 2008 UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, INCLUDING THE FIVE YEAR CONSOLIDATED DEVELOPMENT PLAN OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF FUNDS RELATED THERETO AS AMENDED, INCLUDING THE FY2008 ANNUAL ACTION PLAN AND AUTHORIZING THE

EXECUTION AND FILING OF THE FIVE YEAR CONSOLIDATED DEVELOPMENT PLAN AND FY2008 ANNUAL ACTION PLAN, INCLUDING RELATED CERTIFICATIONS, AND UPON AWARDING OF THE GRANT, AUTHORIZING APPROPRIATION OF FUNDS THEREFOR AND DECLARING AN EMERGENCY”, SO AS TO ACCEPT CDBG-R FUNDS, AVAILABLE THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA), IN THE AMOUNT OF \$81,024.00, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

FINANCE COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF MAY 6, 2009 AND THE RECOMMENDED ACTION, AUTHORIZING ACCEPTANCE OF THE PARKS AND RECREATION DEPARTMENT AWARD OF \$12,000, AND AN AMENDMENT TO THE APPROPRIATIONS ORDINANCE FOR SAID AWARD.

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

The Mayor asked the Clerk to read Draft No. 09-59 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; AND AS AMENDED BY ORDINANCE 2009-41, PASSED APRIL 15, 2009, SO AS TO INCREASE APPROPRIATIONS IN FUND 106, RECREATION; FUND 301, CAPITAL PROJECTS; FUND 201, WATER; AND FUND 208 STORM WATER UTILITY, 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 of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2009-50: 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; AND AS AMENDED BY ORDINANCE 2009-41, PASSED APRIL 15, 2009, SO AS TO INCREASE APPROPRIATIONS IN FUND 106, RECREATION; FUND 301, CAPITAL PROJECTS; FUND 201, WATER; AND FUND 208 STORM WATER UTILITY, 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. 09-60 by title only at this time.

AN ORDINANCE ACCEPTING DONATIONS TO THE CITY OF KENT ADOPT-A-SPOT FROM STAR OF THE WEST MILLING COMPANY; HOME SAVINGS BANK; KIWANIS CLUB OF KENT; YOUNG & ASSOCIATES, INC.; ROTARY CLUB OF KENT, KENT AREA CHAMBER OF COMMERCE AND BOWERS LAWNCARE FOR \$250.00 EACH TOTALING \$1,750.00 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: 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 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: 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 of 9-0.

2009-51: AN ORDINANCE ACCEPTING DONATIONS TO THE CITY OF KENT ADOPT-A-SPOT FROM STAR OF THE WEST MILLING COMPANY; HOME SAVINGS BANK; KIWANIS CLUB OF KENT; YOUNG & ASSOCIATES, INC.; ROTARY CLUB OF KENT, KENT AREA CHAMBER OF COMMERCE AND BOWERS LAWNCARE FOR \$250.00 EACH TOTALING \$1,750.00 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. 09-61 by title only at this time.

A RESOLUTION AUTHORIZING KENT CITY COUNCIL TO ACCEPT A STEP UP TO QUALITY ACHIEVEMENT AWARD FROM THE OHIO CHILD CARE RESOURCE AND REFERRAL ASSOCIATION IN THE AMOUNT OF \$12,000.00 TO THE KENT PARKS & RECREATION DEPARTMENT FOR MAINTAINING AND IMPROVING THE QUALITY OF EARLY CARE AND EDUCATION SERVICES AT THREE (3) PROGRAM SITES THAT KENT PARKS & RECREATION DEPARTMENT MAINTAIN AND RUN, 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: 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 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. 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 of 9-0.

2009-52: A RESOLUTION AUTHORIZING KENT CITY COUNCIL TO ACCEPT A STEP UP TO QUALITY ACHIEVEMENT AWARD FROM THE OHIO CHILD CARE RESOURCE AND REFERRAL ASSOCIATION IN THE AMOUNT OF \$12,000.00 TO THE KENT PARKS & RECREATION DEPARTMENT FOR MAINTAINING AND IMPROVING THE QUALITY OF EARLY CARE AND EDUCATION SERVICES AT THREE (3) PROGRAM SITES THAT KENT PARKS & RECREATION DEPARTMENT MAINTAIN AND RUN, 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 APRIL 22, 2009, AND THE RECOMMENDED ACTION, AUTHORIZING THE STREET CLOSURE FOR THE WINE AND CHEESE FESTIVAL.

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

MOTION TO APPROVE THE WRITTEN REPORT OF MAY 6, 2009.

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

MOTION TO AUTHORIZE THE CITYWIDE SINGLE-TRASH HAULER PROGRAM.

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

Ms. Wallach said she surveyed approximately 150 constituents, adding a large majority supported the single hauler program. She said she would support the proposal.

Mr. Kuhar said it seems like when government has a problem, they try to over fix it. He said they had a problem, and still do with trash containers by the road. He said it is difficult to cite people, when they do not know their pickup day. Mr. Kuhar said the simple solution would be to assign one day for trash pickup. Mr. Kuhar said they want to over cure it, adding that while there will be some benefits, such as less wear and tear on the road, it does not solve the original problem of trash left out. He said that every time government makes a choice, they take away the freedom of the people. He said if they keep taking away choices, there would not be much freedom. Mr. Kuhar said they could have cured the problem, and retained their freedom. He said they are creating a monopoly, adding he thought that was illegal in the United States. He said he would oppose the motion.

Mr. Ferrara said the issue is more in line with community standards. He suggested they look at the Architectural Review Board and the Exterior Maintenance Code. He said they are trying to set a standard to benefit all of the citizens, and this would have a financial benefit. He said if it does not work, they can cancel it. Mr. Ferrara said he would rather go down trying to do something than nothing at all.

Mr. Hawksley said that traditionally, trash hauling is a city service, and it is rare for the size of Kent to not have some sort of consolidated trash hauling. He said it was done by open bid, and will be picked up by a private company, which is a great compromise. He said the benefits far outweigh the loss of choice issues. Mr. Hawksley said he would support this, adding the staff has done a tremendous job.

The motion carried by a voice vote of 7-2, with Mr. Kuhar and Mr. Wilson dissenting.

MOTION TO APPROVE THE WRITTEN REPORT OF MAY 13, 2009, AND THE FIRST RECOMMENDED ACTION, AUTHORIZING THE MUTUAL AID AGREEMENT WITH KSU.

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

MOTION TO APPROVE THE SECOND RECOMMENDED ACTION, AUTHORIZATION OF THE GENERAL COMPENSATION PLAN.

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

Ms. Wallach said that because of the tough economic times, she could not, in good conscious, agree to pay raises at least for one year. She said she would not support the ordinance.

The motion carried by a voice vote of 8-1, with Ms. Wallach dissenting.

The Mayor asked the Clerk to read Draft No. 09-47 by title only at this time.

AN ORDINANCE AUTHORIZING POLICE CHIEF JAMES PEACH TO TRANSFER OWNERSHIP OF JESSY, THE POLICE CANINE, TO A DESIGNATED QUALIFIED INDIVIDUAL OF HIS CHOOSING, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2009-53: AN ORDINANCE AUTHORIZING POLICE CHIEF JAMES PEACH TO TRANSFER OWNERSHIP OF JESSY, THE POLICE CANINE, TO A DESIGNATED QUALIFIED INDIVIDUAL OF HIS CHOOSING, 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. 09-48 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT WITH KENT STATE UNIVERSITY SO AS TO PROVIDE FOR THE MUTUAL ASSISTANCE, INTERCHANGE, AND USE OF POLICE PERSONNEL AND EQUIPMENT, FROM JUNE 15, 2009 THROUGH JUNE 14, 2013, 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 of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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 of 9-0.

2009- 54: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT WITH KENT STATE UNIVERSITY SO AS TO PROVIDE FOR THE MUTUAL ASSISTANCE, INTERCHANGE, AND USE OF POLICE PERSONNEL AND EQUIPMENT, FROM JUNE 15, 2009 THROUGH JUNE 14, 2013, 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. 09-69 by title only at this time.

AN ORDINANCE AUTHORIZING A GENERAL COMPENSATION PLAN FOR ALL UNCLASSIFIED AND VARIOUS CLASSIFIED EMPLOYEES OF THE CITY OF KENT, EXCEPT THE CITY MANAGER, FROM JANUARY 1, 2009 THROUGH DECEMBER 31, 2011 AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Roll call was taken on the motion. Voting aye: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Ms. Shaffer, Mr. Turner, and Mr. Wilson. Ms. Wallach and Mr. Kuhar dissented. The motion carried by a roll call of 7-2.

2009-55: AN ORDINANCE AUTHORIZING A GENERAL COMPENSATION PLAN FOR ALL UNCLASSIFIED AND VARIOUS CLASSIFIED EMPLOYEES OF THE CITY OF KENT, EXCEPT THE CITY MANAGER, FROM JANUARY 1, 2009 THROUGH DECEMBER 31, 2011 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 MAY 6, 2009

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

MOTION TO AUTHORIZE THE AMENDMENT TO THE ZONING CODE DEALING WITH PUBLIC TESTIMONY.

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

Mr. Hawksley said they have received compelling testimony, letters, and emails from Mr. Farmer. He said it would be wise to have more discussion, adding that Mr. Farmer sent along guidelines from a city in North Carolina that deals with the issues. He said he would vote against the amendment.

Mr. Kuhar said he brought up the issue of moral conflicts of interest where people are directly involved. He said they were told that unless someone receives cash, there is no conflict. Mr. Kuhar said this ordinance restrains their freedom of speech, adding as he read it, he thought something was wrong. He said he was unsure why they were voting on it.

Mr. Wilson said he would support it. He said he served on the Board of Zoning Appeals, and feels he can separate things well. He said he did not think he could speak against something, and then give it a clear, fair hearing. Mr. Wilson said they are not trying to stop people from speaking, adding they should step down, if they feel that strongly. He said he would support anything that would assure someone would get a fair hearing, when asking for a variance or presenting a project.

Mr. Turner said he was conflicted as to whether the term "conflict of interest" was appropriate. Mr. Turner said a conflict of interest is supposed to be when an individual benefits in some way. He said he was on the fence, but as he listened, he decided the better course of action is to not support the amendment.

The motion failed by a voice vote of 2-7, with Mr. Ferrara and Mr. Wilson supporting it.

MOTION TO APPROVE THE ZONING AMENDMENT ALLOWING FOR A TEN-YEAR REVIEW.

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

The Mayor asked the Clerk to read Draft No. 09-63 by title only at this time.

AN ORDINANCE AMENDING SECTION 1117 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT, ENTITLED "AMENDMENTS", SO AS TO ADD A NEW SECTION 1117.06 ENTITLED "TEN-YEAR REVIEW" TO PROPOSE THAT THE CITY PLANNING COMMISSION REVIEW THE CITY ZONING CODE EVERY TEN (10) YEARS.

MOTION TO SUSPEND THE THREE READINGS.

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

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

2009-56: AN ORDINANCE AMENDING SECTION 1117 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT, ENTITLED "AMENDMENTS", SO AS TO ADD A NEW SECTION 1117.06 ENTITLED "TEN-YEAR REVIEW" TO PROPOSE THAT THE CITY PLANNING COMMISSION REVIEW THE CITY ZONING CODE EVERY TEN (10) YEARS.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

STREETS, SIDEWALKS & UTILITIES COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF APRIL 22, 2009 AND THE RECOMMENDED ACTION, ASKING THE ADMINISTRATION TO ADAPT ELEMENTS OF THE BOWLING GREEN PROGRAM, INCLUDING RECOMMENDED ORDINANCE CHANGES; ADAPTING THE PROGRAM TO KENT, INCLUDING ALL BULLET POINTS IN THE RECOMMENDATION, REPORTING BACK FOR ADOPTION.

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

MOTION TO APPROVE THE WRITTEN REPORT OF MAY 6, 2009.

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

MOTION TO ACCEPT UTILITY EASEMENTS AND RIGHT-OF-WAY DONATIONS FROM MR. AND MRS. KLABEN FOR THE STONewater DRIVE PROJECT.

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

MOTION TO AUTHORIZE AN ADDITIONAL APPROPRIATION OF \$110,000 FROM THE WATER FUND FOR THE STONEWATER DRIVE PROJECT.

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

MOTION TO AUTHORIZE AN AMENDMENT TO THE APPROPRIATION ORDINANCE TO SHOW THE OPWC FUNDS FOR STONEWATER DRIVE.

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

MOTION TO APPROVE THE WRITTEN REPORT OF MAY 13, 2009, AND THE RECOMMENDED ACTION, APPROVING THE ADDITIONAL STORM WATER APPROPRIATIONS AS PRESENTED.

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

The Mayor asked the Clerk to read Draft No. 09-66 by title only at this time.

AN ORDINANCE ACCEPTING, FOR DONATION DEDICATION PURPOSES, ONE PARCEL FOR RIGHT-OF-WAY FROM ALBERT AND ROSALINE KLABEN FOR A PORTION OF THE STONE WATER DRIVE RECONSTRUCTION PROJECT, CONSISTING OF 0.143 ACRES VALUED AT \$2,094.90, 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. 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 of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2009-57: AN ORDINANCE ACCEPTING, FOR DONATION DEDICATION PURPOSES, ONE PARCEL FOR RIGHT-OF-WAY FROM ALBERT AND ROSALINE KLABEN FOR A PORTION OF THE STONE WATER DRIVE RECONSTRUCTION PROJECT, CONSISTING OF 0.143 ACRES VALUED AT \$2,094.90, 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. 09-67 by title only at this time.

AN ORDINANCE ACCEPTING, FOR DONATION DEDICATION PURPOSES, ONE PARCEL FOR RIGHT-OF-WAY FROM ALBERT AND ROSALINE KLABEN FOR A PORTION OF THE STONE WATER DRIVE RECONSTRUCTION PROJECT, CONSISTING OF 0.238 ACRES VALUED AT \$1,612.00, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

2009-58: AN ORDINANCE ACCEPTING, FOR DONATION DEDICATION PURPOSES, ONE PARCEL FOR RIGHT-OF-WAY FROM ALBERT AND ROSALINE KLABEN FOR A PORTION OF THE STONE WATER DRIVE RECONSTRUCTION PROJECT, CONSISTING OF 0.238 ACRES VALUED AT \$1,612.00, 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. 09-68 by title only at this time.

AN ORDINANCE ACCEPTING, FOR DONATION DEDICATION PURPOSES, ONE PARCEL FOR A RIGHT-OF-WAY UTILITY EASEMENT FROM ALBERT AND ROSALINE KLABEN FOR A PORTION OF THE STONE WATER DRIVE RECONSTRUCTION PROJECT, CONSISTING OF 0.157 ACRES VALUED AT \$11,965.75, 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: 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 of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Roll call was taken on the motion. Voting aye: Ms. 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 of 9-0.

2009-59: AN ORDINANCE ACCEPTING, FOR DONATION DEDICATION PURPOSES, ONE PARCEL FOR A RIGHT-OF-WAY UTILITY EASEMENT FROM ALBERT AND ROSALINE KLABEN FOR A PORTION OF THE STONE WATER DRIVE RECONSTRUCTION PROJECT, CONSISTING OF 0.157 ACRES VALUED AT \$11,965.75, 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 he would like the Administration to look at the SR 261/SR 43 intersection. He said people

are constantly running the light, nearly causing accidents. Mr. Kuhar said he was sure the accident reports would show a problem.

MOTION TO ASK THE ADMINISTRATION TO LOOK AT THE BUDGET, SHOWING A 2% INCREASE; 0% INCREASE; AND A 2% DECREASE.

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

Mr. Wilson said they have all been clear they do not want personnel laid off at this point. He said he wanted the Administration to show them the different scenarios, and what programs would have to be eliminated to achieve those scenarios. He said they need to let the Administration bring that information forward.

Ms. Shaffer said her concern is that Council will not have a say in going through the budget until they vote on it, and would not be able to decide what is extraneous.

Mr. Wilson said they would still get their regular budget. He said they would get three different scenarios, and would have discussion at that time. Mr. Wilson said that doing it beforehand would be micro managing, and that would be wrong. He said his motion is calling for three snapshots of the budget, adding that the Administration may have a fourth. He said they need to know the effects of their actions.

Mr. Kuhar said he would support the motion, adding he has been trying to figure out how to get the budget lower, and it looks like the only thing lower will be the income tax this year.

Mr. Turner asked Mr. Wilson what his rationale was for using 2%. Mr. Wilson said they could go with 3% or 5%, adding he was just trying to keep it as tight as possible to make it reasonable.

Ms. Wallach said the figures are appropriate. She said they are bringing in about 2.9% in income, and spending about 3% to 4%. She said a 2% decrease would balance it out.

Mr. Ruller reminded them they approved personnel contracts above 2%, and asked if their motion excluded personnel. Mr. Wilson said his motion did not include personnel. He said Council has not wanted to cut personnel. Mr. Wilson said if they needed to cut people, then Council must discuss whether they are at that point.

Mr. Ruller said in August 2007, he did a quick Council preference survey. He said they took various budget areas, and asked Council if they felt they should be kept, cut, or increased. He asked if he could circulate an updated version, and Mr. Wilson told him it was his prerogative to do whatever it took to get the numbers.

Mr. Turner suggested they have the Administration come up with their best guess, one for no growth, and their best pessimistic scenario.

Mayor Fender said they have a motion on the floor.

Mr. Turner said he was looking at a friendly amendment, adding instead of hard numbers, it would allow the Administration to present a pessimistic budget, an optimistic budget and one with no growth. Mr. Wilson said that he felt a 2% increase was the optimistic budget; a 2% decrease was the pessimistic budget; and one with no growth was already included. Mr. Turner said he was just offering they allow the Administration to establish the figures. Mayor Fender said that 2% plus or minus is pessimistic and optimistic. Mr. Wilson said he was just trying to get some information to review. Mr. Turner said he understood what Mr. Wilson was saying.

Ms. Wallach said the Manager mentioned he was going to ask Council for areas they would like to see increased funding, adding they should not increase any funding. Ms. Wallach said they should keep their funding flat or decrease it.

Mr. Kuhar called the question, and there was no second at this time.

Mr. Wilson said they just approved a program that is going to cost \$100,000 more, adding it is for sidewalk snow removal. He asked how they can say there would be no increased funding, and questioned whether they are telling Mr. Roberts to find what to cut in his budget. Ms. Wallach said it was academic.

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

MOTION TO SEND THANK YOU LETTERS TO KLABEN AND DON JOSEPH FOR THEIR LAND DONATIONS.

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

MOTION TO REFER TO COMMITTEE A DISCUSSION FOR A PROCESS TO DEAL WITH COMMUNITY/POLICE RELATIONSHIPS.

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

Mr. Hawksley said they have been talking with Landon Hancock, who is present, discussing issues about some of their front page news stories they do not like to see, with the potential of finding a process. He suggested the Center for Applied Conflict Management could facilitate discussions between the students and the townies. Mr. Hawksley said a study circle is one thing readily available, and adapted. Mr. Hawksley said it would be worthwhile to have discussions about being proactive.

Mayor Fender repeated the motion at this time.

Mr. Wilson said he would not support the motion, and asked his colleagues to not support it either. He said he went through a rough time, adding they have some times that are bad, while others are not. Mr. Wilson said the bottom line is that the Administration is very aware of the problem, and doing what they can at this point. He said the University is also very aware, and looking for resolutions to the problems. Mr. Wilson said they are the hired professionals, and suggested they be given a chance to see what they bring forward. He said if they do not get something, he would support the motion. Mr. Wilson said they owe it to their professionals, and if they have different groups, they will be splintered.

Mr. Wilson said they also need to look at a broader picture. He said if they look at the police reports, about one-half of those arrested were not Kent State students. He said the University gets blamed because of the ages of those arrested, but that was not the case. He suggested they give the professionals a chance to come up with some answers before they step into it.

Mayor Fender said the Manager has been talking to the University, adding he believed there was some proactive action occurring.

Mr. Ruller said the University shares the same concerns as the City, all the way to the highest level. He said President Lefton told him he hoped to get time over the summer to "put their heads together". He said the provost said the same thing to him, separately, this week. Mr. Ruller said that some other cities have had bad years, followed by good years. He said they are trying to learn from those cities, and adapt some of their programs.

Mr. Ruller said there is a group that meets monthly on this topic, adding the group has waxed and waned regarding students, adding they used to see fraternity and sorority members, but some of those kids graduated. He said he is unsure how they enlist young adults from the University. Mr. Ruller said the commitment is there from the top.

Mr. Kuhar said there have always been issues, as long as he can remember, with no solution. He said they have been working on the issues. He said he thought the motion was about community involvement, not just university involvement. He said he supports the motion, as there is a need for a sounding board. He said the citizens need to know there is a place in Kent to express themselves. He said he has seen

some of the stupidity in Kent, adding it is a wonder that no one has been killed. He said the officers' restraint has been wonderful. Mr. Kuhar said they need to work on something in committee for the whole community.

Ms. Shaffer said she would support the motion. Ms. Shaffer said Mr. Wilson talked about letting the professionals do it, adding that everyone is in their box, except for integration done by Mr. Ruller. She said she applauds his efforts, adding the meetings are on Wednesdays at 9:30 a.m., and precludes other involvement, as it is by invitation only. She said they could open it up more, and look at other professionals, like conflict management professionals. Ms. Shaffer said their police do a good job, but are the only ones responsible for everything. She said she would like to find a way to share that responsibility and get new ideas. She said it does not hurt to talk about it in some type of forum.

Ms. Wallach asked if the discussions would include the neighborhood liaison discussion, and Mayor Fender said the motion is to refer it to Committee. Ms. Wallach said she was asking if that would be part of the discussion, and Mr. Hawksley said the concept would be an opportunity to brainstorm for creative ideas, so they do not need SWAT teams on the corners.

Mr. Silver suggested if they offer free beer, the young people would come.

Mr. Turner said it is appropriate for Council to be involved, adding he felt it was most appropriate. He said he did not see that it was inappropriate for Council to be involved, adding he felt it was most appropriate. He said they need to address the matter in a coherent fashion, adding it is important to get into the neighborhoods, and allow the people to have a voice. He said they need a sounding board. Mr. Turner said they could consolidate the differences, adding that the diversity in the community would work for them. Mr. Turner said they need to be sure the police have an involvement, and are engaged, and that all groups can meet with each other to establish a way to move forward.

Mr. Amrhein asked Mr. Hawksley if his motion was to have discussion, and Mr. Hawksley said that was correct. Mr. Amrhein said that discussion was good, adding he would support the motion.

Mr. Wilson told Mr. Turner if he meant what he said, he would not support the motion. He said that both Chief Peach and Mr. Locke have both said they need to have committees in different wards and areas to improve the neighborhoods. He said they will end up with one side saying the police are too tough, while others will say the students are crazy. He said they need to set up boards in the communities to enhance the neighborhoods. He said Mr. Locke's paperwork the previous week mentioned those types of boards. He said if they want full community input, they need to do what Mr. Locke suggests. Mr. Wilson said this motion leads them down a bad path, as they are telling the Administration they are not doing their job.

Mr. Ferrara said he is not opposed to discussion. He said the City Manager has told them they are engaging in that discussion, but are not getting responses and/or feedback. He said they should continue to leave it up to the Manager to exhaust that possibility. He said if they cannot do it, and need something more, they will ask for what is needed. Mr. Ferrara said he did not want to create a session that would be a gripe session about the police. He said that will create an issue.

Mr. Kuhar said his ward has mostly students, and the top complaint is that the police are too tough. He said in a lot of cases, they should be tough. Mr. Kuhar said he talked to about twelve or fifteen people, allowed them to vent, and asked them how they would have handled something and whether their rights were violated. He said after they vented, there appeared to be a lull or comfort. Mr. Kuhar said people need a place to vent, and this would be a way to work out their problems. He said if they can come up with solution, and the Manager continues working with the University, it cannot hurt anything.

Mr. Hawksley suggested they have those who meet regularly as part of the discussion. He said he has taken a lot of classes at C.A.C.M., and one professor tried the circle concept in their class. He said after a sixty minute effort, the one item that occurred was that the University and/or the City are always telling them what the solution should be, and needed to let them be involved. He said this is not intended to

downplay the work they are trying to do. He said he has spoken with Mr. Lillich and Mr. Ruller, and this would be another avenue. He said as Mr. Turner said, this would find a solution that has permanence.

Mr. Turner said no one should be oversensitive about criticism. He said Council takes criticism, adding that is what government does. He said the police do a tremendous job, and while some may say they do not do a good job, they are a public service. He said he hoped they could take inaccurate and unfortunate items, and turn them into something positive. He said he would support the motion, but did not want to see the Administration or the Police be usurped. He said they would be able to address issues more effectively by allowing this discussion.

The motion carried by a voice vote of 7-2, with Mr. Wilson and Mr. Ferrara dissenting.

MOTION TO REFER THE IDEA OF A GUIDELINE FOR CONFLICT OF INTEREST TO COMMITTEE.

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

Mr. Hawksley said a lot of them have talked to the Law Director previously about conflicts. He said this would be something that would apply to Council, and be advisory to all boards and commissions. He said the one from North Carolina has people sign off.

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

MOTION TO REFER TO THE ADMINISTRATION AN EVALUATION OF THE SUBDIVISION REGULATIONS THAT WOULD ELIMINATE NEW CUL DE SACS IN KENT.

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

Mr. Hawksley said they heard how cul de sacs are very expensive to clear in the winter. He questioned if they can clear cul de sacs, why they cannot clear sidewalks. Mr. Hawksley said a lot of communities are working to eliminate cul de sacs, because they discourage bikes, pedestrians, and create dead ends. He said it is not at the highest priority, but would be worth hearing more about the options.

Mr. Kuhar said he would probably vote against the motion, adding he hates to put those types of restraints on development. He said in some cases, it might be an asset, depending on how land is plotted. He said he did not think it was necessary, as each plan review could make those decisions on a per plan basis.

Mr. Wilson asked where he was sending it to, and Mr. Hawksley said he was referring it to the Administration. Mr. Wilson asked the Law Director if the appropriate referral would be the Planning Commission, and Mr. Silver said that was correct. Mr. Hawksley said Council can initiate a change to the Code, and Mr. Wilson asked if they would not refer it to them. Mr. Hawksley said he would like to hear from the Engineer and the Service Director before making a referral. Mr. Hawksley said he was not saying they need to get rid of cul de sacs in favor of dead ends, adding this would eliminate any new dead ends.

It was discussed they could just make a request, and the Law Director suggested they make a motion if they want it done.

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

MOTION TO AUTHORIZE A DONATION TO THE KSU CENTENNIAL IN THE AMOUNT OF \$1000.

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

The Clerk reminded them they would be beginning summer schedule. She said they would have committees on the first Wednesday, with Council on the third Wednesday. She asked, if possible, if they could schedule committee meetings after Council meetings, if they were short meetings, and Council agreed that the Clerk and the Manager could use their discretion on scheduling.

This meeting was recessed at 8:50 p.m.

Following Executive Session, Mayor Fender reconvened this meeting at 9:00 p.m.

MOTION TO ADJOURN THIS MEETING.

Motion made by Mr. DeLeone, 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 9:01 p.m.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council