

**THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WED., APRIL 21, 2010**

This regular meeting of Kent City Council was called to order at 7:30 p.m. on Wed., April 21, 2010, by Jerry T. Fiala, Mayor & President of Council.

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

ALSO PRESENT: J. FIALA, MAYOR; D. RULLER, CITY MANAGER; J. SILVER, LAW DIRECTOR; L. ZORC, HUMAN RESOURCES DIR.; AND L. COPLEY, CLERK OF COUNCIL

Mayor Fiala welcomed back Council member Turner at this time. He called upon Mr. Kuhar for his opening remarks. Mr. Kuhar relinquished his time for opening remarks. He noted the presence of the Boy Scout Troop, and asked them to lead the Pledge of Allegiance at this time.

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF MAR. 17, 2010; PUBLIC HEARINGS OF MAR. 17, 2010 AND APR. 7, 2010; AND THE WORK SESSION OF APR. 7, 2010.

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

Mayor Fiala said in the Winter issue of the Tree City Bulletin, residents were asked to make recommendations of residents or businesses who cleared their sidewalks due to snow and ice. He said they had big challenges this winter, and any help combating the snow and frozen substance was greatly appreciated. He explained that **Elizabeth Zorc, Human Resources Director**, headed up this idea, and received four nominations.

He said the first one was David Krutz, nominated by his neighbor Mary Brooks. He said that Ms. Brooks told them she moved to Kent eight years earlier, and Mr. Krutz helped keep her sidewalks clean and free of ice and snow. She said he has done the same for four other neighbors. Ms. Brooks said that Mr. Krutz deserved recognition as a good neighbor and a good citizen. Mayor Fiala explained that Mr. Krutz was unable to attend this meeting.

He displayed an insulated mug, with the Tree City logo, as well as the City pin that all citizens would be receiving in appreciation of their dedication.

Mayor Fiala introduced Keith McBride, adding that Mr. McBride was expecting a new snow plow. He said Mr. McBride was nominated by an anonymous neighbor who said Mr. McBride keeps the sidewalks clear on Harris Street. Mayor Fiala thanked him at this time for his service.

Mayor Fiala said that DuBois Book Store was nominated by Dianne Centa, and introduced Hal DuBois at this time. He said that Ms. Centa said that DuBois Book Store always cleans the sidewalks very nicely. She said that someone also made a path on the sidewalk from School Street to N. High Street. She said that Mr. DuBois deserved a big thank you.

Mayor Fiala said that Cliff Bliss was nominated by Amanda Edwards. He said that Ms. Edwards said that he clears all of the driveways on Red Hollow Circle with a snow blower and shovel. She said she wanted him to know how appreciative she was of his efforts.

Mayor Fiala called for Audience Communications at this time.

Paul Sellman explained that the Boy Scout Troop 253 was present, and that Boy Scouts of America was celebrating their 100th year anniversary. At this time seven scouts explained the principles of scouting.

Mr. Sellman thanked them for being ambassadors for scouting. He thanked them for spreading the word about scouting and presented the Council with a Certificate of Recognition. The Boy Scouts presented everyone with a coffee mug.

Mayor Fiala explained that he was an Eagle Scout. He urged them to work hard and “get the Eagle” as this must be done before they are eighteen. He said it is something they will remember all of their life, adding he still has his eagle in the frame. He thanked them again.

Dave Mail explained that he lives on Pioneer Avenue, and met most of them before the meeting. He said he is a candidate for the Board of Zoning Appeals, and was unable to be present for their “inquisition” on April 7, as he was in Massachusetts. He said he was present if they had any questions. There were none at this time.

Sean Berringer explained he is a sixteen-year resident of Kent, and works at two local restaurants. He said he works in Kent, volunteers in Kent, and shops locally.

He said he is present to talk to them about open air pesticide spraying, which is a nerve gas. He said he has done research from numerous universities, who have no special interests involved. He said it included information from Harvard, and some in Sweden and Chicago. He said he has compared his data with data from John Ferlito (Health Commissioner) the CDC, EPA, and others. He said they all agree that there are more concerns about pesticides than the West Nile disease, which is nearly nonexistent.

Mr. Berringer said the information he received from the CDC overused the word “assumption.” He said the EPA says it is #2 in toxic substances. He said that one person in 300,000 have a chance of being bit by a mosquito with West Nile, adding they have a better chance of being struck by lightning. He said that Mr. Ferlito told him there were allegedly two cases of West Nile in Ohio in 2009, with no deaths resulting from the cases. He said the EPA has said that no pesticide is considered safe, and a federal law that prohibits it from being labeled as a safe substance.

Mr. Berringer said the tax paying citizens have the authority and reserve the right to demand accurate, current data regarding the health of their community and how the monies are spent. He said that everyone is concerned, adding he has a list of signatures. Mr. Berringer said he has spoken to Mr. Amrhein, Ms. Shaffer, Mr. Ferlito and the City Manager, adding that he has not talked to anyone who likes the spraying.

Mr. Berringer said that Lyndhurst has embraced a different policy with great success. He said they are calling for the same change in policy. He said they are calling for public education, adding it was on page 22 of the 24-page Tree City Bulletin, showing it is not a good priority. He said they can send out information that is meant to educate people. He said it explains why mosquitos gather, and information such as that.

Mr. Berringer said he is available to discuss this with anyone who is interested. He said he is looking forward to working with anyone, adding they can come up with logical conclusions. He said that no one wants it, and the people in town are the ultimate authorities. He said he is open to all information.

Mayor Fiala asked if he was working with John Ferlito and everyone on the Health Board, and Mr. Berringer said he wanted to work with everyone, and not just Mr. Ferlito as he is only one person. Mayor Fiala told him that the Health Board implements the program, and Mr. Berringer said he wants the support of everyone, adding it is not just the John Ferlito issue or the Sean Berringer issue.

Jeff Ingram, Standing Rock Cultural Arts: Mr. Ingram invited them to the weekend's festivities known as the Who's your Momma Festival. He said it was nice to see the Boy Scouts, adding if they wished to volunteer, he had plenty for them to do. He said they will have displays on sustainable transportation, the multi modal facility, and the passenger rail project in Kent. He said they will have an excellent film in the evening. Mr. Ingram said they are lucky to live in this area.

Mr. Ingram said he was present to discuss the oil drilling issue, adding it has affected some of his friends at Silver Oaks. He said he does not understand much about it, adding he knows that people are making a lot of money and it is killing the planet. He said as they go forward with balancing their budget, they need to be forward thinking. He said they have a Sustainability Commission, and need to look at energy usage as a health issue. He said when they are using energy that is bad for the planet and the health of the individuals, it is not a good public policy. He said he would like the City to look at green technology and green ways to develop energy. He said with the oil exploration, they need someone from the ODNR or Army Corp of Engineers to understand the hazards. He said it is about 100 feet from his friends' place, while the law states it should be at least 500 feet from there. He said it is close to the City's well, adding they are going down 1000 feet, so they will be close to the aquifer. He said they need an environmental

impact study to see the hazards associated with the drilling. He said he would like to see the drilling stopped, and if it is not stopped, he would like a policy in place in the future so they do not have this environmental problem.

Law Director Silver said the State has decided they are much better at controlling oil and gas drilling, and now controls it. He suggested they needed to speak to their state legislators.

Dona Greene of Silver Oaks explained she is representing Mother Earth, as this is Earth Week. She said the City of Kent granted Silver Oaks permission to have garden space on the City's property six years ago. She said they have had gardens for six years, adding they are wonderful stewards of the city's land. Ms. Greene distributed pictures of this time. She said they have raised things organically, and brought in wildlife. She said they have had to deal with slugs, Japanese beetles, ground hogs, and deer. She said although it was a challenge, they would find an organic way of handling the problem.

Ms. Greene distributed pictures of the gardens. She said she knew a lot of them felt deer were a menace, but said the deer were there first. She said they have brought their little fawns, and showed them how to jump into the garden. She said they are close to their back patios, and are constant entertainment throughout every season. She said there are five who are always there, and one is ready to have babies.

Ms. Greene said they have a Red tail hawk that is wonderful for getting moles. She showed a winter picture of the black squirrels, adding all of this will stop with the well. She said when the area is barricaded by the pumper and tanks that will be the end of their wildlife. She said Edith Chase said it takes about ten years after the well is no longer working for the animals to return.

Ms. Greene said her last pictures showed some beautiful wetlands. She said that is their view. Ms. Greene said they have two windows in their one bedroom apartment, and will see a barricade and pumper. She said all of the beauty will be gone.

Ms. Greene said Edwin George has dedicated his art work to this, adding he works with harmony and balance. She said the land does not belong to them, adding they belong to the land.

Ms. Greene said her last picture was a view from the patio, and shows how they are blessed by Mother Nature.

Ann Ward: Ms. Ward said she understood it may be too late to intervene, and it was up to the State to make changes. She said this was the night before the 40th anniversary of Earth Day. She said she had some questions concerning the gas and oil well near Silver Oaks.

Ms. Ward asked who does the baseline testing of the potentially affected water wells, and who bears the liability for a brine leak or leakage of the chemicals. She noted that some of the chemicals are toxic organics. She said they do not know their composition because companies consider this information to be proprietary. Ms. Ward asked how often the well will be monitored. She asked if there is any chemical fingerprint to identify the source if the well shows up contaminated. She said they know from the brownfields, the cost of mitigation is often offloaded onto the public's purse as the companies have gone bankrupt. She said the cost of litigation is often close to the cost of the clean up. She asked how any underground and surface infrastructure is dealt with when the well runs its course. She said she understands that with more soda straws going into the underground resource, it will make them productive for a shorter period of time. She asked who was responsible for plugging and capping the well, as well as monitoring it for leakage.

Ms. Ward acknowledged the changes in State law removed local control. She said that she also knows that the City invested in their water resources. She said that wells are being installed on school land in densely populated areas, such as Shaker Heights. She said a City either allows it and accrues some benefit, or it will not, losing both the revenue and any degree of control. She urged Council to consider

participating in an organization that can advise the Legislature in Columbus on the unintended impacts that removal of local jurisdiction has on the residents of the community.

Ms. Ward said should mitigation be required in the future, she doubted they could turn to Columbus for financial help in the time of declining state revenues. She said that average citizens without the clout of the well-funded corporate lobbyists are depending on local government to be their voice in Columbus when the Legislature considers removing local control over their clean water, clean air, and uncontaminated soil.

Mayor Fiala said the law director has stated the proper course for them to follow.

Ms. Ward concluded that the City is the property owner. She asked that they be proactive in assuring this company follow best possible practices.

Following no further audience communications, Mayor Fiala called upon the Clerk for the written correspondence.

The Clerk reported that carbon copies of emails between Jim Sumner and the Ohio Department of Natural Resources were received on March 19 and March 20, along with an email from Mr. Sumner to the City Council on March 20, 2010. She said that all of these emails were forwarded to the Mayor and all members of Council on March 22, 2010.

The Clerk reported that a notice was received from the Ohio Division of Liquor Control advising that Akshar Krupa Ltd., dba Kent 419, 1434 E. Main St., Kent, OH 44240, has requested a C1 and C2 liquor license. She said the deadline for objections is April 23, 2010. The Clerk said that Safety Director Lillich stated that this application is the result of a change in ownership of the business, and there are no statutory grounds to object.

MOTION TO RETURN WITH NO OBJECTIONS.

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

The Clerk reported that carbon copies of emails were received from Gregg Vilck on March 31, 2010. She said these emails were sent to the Chief Building Official, Health Commissioner and Fire Chief, and all emails dealt with his hotel property. The Clerk reported that these emails were forwarded to the Mayor, all members of Council, the City Manager, and the Law Director on the same day.

The Clerk reported that an email was received on April 5, 2010 from Tom Simpson, commenting that no one responded to his emails, sent on March 15, 2010. She said this email was forwarded to all members of Council on April 6, 2010. The Clerk said that Council member Ferrara responded to Mr. Simpson on April 6, 2010, and his email was forwarded to all members of Council the same day.

The Clerk reported that carbon copies of seven (7) emails from Gregg Vilck to various City departments were received between April 6, and April 15, 2010. She said these emails were forwarded to the Mayor and Council on the same day.

The Clerk reported that the Kent Parks and Recreation Board agenda packet for the January 21, 2010 meeting was placed on file in the Council office by Council's liaison, Wayne Wilson, on April 7, 2010. She reported that the agenda packet for April 21, 2010 was placed on file by Mr. Wilson prior to the start of the regular Council meeting.

The Clerk reported that the minutes of the March 11, 2010 Standing Rock Cemetery meeting was placed on file in the Council office, by Council's representative, Michael DeLeone, on April 7, 2010.

The Clerk reported that a letter was received from the Clerk-Treasurer of Standing Rock Cemetery on April 12, 2010, advising that the joint meeting of the Kent City Council and Franklin Township Trustees should be scheduled for May 5, 2010, and listed the agenda items. She noted the agenda for that meeting was placed at their Council desks.

Hearing no further written correspondence, Mayor Fiala called upon Mr. Ruller for his report.

MOTION TO APPROVE ITEMS #1 THRU 10

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) Finance Committee agenda time, land swap agreement with KSU for the Hotel/Conference Center project.
- 2) Finance Committee agenda time, budget appropriation for demolition of vacant buildings in downtown redevelopment block.
- 3) Finance Committee agenda time, review auditor's recommendation for City Council to designate an official audit review committee.
- 4) Streets, Sidewalks, and Utilities Committee agenda time, dedication of right of way donation at 1143 Middlebury Rd.
- 5) Community Development Committee time, review of a collaborative agreement with Kent State University, purchase of electronic community/campus message board
- 6) Community Development Committee time, budget appropriation for the Community Liaison position.
- 7) Finance Committee agenda time, capital budget appropriation, street light replacement project on SR 59
- 8) Health & Safety Committee agenda time, continued discussions on police facility
- 9) Community Development Committee time, review land development agreements for the downtown redevelopment project
- 10) Authorization, \$750 for food and drink for safety crews working the spring weekend assignments

Mr. Ruller said there was one more item. He said in his communication, he included the Tax Incentive Review Committee minutes that needed Council's approval. He said this is a County board, and they have representatives on that board. Mr. Ruller said they have reviewed the existing contracts, adding there is nothing new. He said they needed the report accepted by a motion.

MOTION TO ACCEPT THE TAX INCENTIVE REVIEW COMMITTEE REPORT.

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

STANDING COMMITTEE REPORTS

Mayor Fiala explained they voted for vacancies on the various boards and commissions. At this time, he announced the winners:

Diane Werner & Alan Mail	BZA
Jona Burton	Fair Housing Board/Housing Appeals Board
Bill Arthur	PAC
Frances Hernan	PARTA
Theodore Newman	Sustainability Committee
Betsi Konic	Shade Tree Commission

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

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

The Mayor asked the Clerk to read Draft No. 10-32 by title only at this time.

A RESOLUTION APPOINTING FRANCES HERNAN TO THE PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY (P.A.R.T.A) 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 vote. Voting aye: Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Mr. Valenta, Ms. Wallach, Mr. Wilson, and Mr. Amrhein. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2010-30: A RESOLUTION APPOINTING FRANCES HERNAN TO THE PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY (P.A.R.T.A) AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 10-33 by title only at this time.

A RESOLUTION APPOINTING DIANE WERNER AND ALAN D. MAIL TO THE BOARD OF ZONING APPEALS AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2010-31: A RESOLUTION APPOINTING DIANE WERNER AND ALAN D. MAIL TO THE BOARD OF ZONING APPEALS AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 10-34 by title only at this time.

A RESOLUTION APPOINTING BILL ARTHUR TO THE PARKING ACTION COMMITTEE AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2010-32: A RESOLUTION APPOINTING BILL ARTHUR TO THE PARKING ACTION COMMITTEE AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 10-35 by title only at this time.

A RESOLUTION APPOINTING THEODORE NEWMAN TO THE SUSTAINABILITY COMMITTEE 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 vote. Voting aye: Ms. Shaffer, Mr. Turner, Mr. Valenta, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Kuhar. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2010-33: A RESOLUTION APPOINTING THEODORE NEWMAN TO THE SUSTAINABILITY COMMITTEE AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 10-42 by title only at this time.

A RESOLUTION APPOINTING JONA BURTON TO THE FAIR HOUSING BOARD/HOUSING APPEALS BOARD AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2010-34: A RESOLUTION APPOINTING JONA BURTON TO THE FAIR HOUSING BOARD/HOUSING APPEALS BOARD AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 10-43 by title only at this time.

A RESOLUTION APPOINTING BETSI KONIC TO THE SHADE TREE COMMISSION AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2010-35: A RESOLUTION APPOINTING BETSI KONIC TO THE SHADE TREE COMMISSION AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council

COMMUNITY DEVELOPMENT COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF APRIL 7, 2010.

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

MOTION TO APPROVE THE RECOMMENDED ACTIONS OF APRIL 7, 2010.

Motion made by Mr. Valenta, 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 THE SEMI-ANNUAL EDA RLF CERTIFICATION.
- 2) TO AUTHORIZE THE DOWN PAYMENT LOAN GUIDELINES
- 3) TO AUTHORIZE THE USE OF THE CLEAN OHIO GRANT FUNDS.

The Mayor asked the Clerk to read Draft No. 10-31 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. Kuhar, seconded by Mr. Ferrara.

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2010-36: 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

Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 10-37 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO FILE AN APPLICATION TO THE STATE OF OHIO, TO PARTICIPATE IN THE CLEAN OHIO ASSISTANCE FUND, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2010-37: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO FILE AN APPLICATION TO THE STATE OF OHIO, TO PARTICIPATE IN THE CLEAN OHIO ASSISTANCE FUND, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council

FINANCE COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF APRIL 7, 2010 AND THE RECOMMENDED ACTION, AUTHORIZING THE TRANSFER OF THE FACADE MONIES.

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

HEALTH & SAFETY COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF APRIL 7, 2010 AND THE RECOMMENDED ACTION; PROCEEDING WITH FURTHER DISCUSSION ON THE REMOTE LOCATIONS OR THE KENT CIVIC CENTER LOCATION FOR A NEW BUILDING.

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

LAND USE COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF APRIL 7, 2010, AND THE RECOMMENDED ACTION, AUTHORIZATION OF THE AMENDMENT TO §1111.12 OF THE CODIFIED ORDINANCES' ZONING CODE.

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

The Mayor asked the Clerk to read Draft No. 10-38 by title only at this time.

AN ORDINANCE AMENDING SECTION 1111.12 OF THE KENT PLANNING & ZONING CODE, BY MAKING VIOLATIONS OF THE PLANNING & ZONING CODE SUBJECT TO THE CIVIL PENALTIES OF SECTION 501 OF THE KENT CODIFIED ORDINANCES.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Roll call was taken on the vote. Voting aye: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Shaffer, Mr. Turner, Mr. Valenta, Ms. Wallach, and Mr. Wilson. Mr. Kuhar abstained. The motion carried by a roll call vote of 8-0-1.

2010-38: AN ORDINANCE AMENDING SECTION 1111.12 OF THE KENT PLANNING & ZONING CODE, BY MAKING VIOLATIONS OF THE PLANNING & ZONING CODE SUBJECT TO THE CIVIL PENALTIES OF SECTION 501 OF THE KENT CODIFIED ORDINANCES.

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council

STREETS, SIDEWALKS & UTILITIES COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF APRIL 7, 2010 AND THE RECOMMENDED ACTION, AUTHORIZATION OF THE LICENSE TO OCCUPY FOR DOMINICK'S WITH THE EMERGENCY CLAUSE.

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

The Mayor asked the Clerk to read Draft No. 10-36 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LICENSE AGREEMENT BETWEEN DOMINICK MANDALARI (dba DOMINICK'S) AND THE CITY OF KENT, 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 vote. Voting aye: Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Mr. Valenta, Ms. Wallach, Mr. Wilson, and Mr. Amrhein. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2010-39: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LICENSE AGREEMENT BETWEEN DOMINICK MANDALARI (dba DOMINICK’S) AND THE CITY OF KENT, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council

SPECIAL COMMITTEE REPORTS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

Ms. Wallach asked if all spots in the Incubator were filled, and Mr. Ruller said that was correct. Ms. Wallach said she would wait on her motion.

MOTION TO HAVE A WORK SESSION TO DISCUSS SOME COUNCIL PROCEDURAL ISSUES.

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

Ms. Wallach said there are some Council procedural issues. She said she would like a brief work session to review the various procedures of Council on different aspects. She said some items include how they should inform people when missing a meeting. She said it would be helpful to know when they did suspension or passed an ordinance by emergency, and the reasons behind it.

Mr. Wilson asked if they need a motion since it was in a Work Session, and Mayor Fiala said it would be appropriate.

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

Ms. Shaffer said she is also concerned with the issue raised by Sean Berringer about open air spraying. She said some communities she lived in previously did not spray. She asked if they could request the Health Board place this on their agenda, and Mr. Amrhein said it was on the last agenda. Ms. Shaffer said she would reserve her comments for that portion of the meeting.

At this time, Mayor Fiala called for Council member comments.

Ms. Shaffer said she wanted to express her concern for this practice. She said they need to either find an alternative for spraying, or should spray less. She said they should not spray on a schedule with a toxic chemical that has been shown to not be completely safe. She said she would support the Health Department doing more research in that direction.

Mr. Kuhar said he wanted to touch on the wellhead and the loss of wildlife, etc. He said he is sure that nowadays wells are not just thrown in the ground and ignored. He said he lives between Silver Oaks and another wellhead on Rhodes Road. He said they should rest assured about the wildlife. He said there is a herd of about fifteen deer that live at the wellhead. He said they travel every morning and afternoon, eating flowers and have not missed a beat. He said they have watched the people drill the wells, and like

the fresh grass and greens. Mr. Kuhar said he is unsure that wildlife is an issue. He said that he was sure the people in charge would be doing due diligence when pumping or not pumping.

Mr. Ferrara said they accepted the design standards as a guideline. He said it is nice to see that Dominick's is going to improve its facade, but it would have been nice if they could hold them to historical standards with appropriate materials. He said he would rather see a policy, than an arbitrary choice from the owner or occupant of the building.

Mr. Turner said he wanted to comment on his absence for the last few months. He thanked the Council and staff for their forbearance during that time period. Mr. Turner said he did not want to chronicle all of his difficulties, but it was a situation that helped sustain him. He said his Council colleagues were supportive, adding he appreciated that as well as the support from the community. He said it was something that lifted his spirit and helped him through a difficult time period. He thanked everyone and the community for their support.

Mayor Fiala welcomed him back again.

MOTION TO ADVERTISE FOR AND CONVENE A COUNCIL COMPENSATION COMMITTEE.

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

Mr. Ferrara said he previously asked about benefits, such as health insurance, for Council members. He said they were informed it had to go through a committee.

Mr. Kuhar said he is opposed to it if it was any expense to the City. He noted it would probably cost more than their salary. He said he is present to serve the City. He said he cannot support the idea of benefits at the City's expense.

Mr. Wilson agreed with Mr. Kuhar about the costs to the City. He said if they read the information from the Clerk, they should have a committee meeting every two years, adding it sounds like it should be done anyway. He said he would support formation of the committee, but plans to tell the Committee that the City cannot afford it. He said they have been in violation by not having the committee convening in the past.

Ms. Shaffer said they do not need a full debate at this time. She said the question of affordability needs to be discussed. She said some of them have to purchase their health insurance on the open market. She said if she could buy into the City's health insurance, it may be a lower cost with better benefits, rather than a giant deductible. She said it would be for future Councils, not for them anyway. She said it would set up a fair compensation for those serving, and may entice people to run for office.

Mayor Fiala said the Clerk's memo said they should have had a committee every two years. He said it is not just for hospitalization or compensation. He said one committee, when he served previously, recommended a reduction in their salary.

Mr. Turner asked about the protocol. He asked if a committee returned with suggestions, what the procedure was, and Mayor Fiala reminded him there was a motion on the floor. Mr. Turner said he was unsure of the procedure once the committee was empaneled.

Mayor Fiala said after they advertise a committee and they meet, the committee makes a recommendation. He said the Council can accept or deny the recommendation. Mayor Fiala said the motion at this time was to advertise for a committee.

Mr. Turner asked if the recommendation is implemented by Council or if it goes to the voters, and Mayor Fiala said it is voted on by Council. He said it would not impact their current term, and Mr. Ferrara said it takes effect at the next election. Mr. Turner asked if they accept the recommendation, is it an

implemented process or goes to the voters, and Mr. Wilson said the Council votes on it. He added that they can also amend the recommendation. Mayor Fiala said the motion is to set up the committee.

Mr. Kuhar asked if they are mandated by law to have the committee, whether a motion was needed, and Mr. Silver indicated, with the nod of his head, that a motion was needed.

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

MAYOR'S REPORT None.

MOTION TO ADJOURN THIS MEETING.

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

Hearing no further business before this Council, Mayor Fiala adjourned this meeting at 8:25 p.m.

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council