

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

This regular meeting of Kent City Council was called to order on Wed., Nov. 18, 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, AND MS. WALLACH

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

ABSENT: MR. WILSON

MOTION TO EXCUSE MR. WILSON.

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

Mayor Fender called upon Mr. Kuhar for his opening remarks, and the Pledge of Allegiance at this time.

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

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

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

MOTION TO APPROVE THE MINUTES OF THE PUBLIC HEARING OF OCTOBER 21, 2009.

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

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

Todd Abell: Mr. Abell encouraged them to press ahead and finish the budget for the next year in 2009. He asked they keep a few things in mind. Mr. Abell said they would instill some confidence with the voters that this can be done. Mr. Abell said this is one of Council's main jobs, and they need to make sure it is completed. He said he was unsure they needed an extension, adding they could simplify the process by asking for a 2% decrease in the budget over 2009. He said that would still be nearly 3% over the 2008 numbers. He reminded them the 2009 budget was a 4.7% increase over the 2008 budget. He said they allowed it to grow at that rate, and there is concern from the citizens on the amount of monies being spent.

Mr. Abell said his benchmark on presenting a tax would be hot they are negotiating wages with their salaried employees as well as their hourly employees. He said if they cannot withhold raises because they have so much surplus money, then he would say they cannot ask the voters for more tax dollars.

Mr. Abell said that whatever information they can give the public online, including the 2010 budget, would be appreciated by many citizens who are watching the issue. He said he has asked for a paper version of the budget, adding he was hoping to have that, as he was sure they were, prior to this meeting. He said it is a basic responsibility of the Council to the people of Kent.

Anne Moneypenny: Ms. Moneypenny said she was present to talk to them about a big problem on the corner of Main Street and Depeyster Street. She said as she hangs up her coat, she looks out her window every morning at the awful building standing there. She said there are items flapping in the breeze, with birds going in and out. She explains that she deals with people coming into the city, and they ask what is going to be done with the eyesore on the corner of Main and Depeyster. She said she has no answer, and hoped they have an answer some day soon. She said she cannot understand why it

is taking so long for something to be done there.

Ms. Moneypenny said there were people at the Heritage Festival who came back into town, and loved what was going on. She said they looked at all the other businesses that go down the street, Acorn Alley, down Water Street and the other side of Main Street. She noted that the health food store hung a new banner, and commented on that improvement. She said McKay Bricker has done a lot.

Ms. Moneypenny said she has a lot of people who come back with their families, who stop in. She said she sends them downtown, and they walk past the old ugly building. Ms. Moneypenny asked if there was any idea when something can be done. She asked why there was such a holdup, and how one person can have that much hold on all of them.

Bob Mayfield: Mr. Mayfield said he is one of the owners of the McKay Bricker Gallery & Framing and the Black Squirrel Gallery and Gifts on Main Street.

Mr. Mayfield said he wanted to talk about the old hotel also. He said they love their new location downtown. He said many people come into their store, including a lot of locals and some from outside of the community. He said the most asked question, besides where to get a good meal, is what is being done with the old hotel. He said people have told him they lived there in 1964 as a college student, adding he has heard all types of stories. He said the big question is what they are going to do with it.

Mr. Mayfield showed them a replica postcard of the old hotel that he has framed. He said he keep telling people to buy the building, and he will give them a framed picture. He said he would give copies to all of the Council and the Manager. Mr. Mayfield said that some people think the building is ready to fall down, and is beyond rehab. He said others think it would be great to rehab.

Mr. Mayfield said they need to do something. He said Kent has made great progress with Acorn Alley and the new development. He said he was hopeful that the hardware store and Screw Louie's block will develop. He said they have to do something with the hotel, and encouraged them to do something aggressively. He said he knew it was not easy, and it would take a lot of money and really good attorneys, like Mr. Silver to figure it out. He wished them luck, adding he hoped they got something done soon.

Paul Braden: Mr. Braden said he owns Woodsy's, and is a property owner in the downtown. He said he does not get a chance to get to Council often enough, and thanked them for their efforts to move Kent forward with the historic revitalization of the downtown.

Mr. Braden said that a lot of things take a lot of time, and they are always more anxious then time allows. He said he is concerned, as the previous speakers, about the status of the hotel. He said the building is getting more critical every season, adding he knows there have been minor efforts made regarding that building.

Mr. Braden urged them to take action and do something. He said they need someone who has the wherewithal and the earnest effort to revitalize it. He said he did not want to see an historic icon become a parking lot, and if they do not move quickly, that will be the worst case scenario.

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

The Clerk reported that notification was received from the Ohio Division of Liquor Control on Nov. 5, 2009. She said that a transfer has been requested from Inspirations and Attitudes, LLC to 175 Main, LTD dba All Folked Up, 175 E. Main St., Kent, OH 44240. The Clerk reported that the deadline for objections is Dec. 4, 2009. She said that Safety Director Lillich advised this will transfer a permit that is in safe keeping which was the BarN previously. She said Mr. Lillich further explained the new site is the Kent Stage, which has been using temporary permits for several months. The Clerk reported that Mr. Lillich had no objections to this transfer.

MOTION TO RETURN WITH NO OBJECTION.

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

The Clerk reported that after the agenda was posted, minutes of the October 8, 2009 Standing Rock Cemetery Board of Trustees meeting were placed on file in the Council office by Council's representative, Mr. DeLeone, prior to the start of this meeting.

Hearing no further written correspondence, Mayor Fender called upon the City Manager for his report.

MOTION TO APPROVE ITEMS #1 THROUGH #11

Motion made by Mr. Amrhein, seconded by Mr. Ferrara, and carried by a voice vote of 8-0.

The following items were approved by the aforementioned motion at this time:

- 1) Authorization of Draft No. 09-129, requesting the County Auditor to advance taxes from the 2009 tax year collection
- 2) Authorization of Draft No. 09-137, an amendment of the appropriations ordinance
- 3) Authorization of Draft No. 09-131, authorizing the renewal of the City's contract with the Public Defender's office
- 4) Finance Committee agenda time for discussion on the ODNR Cooperative Boating Grant acceptance
- 5) Finance Committee agenda time for consideration of renewing a line of credit for \$2.5 million
- 6) Finance Committee agenda time for the 2010 budget discussions
- 7) Finance Committee agenda time for the Fire Department's recommendation to apply for stimulus funds for fire operations
- 8) Finance Committee agenda time to discuss possible water and sewer rate increases for the 2010 budget
- 9) Finance Committee agenda time to consider a lease arrangement for the City's bucket truck with the City of Aurora
- 10) Community Development Committee agenda time to discuss the tenants of the Summit Street Incubator
- 11) Community Development Committee agenda time to discuss the City's contribution to Main Street Kent in 2010

STANDING COMMITTEE REPORTS

COMMUNITY DEVELOPMENT COMMITTEE

Chair Hawksley said for Item #2 of the report, the approval of the Design Guidelines, Gary Locke asked him to request they be used for projects involving City monies.

MOTION TO AMEND THE SECOND ACTION TO ALLOW THEM TO BE USED FOR PROJECTS INVOLVING CITY MONIES.

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

Ms. Wallach said the current guidelines are voluntary, and asked if that would still be the case. Mr. Hawksley said they would be mandatory, if a project used City money.

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

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

Motion made by Mr. Hawksley, seconded by Mr. DeLeone, and carried by a voice vote of 8-0.

The following items were approved by the aforementioned motion:

1. TO AUTHORIZE CERTIFICATION OF THE EDA REVOLVING LOAN FUND
2. TO AUTHORIZE APPROVAL OF THE DESIGN GUIDELINES, ALLOWING THEM TO BE USED FOR PROJECTS THAT USE CITY MONIES.

The Mayor asked the Clerk to read Draft No. 09-127 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. 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, and Mr. Amrhein. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2009-117: 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

FINANCE COMMITTEE

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

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

Ms. Wallach asked they separate Items #2 and #3 from the motion.

MOTION TO APPROVE THE WRITTEN REPORT OF NOV. 4, 2009, AND RECOMMENDED ACTIONS #1, #4, and #5.

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

The following actions were approved by the aforementioned motion.

- 1) TO AUTHORIZE ACCEPTANCE OF THE ADMORE SKATE PARK GRANT, WITH THE EMERGENCY CLAUSE.
- 4) TO AUTHORIZE THE GRANT APPLICATION FOR THE ENERGY EFFICIENT BLOCK GRANT, WITH THE INCLUSION OF THE EMERGENCY CLAUSE.
- 5) TO AUTHORIZE PHASE II OF THE FIRE STUDY WITH THE INCLUSION OF THE EMERGENCY CLAUSE.

MOTION TO APPROVE RECOMMENDED ACTION #2 TO AUTHORIZE A TEMPORARY 2010

BUDGET APPROPRIATION

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

Ms. Wallach said she would not support this action. She said that one of her concerns is that the temporary budget will be based on the numbers from 2009, despite the fact that their revenues continue to decrease. She said she was also concerned they were losing opportunities for adjustments to the budget.

The motion carried by a voice vote of 6-2, with Ms. Wallach and Mr. Kuhar dissenting.

MOTION TO APPROVE RECOMMENDED ACTION #3 TO AUTHORIZE THE STORM WATER BUDGET ALLOCATION CHANGE AS PRESENTED.

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

Ms. Wallach said she will not be supporting this action for two reasons. She said she is not comfortable with the responsibilities of monies being taken from the General Fund which is somewhat controlled by the public, and being moved into a fund where the public has no control. She said Council can raise rates without public input.

Ms. Wallach said the fee associated with storm water is the most unfair fee they have, adding it was aggressive, as all residents pay the same fee. She said this would be more of a hardship on the lower income residents. Ms. Wallach said other utilities, like sewer and water, are based on usage, adding the more they use the more they spend. She said for those who recycle, they pay less for trash. Ms. Wallach said the storm water fee does not matter, adding that someone can be contributing nothing to the storm water problem and are paying the same thing.

Ms. Wallach said she did some research into this fund, and found that the intent was for capital improvements, and not staff salaries. She said the Council was told the fund would not be used to support salaries. She said if there was a specific project, staff time could be paid through the fund, but otherwise, it was not meant for maintenance and salary supplements. She said there were commitments made to Kent State with respect to this fund.

Ms. Wallach said there are going to be big projects, like the Summit Street and downtown development, where there will be some storm water issues. She asked if they use this fund to pay salaries, what monies will be used to pay for storm water issues.

Ms. Wallach said she understands they need to cover some budget deficits, but the purpose of economic development is for that, and they should not be tapping into the storm water fund. She said she could support it temporarily for two years until economic development kicks in. She said the general economy should be turning around in two years.

MOTION TO LIMIT THE REALLOCATION OF STORM WATER FEES TO TWO YEARS TO PAY FOR 10% OF THE SALARIES PRESENTED.

Motion made by Ms. Wallach, seconded by Ms. Shaffer.

Ms. Shaffer said she is also concerned with moving monies into a fund that has less control by the public. She said it is a fair amendment, grants them flexibility, but also opens it back up to allow them to revise where the funds originally came from. She said she believed they would be benefitting from economic development also.

The amendment carried by a voice vote of 7-1, with Mr. Ferrara dissenting.

The original motion carried, by a voice vote of 7-1, with Mr. Ferrara dissenting.

The Mayor asked the Clerk to read Draft No. 09-129 by title only at this time.

A RESOLUTION REQUESTING THE COUNTY AUDITOR TO ADVANCE TAXES FROM THE

PROCEEDS OF THE 2009 TAX YEAR COLLECTION PURSUANT TO SECTION 321.34 OF THE OHIO REVISED CODE.

MOTION TO SUSPEND THE THREE READINGS.

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

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

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

2009-118: A RESOLUTION REQUESTING THE COUNTY AUDITOR TO ADVANCE TAXES FROM THE PROCEEDS OF THE 2009 TAX YEAR COLLECTION PURSUANT TO SECTION 321.34 OF THE OHIO REVISED CODE.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 09-131 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO CONTRACT, ON BEHALF OF THE CITY OF KENT, WITH THE OFFICE OF THE PUBLIC DEFENDER, PORTAGE COUNTY, FOR THE PROVISION OF LEGAL COUNSEL TO INDIGENT PERSONS CHARGED WITH POTENTIAL PENALTY OF INCARCERATION FOR OFFENSES COMMITTED IN VIOLATION OF THE ORDINANCES OF SAID CITY FOR THE PERIOD JANUARY 1, 2010 THROUGH DECEMBER 31, 2010 AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

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

2009-119: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO CONTRACT, ON BEHALF OF THE CITY OF KENT, WITH THE OFFICE OF THE PUBLIC DEFENDER, PORTAGE COUNTY, FOR THE PROVISION OF LEGAL COUNSEL TO INDIGENT PERSONS CHARGED WITH POTENTIAL PENALTY OF INCARCERATION FOR OFFENSES COMMITTED IN VIOLATION OF THE ORDINANCES OF SAID CITY FOR THE PERIOD JANUARY 1, 2010 THROUGH DECEMBER 31, 2010 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. 09-128 by title only at this time.

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT A GRANT IN THE AMOUNT OF \$ 14,997.00 THROUGH THE NATURE WORKS PROGRAM, FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES, ENTERING INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR THE DEVELOPMENT OF A SKATE PARK AT ADMORE PARK, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2009-120: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT A GRANT IN THE AMOUNT OF \$ 14,997.00 THROUGH THE NATURE WORKS PROGRAM, FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES, ENTERING INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR THE DEVELOPMENT OF A SKATE PARK AT ADMORE PARK, 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. 09-135 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPLY FOR A GRANT IN AN AMOUNT NO LESS THAN \$150,000, FROM THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM THROUGH THE OHIO DEPARTMENT OF DEVELOPMENT, 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. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, and Mr. Kuhar. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2009-121: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPLY FOR A GRANT IN AN AMOUNT NO LESS THAN \$150,000, FROM THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM THROUGH THE OHIO DEPARTMENT OF DEVELOPMENT, 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. 09-137 by title only at this time.

AN ORDINANCE AMENDING ORDINANCE NO. 2008-220, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 3, 2008; AS AMENDED BY ORDINANCE NO. 2009-26, PASSED FEB. 18, 2009; AS AMENDED BY ORDINANCE NO. 2009-32, PASSED MARCH 18, 2009; AS AMENDED BY ORDINANCE NO. 2009-41, PASSED APRIL 15, 2009; AS AMENDED BY ORDINANCE NO. 2009-50, PASSED MAY 20, 2009; AS AMENDED BY ORDINANCE NO. 2009-67, PASSED JUNE 17, 2009, AND AS AMENDED BY ORDINANCE NO. 2009-108, PASSED OCTOBER 21, 2009, SO AS TO INCREASE APPROPRIATIONS IN FUND 201, WATER FUND; FUND 202, SEWER FUND; FUND 301, CAPITAL; AND FUND 101, WEST SIDE FIRE, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2009-122: AN ORDINANCE AMENDING ORDINANCE NO. 2008-220, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 3, 2008; AS AMENDED BY ORDINANCE NO. 2009-26, PASSED FEB. 18, 2009; AS AMENDED BY ORDINANCE NO. 2009-32, PASSED MARCH 18, 2009; AS AMENDED BY ORDINANCE NO. 2009-41, PASSED APRIL 15, 2009; AS AMENDED BY ORDINANCE NO. 2009-50, PASSED MAY 20, 2009; AS AMENDED BY ORDINANCE NO. 2009-67, PASSED JUNE 17, 2009, AND AS AMENDED BY ORDINANCE NO. 2009-108, PASSED OCTOBER 21, 2009, SO AS TO INCREASE APPROPRIATIONS IN FUND 201, WATER FUND; FUND 202, SEWER FUND; FUND 301, CAPITAL; AND FUND 101, WEST SIDE FIRE, 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 AND RECOMMENDED ACTIONS OF NOVEMBER 4, 2009.

Motion made by Mr. DeLeone, seconded by Mr. Hawksley, and carried by a voice vote of 8-0.

The following actions were approved by the aforementioned motion:

- 1. TO AUTHORIZE APPROVAL OF THE COVENANT WITH THE EPA FOR THE PLUM CREEK PARK STREAM RESTORATION, WITH THE INCLUSION OF THE EMERGENCY CLAUSE.**
- 2. TO AUTHORIZE THE AGREEMENT WITH THE PORTAGE COUNTY ENGINEER ON STREET MAINTENANCE.**

The Mayor asked the Clerk to read Draft No. 09-130 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPLY FOR A GRANT FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 THROUGH THE OEPA WATER POLLUTION CONTROL FUND, UP TO \$1,000,000 FOR THE PLUM CREEK STREAM RESTORATION PROJECT, AUTHORIZING THE ENVIRONMENTAL COVENANT TO BE SIGNED,

APPROPRIATING THE FUNDS THEREFOR, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2009-123: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPLY FOR A GRANT FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 THROUGH THE OEPA WATER POLLUTION CONTROL FUND, UP TO \$1,000,000 FOR THE PLUM CREEK STREAM RESTORATION PROJECT, AUTHORIZING THE ENVIRONMENTAL COVENANT TO BE SIGNED, APPROPRIATING THE 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. 09-132 by title only at this time.

AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A PURCHASE AGREEMENT WITH THE CITY OF KENT, OHIO, BUYING AN INTEREST IN .003 ACRES OF REAL PROPERTY FROM LINCOLN & MAIN, LLC (ROBIN HOOD, 503 EAST MAIN STREET, KENT, OHIO) FOR \$2,700.00 FOR THE S.R. 59 SIGNALIZATION PROJECT 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, and Ms. Wallach. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

Motion made by Mr. Kuhar, 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, and Ms. Wallach. The motion carried by a roll call vote of 8-0.

2009-124: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A PURCHASE AGREEMENT WITH THE CITY OF KENT, OHIO, BUYING AN INTEREST IN .003 ACRES OF REAL PROPERTY FROM LINCOLN & MAIN, LLC (ROBIN HOOD, 503 EAST MAIN STREET, KENT, OHIO) FOR \$2,700.00 FOR THE S.R. 59 SIGNALIZATION PROJECT AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 09-133 by title only at this time.

AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A PURCHASE AGREEMENT WITH THE CITY OF KENT, OHIO, BUYING AN INTEREST IN 27 SQUARE FEET OF REAL PROPERTY FROM CHRISTINE L. COVEN (WENDY'S RESTAURANT, 515 EAST MAIN STREET, KENT, OHIO) FOR \$450.00 FOR THE S.R. 59 SIGNALIZATION PROJECT AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2009-125: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A PURCHASE AGREEMENT WITH THE CITY OF KENT, OHIO, BUYING AN INTEREST IN 27 SQUARE FEET OF REAL PROPERTY FROM CHRISTINE L. COVEN (WENDY'S RESTAURANT, 515 EAST MAIN STREET, KENT, OHIO) FOR \$450.00 FOR THE S.R. 59 SIGNALIZATION PROJECT AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 09-134 by title only at this time.

AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A PURCHASE AGREEMENT WITH THE CITY OF KENT, OHIO, BUYING AN INTEREST IN .005 ACRES OF REAL PROPERTY FROM KENT REVCO, LLC (CVS, 500 SOUTH WATER STREET, KENT, OHIO) FOR \$3,400.00 FOR THE S.R. 59 SIGNALIZATION PROJECT AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2009-126: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A PURCHASE AGREEMENT WITH THE CITY OF KENT, OHIO, BUYING AN INTEREST IN .005 ACRES OF REAL PROPERTY FROM KENT REVCO, LLC (CVS, 500 SOUTH WATER STREET, KENT, OHIO) FOR \$3,400.00 FOR THE S.R. 59 SIGNALIZATION PROJECT AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 09-136 by title only at this time.

A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE IN 0.002 ACRES OF CERTAIN REAL PROPERTY OWNED BY FIRST STATES INVESTORS, 2550A, LLC. FOR \$1,350.00 FOR THE S.R. 59 SIGNALIZATION PROJECT AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2009-127: A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE IN 0.002 ACRES OF CERTAIN REAL PROPERTY OWNED BY FIRST STATES INVESTORS, 2550A, LLC. FOR \$1,350.00 FOR THE S.R. 59 SIGNALIZATION PROJECT 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. Wallach said she has been getting telephone calls about the hardship discount on the water bills, adding she would like to review this in committee to discuss what is going on. She said this has occurred since the water bills were switched over to the landlords. Mr. DeLeone suggested she may wish to refer it to the Administration.

MOTION TO REFER TO THE ADMINISTRATION THE ISSUE OF HARDSHIP DISCOUNTS ON THE WATER BILLS, REQUESTING A REPORT.

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

MOTION TO AUTHORIZE A RESOLUTION SUPPORTING THE ADMINISTRATION'S EFFORTS TO ADDRESS THE KENT HOTEL PROPERTY.

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

Mr. Ferrara said he hears rumblings about whether Council stands behind the Administration or if the Administration is picking on a property owner. He said there is a large concern about this property in the community, and they need to show the rest of the public that the City supports the way the Administration is addressing this eyesore.

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

MOTION TO HAVE COUNCIL MEETINGS IN EACH OF THE SIX WARDS DURING 2010.

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

Mr. Ferrara said he has heard from several people during the last election about what Council is doing, and felt they need to make an effort to be in the public. He suggested they take Council to the people, using resources that are available, such as the school system and to hold one on the Kent State campus also.

Mr. Hawksley agreed, adding it was a great idea.

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

MOTION TO REFER THE ISSUE OF LIGHTING AT JANEK DRIVE AND SUMMIT STREET TO THE ADMINISTRATION.

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

Mr. Ferrara said he has been in that area the last few nights, watching basketball and volleyball games. He said the lighting is terrible, with students crossing all the time. He said visibility is poor, creating a safety hazard. He said he would like to know if the Service Director could do anything to make it a safer pedestrian passageway.

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

Mr. Kuhar said he wanted to address the concerns of those who spoke about Council's inaction on the hotel. He said this was an issue when he joined Council. He said they have given the owner of the property the opportunity to make it a nice piece of Kent's history. He said Council pushed hard to make those actions happening, adding they are not just sitting around. He said if they want it tore down or restored, there were always actions being taken.

Mr. Kuhar said the building got into the Portage County court system, and everything slowed down. He said the City is doing what it can to move forward, but it lies in the hands of the court. He said he understands that they should hear something from the Court this month. Mr. Kuhar said Council has been doing their part trying to make something happen. He said he hopes this gets taken care of, adding that someone with money can make it a beautiful subject. He said it has not been ignored, although the public may think so.

Ms. Shaffer said she wanted to echo what Mr. Kuhar said, adding it is frustrating to have this tied up as a legal issue. She said it is out of their hands, and in the court room of a judge who may or may not rule in Kent's favor. She said these cases tend to get appealed and go on and on. Ms. Shaffer said she believes the owner has had options all along, and she knows that the City has been holding their ground to encourage him to do something. He said it is private property, and the City's options are limited. She encouraged people to go to the court house for the hearing on Friday.

Mr. Silver said the hearing was not on Friday. He said it was moved to December 2, adding that was the Court's motion.

Ms. Shaffer said there is no issue more frustrating than the old hotel, and they are doing everything they possibly can.

Mr. Kuhar said it fines against the hotel are a court matter. He said if the owner wins the lawsuit, he still has the possibility of doing something. He said no one will buy a building with fines of \$400,000. He said if the City gets the fines, it would force an action. He said if the City does not get the fines, the owner could have some relief and find someone with financing. Mr. Kuhar said no good business man will buy that building when it is questionable that it may go into foreclosure.

Mayor Fender said it was a very good proactive move to vote to have meetings in the various wards. He

said it shows the community they are interested.

MOTION TO ADJOURN THIS MEETING.

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

Hearing no further business before this Council, Mayor Fender adjourned this meeting at 8:20 p.m.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

