

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

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

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

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

ABSENT: MR. KUHAR, COUNCIL & L. COPLEY, CLERK OF COUNCIL

MOTION TO EXCUSE MR. KUHAR.

Motion made by Mr. Wilson, seconded by Mr. Hawksley, and carried by a voice vote of 7-0.

Mayor Fender called upon Mr. Turner for his opening remarks at this time. Mr. Turner sent the deepest sympathies to the Council Clerk for the loss of her husband. He also welcomed back Ms. Shaffer at this time. He told Ms. Shaffer they thought and prayed for her during the loss of her husband.

Mr. Turner led those present in the Pledge of Allegiance.

MOTION TO APPROVE THE MINUTES OF REGULAR COUNCIL MEETING OF MARCH 18, 2009 AND WORK SESSION OF APRIL 8, 2009.

Motion made by Mr. Turner, seconded by Mr. Amrhein, and carried by a voice vote of 7-0.

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

Laura Mazur: Ms. Mazur said Kent is being presented with a golden opportunity on Saturday. She said the local Muslim community invited the entire Kent community to share the Kent Community dinner at the Islamic Community Center in Cuyahoga Falls. She said it is a field trip, and is the local Kent Muslim community along with the greater Akron Muslim community that has invited them. She said Kent cares about peace, and is coming together. Ms. Mazur said they are all invited, and some leaders of the religious community will be present. She said the dinner is Saturday at 6:00 p.m., and asked that those in attendance provide a dish to pass. She asked that they avoid alcohol or pork. Ms. Mazur said families are invited, adding the center is located at 152 E. Steels Corner Road in Cuyahoga Falls.

David Kessler: Mr. Kessler said he received an email from a former student who did a Master's research paper on citizen police academies. He said the academies attract people who are supportive of the police, and do not change attitudes. Mr. Kessler said another study was done with the same results. He said if the objective is to achieve support for the police, this is not the way to do it. He said it is a waste of taxpayers' money. He said more emphasis should be placed on the community policing component of the COPS grant program

Mayor Fender called for written correspondence at this time.

The Acting Clerk reported that a letter was received from the Ohio Ethics Commission reminding elected officials of the deadline for filing the Financial Disclosure Statements on April 2, 2009. She said this letter was forwarded to all members of Council.

The Acting Clerk reported that Council member Wilson received a letter from Theresa Valenski regarding citywide trash hauling in Kent. She said that Ms. Valenski questioned why there would be exceptions. The Acting Clerk said this letter was forwarded to all members of Council on April 8, 2009.

The Acting Clerk said that Council member Wilson received a letter from Ed and Helen Sinclair speaking against the idea of a single trash hauler. She said this letter was forwarded to all members of Council on April 8, 2009.

The Acting Clerk reported that notification was received from the Liquor Control Division for the State of Ohio that Khameleon, Inc., dba Club Khameleon requested a transfer of their D5 license to 157 Holdings, LLC dba 157 Lounge, located at 157 S. Water Street, Kent. She said that the deadline for objections is May 1, 2009. She said that Safety Director Lillich said there are no statutory grounds for objections to this transfer.

MOTION TO RETURN WITH NO OBJECTIONS.

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

The Acting Clerk reported that the agenda packet for the March 26, 2009 Parks and Recreation Board meeting was placed on file by Council's liaison, Wayne Wilson on April 8, 2009.

The Acting Clerk reported that notification was received from the Ohio Division of Liquor Control that the City's objection to the pending transfer for a liquor license at 200 S. Depeyster Street was received. She said they advised that this transfer has been canceled.

The Acting Clerk reported that a proposal for overnight downtown parking was received, via email, from Council member Hawksley on April 3, 2009. She said that Mr. Hawksley requests that the Administration and the Parking Action Committee recommend a designated location and process for issuing both temporary and long-term overnight parking passes in the downtown. The Acting Clerk reported that this email was forwarded to all members of Council the same day.

The Acting Clerk reported that emails were received from Noel Blankenship, Dr. Richard Skinner, and Chris Myers, speaking against any additional licensing or tax against rental units in Kent. She said these emails were forwarded previously to all members of Council.

The Acting Clerk reported that an email was received from Jim Moore, speaking against the citywide trash pickup proposal. She said that Mr. Moore asked Council to include an opt-out provision, or not consider the entire proposal. She said this email was forwarded previously to all members of Council.

The Acting Clerk reported that after the agenda was printed, Council's representative to the Standing Rock Cemetery Board placed minutes of the March meeting on file prior to the start of this meeting.

Mayor Fender called for the City Manager's report at this time.

MOTION TO APPROVE ITEMS #1 THROUGH #6.

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

The following items were approved by the aforementioned motion:

- 1) Authorization of Draft No. 09-41 (General Compensation Plan extension to June 28, 2009)
- 2) Streets, Sidewalks & Utilities Committee agenda time, update on 2009 capital projects
- 3) Finance Committee agenda time, acceptance of award and supplemental appropriation for Kent Parks & Recreation after school program.
- 4) Community Development Committee agenda time for FEMA floodplain update
- 5) Community Development Committee agenda time for an update date on neighborhood enrichment initiatives.
- 6) Health & Safety Committee agenda time, discussion of citywide trash proposal.

**STANDING COMMITTEE REPORTS
COMMUNITY DEVELOPMENT COMMITTEE**

MOTION TO APPROVE THE REPORT OF APRIL 1, 2009 AND THE RECOMMENDATION, WHICH WAS TO MOVE FORWARD WITH THE FACILITIES ENERGY STUDY.

Motion made by Mr. Hawksley, seconded by Mr. DeLeone, and carried by a voice vote of 7-0.

The Mayor asked the Acting Clerk to read Draft No. 09-43 by title only at this time.

AN ORDINANCE AMENDING ORDINANCE NO. 1995-103, PASSED NOVEMBER 15, 1995; WHICH CREATED THE CITY OF KENT ENVIRONMENTAL COMMISSION; AS AMENDED BY ORDINANCE NO. 1999-64, PASSED MAY 19, 1999, SO AS TO RENAME THE CITY OF KENT ENVIRONMENTAL COMMISSION TO THE CITY OF KENT 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: Mr. Ferrara, Mr. Hawksley, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, 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. Wilson, seconded by Mr. Hawksley.

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

2009-38: AN ORDINANCE AMENDING ORDINANCE NO. 1995-103, PASSED NOVEMBER 15, 1995; WHICH CREATED THE CITY OF KENT ENVIRONMENTAL COMMISSION; AS AMENDED BY ORDINANCE NO. 1999-64, PASSED MAY 19, 1999, SO AS TO RENAME THE CITY OF KENT ENVIRONMENTAL COMMISSION TO THE CITY OF KENT SUSTAINABILITY COMMISSION, AND DECLARING AN EMERGENCY.

Sheri Chestnutwood, Acting Clerk of Council

John Fender, Mayor & President of Council

FINANCE COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT AND RECOMMENDED ACTIONS OF APRIL 1, 2009.

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

The following actions were approved by the aforementioned motion:

- 1) APPROVAL OF THE TIRC RECOMMENDATIONS
- 2) APPROVAL OF THE AMENDMENT TO THE 2009 APPROPRIATIONS ORDINANCE

MOTION TO APPROVE THE WRITTEN REPORT AND RECOMMENDED ACTION OF APRIL 8, 2009, TO AUTHORIZE THE AMENDMENT TO THE 2009 APPROPRIATIONS ORDINANCE.

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

The Mayor asked the Acting Clerk to read Draft No. 09-40 by title only at this time.

AN ORDINANCE AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF KENT AND LOCAL UNION #379, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO FOR THE YEARS 2009 THROUGH 2011, 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, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. Mr. Wilson abstained. The motion carried by a roll call vote of 7-1-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Ms. Wallach said she would support the motion because of the needed seven votes, but would prefer to abstain.

Roll call was taken on the motion. Voting aye: Mr. Hawksley, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. Mr. Wilson abstained. The motion carried by a roll call vote of 7-1-0.

2009-39: AN ORDINANCE AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF KENT AND LOCAL UNION #379, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO FOR THE YEARS 2009 THROUGH 2011, AND DECLARING AN EMERGENCY.

Sheri Chestnutwood, Acting Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Acting Clerk to read Draft No. 09-41 by title only at this time.

AN ORDINANCE AUTHORIZING AN ADDITIONAL EXTENSION OF ORDINANCE NO. 2006-61, PASSED MAY 17, 2006, AND AMENDMENTS THEREOF, OF THE GENERAL COMPENSATION PLAN FOR ALL UNCLASSIFIED AND VARIOUS CLASSIFIED EMPLOYEES OF THE CITY OF KENT, EXCEPT THE CITY MANAGER, TO JUNE 28, 2009, OR, AND AT THE DISCRETION OF THE CITY MANAGER, AN ADDITIONAL SIXTY (60) DAYS, FROM JUNE 28, 2009, 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. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Hawksley. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2009-40: AN ORDINANCE AUTHORIZING AN ADDITIONAL EXTENSION OF ORDINANCE NO. 2006-61, PASSED MAY 17, 2006, AND AMENDMENTS THEREOF, OF THE GENERAL COMPENSATION PLAN FOR ALL UNCLASSIFIED AND VARIOUS CLASSIFIED EMPLOYEES OF THE CITY OF KENT, EXCEPT THE CITY MANAGER, TO JUNE 28, 2009, OR, AND AT THE DISCRETION OF THE CITY MANAGER, AN ADDITIONAL SIXTY (60) DAYS, FROM JUNE 28, 2009, AND DECLARING AN EMERGENCY.

The Mayor asked the Acting Clerk to read Draft No. 09-42 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; AND AS AMENDED BY ORDINANCE NO. 2009-32, PASSED MARCH 18, 2009, SO AS TO INCREASE APPROPRIATIONS IN FUND 124, INCOME TAX SAFETY AND FUND 301, CAPITAL PROJECTS; AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

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

2009-41: 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; AND AS AMENDED BY ORDINANCE NO. 2009-32, PASSED MARCH 18, 2009, SO AS TO INCREASE APPROPRIATIONS IN FUND 124, INCOME TAX SAFETY AND FUND 301, CAPITAL PROJECTS; AND DECLARING AN EMERGENCY.

Sheri Chestnutwood, Acting Clerk of Council

John Fender, Mayor & President of Council

HEALTH & SAFETY COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT AND RECOMMENDED ACTIONS OF APRIL 1, 2009.

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

Ms. Wallach asked that they separate the items, and asked that they discuss Item #1 separately.

MOTION TO APPROVE THE WRITTEN REPORT AND ITEMS #2 & #3 OF APRIL 1, 2009.

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

The following items were approved by the aforementioned motion:

- 2) TO AUTHORIZE THE COPS RECOVERY APPLICATION
- 3) TO AUTHORIZE THE AFSCME CONTRACT

MOTION TO APPROVE ITEM #1, AUTHORIZATION OF THE BYRNE JUSTICE ASSISTANCE GRANT APPLICATION.

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

Ms. Wallach said she intends to support the grant application, but in light of the new information received on the effectiveness of the citizen's academy, she would like that they reconsider giving more money for the bike patrol or community policing. She said they may get more "bang for their buck" if they put more money toward those two projects, instead of the citizen's academy. She said research as shown that while the academy is nice, it is not producing the intended results for getting the communities more involved.

Mr. Wilson said he would support the motion as it is, because he said they have a professional Police Chief. He said if Chief Peach feels this would make a difference, then he would support it. HE said the

Chief is a fine chief, and he has faith in his recommendation.

Ms. Shaffer agreed with Ms. Wallach. She said she felt any program administered would be taking the Police Department's time, and their money could be used to make the police more visible in the community. She said it would have more effect than working with a few people who were already interested in police activities.

Mr. Hawksley shared the sentiment. He said he supports the grant application. He said the academy may be a good idea, but suggested it is done in a way so that it is a two-way discussion between the community and the police. He said there are issues about the police in the community, and suggested a structure that would let people talk about those issues instead of a school teaching people how the department works.

Mr. Turner said he thought they were voting on the grant application, and not the specifics on how the money would be used. He asked how they would separate the items if the grant was received, and Mr. Silver said they are only authorizing the application. He said if the grant was awarded, the Police Chief would have to return to them.

Mr. Hawksley said they are expressing sentiments about the use of the grant.

The motion carried by a voice vote.

STREETS, SIDEWALKS & UTILITIES COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF APRIL 1.

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

SPECIAL COMMITTEE REPORTS None

UNFINISHED BUSINESS None

NEW BUSINESS

MOTION TO REFER TO THE ADMINISTRATION AND THE PARKING ACTION COMMITTEE THE IDEA OF SHORT AND LONG TERM DOWNTOWN OVERNIGHT PARKING.

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

Ms. Shaffer said it is absolutely necessary if they are going to have a vibrant downtown. She said they need to provide parking for those living downtown. She said it is necessary for safety issues, also. She said it would be a great way to educate people against drinking and driving.

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

Ms. Shaffer said she knew the Sidewalk Snow Removal Committee's report was removed from the agenda on April 1.

MOTION TO SCHEDULE THE SIDEWALK SNOW REMOVAL COMMITTEE'S REPORT IN THE STREETS, SIDEWALKS AND UTILITIES COMMITTEE, ON APRIL 22, 2009.

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

Mr. Turner said that he would like a copy of the ordinance, prior to the meeting.

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

Mr. Wilson said there are several ways to micro manage, and one is to tell the departments how to do their job. He said they took a shot at the Police Department on the issue of the citizen's academy.

Mr. Turner said it is appropriate for Council to make their statement, as to the effective use of monies. He said he may disagree with the desire to move the money, but it is an appropriate issue for Council to deal with.

MOTION TO ADJOURN THIS MEETING.

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

Hearing no further business before this Council, Mayor Fender adjourned this meeting at 7:56 p.m.

Sheri Chestnutwood, Acting Clerk of Council

John Fender, Mayor & President of Council

Posted: April 9, 2009

Linda M. Copley MMC RP
Clerk, Kent City Council

