

**THE CITY OF KENT, OHIO  
REGULAR COUNCIL MEETING  
WED., AUGUST 18, 2010**

This regular meeting of Kent City Council was called to order on Wed., August 18, 2010 at 7:30 p.m. by Jerry T. Fiala, Mayor & President of Council.

**PRESENT: MR. AMRHEIN, MR. DELEONE, MR. FERRARA, MR. KUCHAR, MS. SHAFFER, MR. TURNER, MR. VALENTA, MS. WALLACH & MR. WILSON**

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

Mayor Fiala called upon Ms. Wallach for her opening remarks.

Ms. Wallach had no opening remarks, and led those present in the Pledge of Allegiance.

**MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF JULY 21, 2010 AND THE WORK SESSION OF AUGUST 4, 2010.**

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

Mayor Fiala called for audience comment at this time. He reminded those members of the audience wishing to address Council to sign up with the Clerk of Council, who would call them forward. He reminded them, also, they had three minutes to speak.

**WARNER MENDENHALL:** Dr. Mendenhall said he appreciated a second opportunity to meet with them. He said he applied, previously, as a volunteer for the Salary Review Commission, and on the night of their interviews, his wife was in Cleveland Clinic.

Dr. Mendenhall explained he served as Mayor of Silver Lake for six years, dealing with all of the issues the Council currently deals with. He said this process could be done in a research way, without politics or personalities, to decide what is a fair salary. He said he would bring that expertise, adding he served in a number of leadership positions as Mayor. Dr. Mendenhall said he served as a liaison to the State Legislature for Mayors in Summit County during his tenure as Mayor. He said he had many years of service at Kent State University. Dr. Mendenhall said he would bring his research expertise, and his expertise as Mayor to the Committee.

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

The Clerk reported that a carbon copy of an email was received on July 27, 2010 from Gregg Vilks to Assistant Law Director Fink regarding the inspection of his building. She said this email was forwarded to all members of Council and the Mayor on July 28, 2010. The Clerk said that another email, responding to Mr. Fink, was received on August 5, 2010 and forwarded to the Mayor and all members of Council.

The Clerk reported that a carbon copy of emails between James Sumner, the Parks and Recreation Director, and Council member Valenta was received on July 27, 2010. She said they were forwarded to all members of Council and the Mayor on July 28, 2010.

The Clerk reported that an email was received from Eileen Mohr on Aug. 2, 2010, explaining she would be unable to attend the interview for the Salary Review Committee on August 4, 2010. She said Ms. Mohr conveyed her experience, skills, and interest to Council. The Clerk said this email was distributed to all members of Council and the Mayor on August 4, 2010.

The Clerk reported that a letter was received on August 2, 2010 from Jacqueline Loomis, advising she would resign from the Civil Service Commission effective August 1, 2010. She said this letter was distributed to the Mayor and all members on August 4, 2010.

**MOTION TO ACCEPT MS. LOOMIS' RESIGNATION, AND TO SEND HER A LETTER OF THANKS.**

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

The Clerk reported that the Agenda packet for the Kent Parks and Recreation Board meeting of July 22, 2010 was placed on file by Council's liaison, Wayne Wilson, on August 4, 2010.

The Clerk reported that notification was received from the Ohio Division of Liquor Control that Ohio Springs Inc., dba Sheetz Convenience Store, 600 Mantua St., has requested a new C1 and C2 liquor license. She said the deadline for objections is September 10, 2010. The Clerk said the Safety Director has no objections.

**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 minutes of the July Standing Rock Cemetery Board meeting were placed on file by Council's representative, Mr. DeLeone, prior to the start of this meeting.

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

**MOTION TO APPROVE ITEMS #1 THROUGH #7.**

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

The following items were approved by the aforementioned motion:

- 1) Authorization of Draft No. 10-77, donations to Kent Parks & Recreation
- 2) Authorization of Draft No. 10-78, amending Parking Regulations
- 3) Committee time, Streets, Sidewalks, and Utilities Committee, proposal by AMATS to support gas tax increase by 10 cents per gallon
- 4) Committee time, Streets, Sidewalks, and Utilities Committee, request to allow Haymaker's Farmer's Market to paint columns of bridge
- 5) Committee time, Finance Committee, need to allocate funds for utility relocation design work
- 6) Committee time, Finance Committee, consideration of five-year Capital Plan
- 7) Committee time, Finance Committee, renewal of short term bond anticipation notes

**MOTION FOR AN EXECUTIVE SESSION PRIOR TO ADJOURNMENT FOR THE PURPOSE OF LITIGATION.**

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

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

Mr. Ruller said there was a change in the landscape downtown earlier in the day as the former Kline & Kavali trailer/diner was relocated. He said it was donated to Kent Parks and Recreation, which allows a second life for a Kent icon. He said it was quite a scene watching the cranes, adding it portends what is coming to Kent.

Mr. Ruller said that Jim Bowling, City Engineer, is busy, adding they will be opening the bids later in the week for the demolition for property owned by the City and the University. He said this is the last meeting of the summer, and the schools are ready to start for both the local school district and university students. He said he would like to welcome them, noting they look forward to a good year.

Mayor Fiala announced they have the results from the balloting for vacancies on City boards and commissions. Mayor Fiala explained that people had to receive five affirmative votes to be recommended for appointment. He said the following people received enough votes:

Board of Building Appeals	David Hansford
Board of Health	Chris Woolverton
Fair Housing Board/Housing Appeals Board	Francis Hernan and Gary Schultz
Planning Commission	Peter Paino
Salary Review Committee	Warner Mendenhall

Income Tax Board of Review  
Shade Tree Commission

Dee Hawkins  
James Matalik

**MOTION TO AUTHORIZE DRAFT ORDINANCES 10-79 THROUGH 10-85 WITH THE APPROPRIATE NAMES INSERTED.**

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

The Mayor asked the Clerk to read Draft No. 10-79 by title only at this time.

**A RESOLUTION APPOINTING DAVID HANSFORD TO THE BOARD OF BUILDING APPEALS 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. 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 motion. 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.

**2010-71: A RESOLUTION APPOINTING DAVID HANSFORD TO THE BOARD OF BUILDING APPEALS AND DECLARING AN EMERGENCY.**

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Linda M. Copley, Clerk of Council

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Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 10-80 by title only at this time.

**A RESOLUTION APPOINTING CHRIS WOOLVERTON TO THE BOARD OF HEALTH 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. 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. DeLeone.

Roll call was taken on the motion. 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.

**2010-72: A RESOLUTION APPOINTING CHRIS WOOLVERTON TO THE BOARD OF HEALTH AND DECLARING AN EMERGENCY.**

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Linda M. Copley, Clerk of Council

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Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 10-81 by title only at this time.

**A RESOLUTION APPOINTING FRAN HERNAN AND GARY SCHULTZ 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. Kuhar.

Roll call was taken on the motion. 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. Kuhar.

Roll call was taken on the motion. 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.

**2010-73: A RESOLUTION APPOINTING FRAN HERNAN AND GARY SCHULTZ TO THE FAIR HOUSING BOARD/HOUSING APPEALS BOARD AND DECLARING AN EMERGENCY.**

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Linda M. Copley, Clerk of Council

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Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 10-82 by title only at this time.

**A RESOLUTION APPOINTING PETER PAINO TO THE PLANNING COMMISSION 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, 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 motion. 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.

**2010-74: A RESOLUTION APPOINTING PETER PAINO TO THE PLANNING COMMISSION AND DECLARING AN EMERGENCY.**

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Linda M. Copley, Clerk of Council

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Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 10-83 by title only at this time.

**A RESOLUTION APPOINTING WARNER MENDENHALL TO THE SALARY REVIEW COMMITTEE 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 motion. 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. Kuhar, seconded by Ms. Shaffer.

Mr. Wilson asked if the two people not receiving enough votes had to reapply or would stay in the pool, and Mayor Fiala suggested they could reapply since they did not get five votes. Mr. Wilson said he would prefer their names just be left in the pool, and Mr. Valenta agreed. It was agreed, by consensus, to leave their names in the pool.

Roll call was taken on the motion. 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.

**2010-75: A RESOLUTION APPOINTING WARNER MENDENHALL TO THE SALARY REVIEW COMMITTEE AND DECLARING AN EMERGENCY.**

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Linda M. Copley, Clerk of Council

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Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 10-84 by title only at this time.

**A RESOLUTION APPOINTING DEE HAWKINS TO THE INCOME TAX BOARD OF REVIEW 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. 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. DeLeone.

Roll call was taken on the motion. 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.

**2010-76: A RESOLUTION APPOINTING DEE HAWKINS TO THE INCOME TAX BOARD OF REVIEW AND DECLARING AN EMERGENCY.**

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Linda M. Copley, Clerk of Council

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Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 10-85 by title only at this time.

**A RESOLUTION APPOINTING JOHN MATALIK TO THE SHADE TREE COMMISSION AND DECLARING AN EMERGENCY.**

**MOTION TO SUSPEND THE THREE READINGS.**

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

Roll call was taken on the motion. 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. DeLeone.

Roll call was taken on the motion. 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.

**2010-77: A RESOLUTION APPOINTING JOHN MATALIK TO THE SHADE TREE COMMISSION AND DECLARING AN EMERGENCY.**

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Linda M. Copley, Clerk of Council

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Jerry T. Fiala, Mayor & President of Council

**COMMUNITY DEVELOPMENT COMMITTEE**

**MOTION TO APPROVE THE WRITTEN REPORT OF AUGUST 4, 2010.**

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

**MOTION TO APPROVE THE RECOMMENDED ACTION, AUTHORIZING THE LAND DEVELOPMENT AGREEMENT WITH THE EMERGENCY CLAUSE.**

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

The Mayor asked the Clerk to read Draft No. 10-87 by title only at this time.

**AN ORDINANCE AUTHORIZING A DEVELOPMENT AGREEMENT AND A LEASE OF LAND FOR PRIVATE REDEVELOPMENT WITH PF DOWNTOWN KENT LLC TO CARRY OUT THE CITY'S DOWNTOWN URBAN RENEWAL 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. 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. Ferrara, seconded by Ms. Shaffer.

Roll call was taken on the motion. 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.

**2010-78: AN ORDINANCE AUTHORIZING A DEVELOPMENT AGREEMENT AND A LEASE OF LAND FOR PRIVATE REDEVELOPMENT WITH PF DOWNTOWN KENT LLC TO CARRY OUT THE CITY'S DOWNTOWN URBAN RENEWAL PLAN, AND DECLARING AN EMERGENCY.**

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Linda M. Copley, Clerk of Council

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Jerry T. Fiala, Mayor & President of Council

**FINANCE COMMITTEE**

**MOTION TO APPROVE THE WRITTEN REPORT AND THE RECOMMENDED ACTIONS OF AUGUST 4, 2010.**

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

The following actions were approved by the aforementioned motion:

- 1) TO AUTHORIZE THE TAX INCREMENTAL FINANCING WITH KENT CITY SCHOOLS, WITH THE EMERGENCY CLAUSE.

- 2) TO AUTHORIZE THE TRANSFER OF FOUR PROPERTIES FROM DKC TO THE CITY OF KENT.
- 3) TO AUTHORIZE THE AMENDMENT TO THE 2010 APPROPRIATIONS ORDINANCE.

The Mayor asked the Clerk to read Draft No. 10-77 by title only at this time.

**AN ORDINANCE ACCEPTING THE DONATIONS OF \$5,000.00 FROM THE HENRY V. & FRANCES W. CHRISTENSON FOUNDATION; \$500.00 FROM THE RON BURBICK FOUNDATION; AND \$500.00 FROM THE HOME SAVINGS BANK TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT, TO BE USED TO RELOCATE THE KLINE & KAVALI DINER TO FRED FULLER PARK, 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. 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. Amrhein.

Roll call was taken on the motion. 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.

**2010-79: AN ORDINANCE ACCEPTING THE DONATIONS OF \$5,000.00 FROM THE HENRY V. & FRANCES W. CHRISTENSON FOUNDATION; \$500.00 FROM THE RON BURBICK FOUNDATION; AND \$500.00 FROM THE HOME SAVINGS BANK TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT, TO BE USED TO RELOCATE THE KLINE & KAVALI DINER TO FRED FULLER PARK, AND DECLARING AN EMERGENCY.**

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Linda M. Copley, Clerk of Council

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Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 10-86 by title only at this time.

**AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCELS, REQUIRING THE OWNER OF THE IMPROVEMENTS ON SUCH PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, AND AUTHORIZING A COMPENSATION AGREEMENT WITH THE KENT CITY SCHOOL DISTRICT, AND RELATED AUTHORIZATIONS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY.**

**MOTION TO SUSPEND THE THREE READINGS.**

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

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

**MOTION TO ADOPT THE DRAFT ORDINANCE**

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

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

**2010-80: AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCELS, REQUIRING THE OWNER OF THE IMPROVEMENTS ON SUCH PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, AND AUTHORIZING A COMPENSATION AGREEMENT WITH THE KENT CITY SCHOOL DISTRICT, AND RELATED AUTHORIZATIONS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY.**

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Linda M. Copley, Clerk of Council

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Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 10-88 by title only at this time.

**AN ORDINANCE AMENDING ORDINANCE NO. 2009-129, PASSED DECEMBER 2, 2009; AS AMENDED BY ORDINANCE NO. 2010- 18, PASSED FEBRUARY 17, 2010; AS AMENDED BY ORDINANCE NO. 2010-42, PASSED MAY 19, 2010; AS AMENDED BY ORDINANCE NO. 2010-52, PASSED JUNE 16, 2010, AND AS AMENDED BY ORDINANCE NO. 2010-63, PASSED JULY 21, 2010, SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; FUND 128, FIRE & EMS; AND FUND 301, CAPITAL; AND SO AS TO DECREASE APPROPRIATIONS IN FUND 106, PARKS & RECREATION; AND TO TRANSFER FUNDS WITHIN FUND 001, GENERAL; AND FUND 103, STATE HIGHWAY, AND DECLARING AN EMERGENCY.**

**MOTION TO SUSPEND THE THREE READINGS.**

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

Roll call was taken on the motion. 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. Wilson, seconded by Mr. Valenta.

Roll call was taken on the motion. 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.

**2010-81: AN ORDINANCE AMENDING ORDINANCE NO. 2009-129, PASSED DECEMBER 2, 2009; AS AMENDED BY ORDINANCE NO. 2010- 18, PASSED FEBRUARY 17, 2010; AS AMENDED BY ORDINANCE NO. 2010-42, PASSED MAY 19, 2010; AS AMENDED BY ORDINANCE NO. 2010-52, PASSED JUNE 16, 2010, AND AS AMENDED BY ORDINANCE NO. 2010-63, PASSED JULY 21, 2010, SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; FUND 128, FIRE & EMS; AND FUND 301, CAPITAL; AND SO AS TO DECREASE APPROPRIATIONS IN FUND 106, PARKS & RECREATION; AND TO TRANSFER FUNDS WITHIN FUND 001, GENERAL; AND FUND 103, STATE HIGHWAY, AND DECLARING AN EMERGENCY.**

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Linda M. Copley, Clerk of Council

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Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 10-89 by title only at this time.

**AN ORDINANCE AUTHORIZING THE TRANSFER OF A PARCEL OF LAND KNOWN AS 225 SOUTH WATER STREET, KENT, OHIO, FROM THE DOWNTOWN URBAN REDEVELOPMENT CORPORATION (DKC) TO THE CITY OF KENT, OHIO, AND ACCEPTING SAID TRANSFERRED PROPERTY, AND**

**DECLARING AN EMERGENCY.**

**MOTION TO SUSPEND THE THREE READINGS.**

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

Roll call was taken on the motion. 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. Wilson, seconded by Mr. DeLeone.

Roll call was taken on the motion. 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.

**2010-82: AN ORDINANCE AUTHORIZING THE TRANSFER OF A PARCEL OF LAND KNOWN AS 225 SOUTH WATER STREET, KENT, OHIO, FROM THE DOWNTOWN URBAN REDEVELOPMENT CORPORATION (DKC) TO THE CITY OF KENT, OHIO, AND ACCEPTING SAID TRANSFERRED PROPERTY, AND DECLARING AN EMERGENCY.**

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Linda M. Copley, Clerk of Council

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Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 10-90 by title only at this time.

**AN ORDINANCE AUTHORIZING THE TRANSFER OF A PARCEL OF LAND KNOWN AS 300 ROCKWELL STREET, KENT, OHIO, FROM THE DOWNTOWN URBAN REDEVELOPMENT CORPORATION (DKC) TO THE CITY OF KENT, OHIO, AND ACCEPTING SAID TRANSFERRED PROPERTY, AND DECLARING AN EMERGENCY.**

**MOTION TO SUSPEND THE THREE READINGS.**

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

Roll call was taken on the motion. 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. Wilson, seconded by Mr. Valenta.

Roll call was taken on the motion. 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.

**2010-83: AN ORDINANCE AUTHORIZING THE TRANSFER OF A PARCEL OF LAND KNOWN AS 300 ROCKWELL STREET, KENT, OHIO, FROM THE DOWNTOWN URBAN REDEVELOPMENT CORPORATION (DKC) TO THE CITY OF KENT, OHIO, AND ACCEPTING SAID TRANSFERRED PROPERTY, AND DECLARING AN EMERGENCY.**

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Linda M. Copley, Clerk of Council

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Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 10-91 by title only at this time.

**AN ORDINANCE AUTHORIZING THE TRANSFER OF A PARCEL OF LAND KNOWN AS 241 SOUTH WATER STREET, KENT, OHIO, AND ERIE STREET PARKING LOT FROM THE DOWNTOWN URBAN REDEVELOPMENT CORPORATION (DKC) TO THE CITY OF KENT, OHIO, AND ACCEPTING SAID TRANSFERRED PROPERTY, AND DECLARING AN EMERGENCY.**

**MOTION TO SUSPEND THE THREE READINGS.**

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

Roll call was taken on the motion. 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. Wilson, seconded by Mr. Valenta.

Roll call was taken on the motion. 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.

**2010-84: AN ORDINANCE AUTHORIZING THE TRANSFER OF A PARCEL OF LAND KNOWN AS 241 SOUTH WATER STREET, KENT, OHIO, AND ERIE STREET PARKING LOT FROM THE DOWNTOWN URBAN REDEVELOPMENT CORPORATION (DKC) TO THE CITY OF KENT, OHIO, AND ACCEPTING SAID TRANSFERRED PROPERTY, AND DECLARING AN EMERGENCY.**

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Linda M. Copley, Clerk of Council

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Jerry T. Fiala, Mayor & President of Council

**HEALTH & SAFETY COMMITTEE**

The Mayor asked the Clerk to read Draft No. 10-78 by title only at this time.

**AN ORDINANCE AMENDING SECTION 353.02 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT ENTITLED "PARKING REGULATION AUTHORIZATION."**

**MOTION TO SUSPEND THE THREE READINGS.**

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

Roll call was taken on the motion. 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. Wilson, seconded by Mr. Valenta.

Roll call was taken on the motion. 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.

**2010-85: AN ORDINANCE AMENDING SECTION 353.02 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT ENTITLED "PARKING REGULATION AUTHORIZATION."**

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Linda M. Copley, Clerk of Council

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Jerry T. Fiala, Mayor & President of Council

**STREETS, SIDEWALKS & UTILITIES COMMITTEE**

**MOTION TO APPROVE THE WRITTEN REPORT OF JULY 21, 2010 (ORAL REPORT APPROVED JULY 21, 2010)**

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 AUGUST 4, 2010 AND THE RECOMMENDED ACTIONS.**

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

The following items were approved by the aforementioned motion:

- 1) TO ACCEPT THE LAW DIRECTOR'S ORIGINAL RECOMMENDATION, ALONG WITH THE EXCLUSION OF FELONS.

- 2) TO AUTHORIZE AN APPEAL OF THE NPDES PERMIT ISSUED ON JUNE 30, 2010, REVISED ON JULY 12, 2010

The Mayor asked the Clerk to read Draft No. 10-63 by title only at this time.

**AN ORDINANCE ADOPTING TAXICAB REGULATIONS AS CHAPTER 749 OF THE KENT CITY ORDINANCES.**

**MOTION TO SUSPEND THE THREE READINGS.**

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

Roll call was taken on the motion. 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. Wilson, seconded by Mr. Valenta.

Roll call was taken on the motion. 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.

**2010-86: AN ORDINANCE ADOPTING TAXICAB REGULATIONS AS CHAPTER 749 OF THE KENT CITY ORDINANCES.**

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Linda M. Copley, Clerk of Council

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Jerry T. Fiala, Mayor & President of Council

**SPECIAL COMMITTEE REPORTS**            None

**UNFINISHED BUSINESS**                None

**NEW BUSINESS**

**MOTION TO GIVE SIX PARKING PASSES TO ST. PATRICK'S SCHOOL FOR PARKING ON PORTAGE STREET.**

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

Mr. Kuhar said he would say the same thing as the previous year. He said the parking only costs \$5, and people should be able to pay for parking as others pay for it. He said it is not a good practice.

Ms. Wallach asked if they are renewable annually, and Mr. Wilson said that was correct. Ms. Wallach asked who parks there, and Mr. Wilson said it is for the teachers at St. Patrick's School.

The motion carried by a voice vote of 8-1, with Mr. Kuhar dissenting.

Mr. DeLeone said the Salary Review Board puzzled him, as there were no parameters as to how many people should be appointed. He said he has a hard time placing people on a board without knowing that number. He said they need to know how many people will serve, and questioned whether they discussed this issue previously.

**MOTION TO APPOINT FIVE PEOPLE TO THE SALARY REVIEW BOARD.**

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

Ms. Wallach said they are supposed to do this every three years, and the Clerk indicated it is every two years. Ms. Wallach asked if there was anything in the Charter as to the number of people who should serve, and the Clerk said if she were permitted to speak during a motion she would tell them the Charter merely speaks of a "group of non partisan" people with no specific number.

Mr. Wilson commented that he did not know how he came up with the number of five, and Ms. Shaffer said

that was a fair number. She said they had to be sure they advertise it long enough to recruit a pool of applicants. She said they need to get people involved.

Mr. Valenta said he also did not vote for anyone, adding it is hard to put people on a board if he does not know how many will be appointed. Mayor Fiala noted it should be an odd number, like three, five or seven people.

Mr. Turner said in his discussions with the Clerk, she indicated that there have been three historically. He said he voted, but also shared the concern of others. He said he did vote for all three, as there have been three historically, but he can live with five people. He said they can go back to the drawing board, adding he hoped they get five people. Mr. Turner said they have to allow that there may be some they do not prefer to have on the board. He said he hoped they get that type of response. Mr. Turner said five people would be good, but three is also a solid number.

Ms. Shaffer said they only need four more, and Mr. Wilson pointed out that two were still "in the hopper." Mr. Turner said he can live with five people.

The Mayor restated the motion at this time, and it carried by a voice vote of 9-0.

Ms. Shaffer said she is really excited about the downtown, adding that every step is a move in the right direction. She acknowledged there will be some demolition, but noted she was excited they were rebuilding.

Ms. Shaffer said they approved a smoker in front of Cajun Dave's at their last meeting. She said she stands by her vote, but has concern about safety issues. She said it has not been attended, and was bigger than she imagined. She said some other business owners have expressed concerns to her with respect to the issues of fairness and safety. She said it is worth trying to work with them on the safety issues and the issue of using only one parking space.

Mr. Kuhar said he is excited about the new development, also, adding it is necessary for the City so it can grow and look alive. Mr. Kuhar said he is, however, disappointed on the financial end, adding he has a really bad feeling in his gut that they did not get the return the taxpayers deserve for what was invested. He said they either overpaid, or did not get enough back. He said this will spur more development, and hopefully things will work out in the long run. Mr. Kuhar said it will be nice to see people moving around town.

Mr. Kuhar said he saw that Kent State had roped off some land along Summit Street so they can make a walkway. He said it would be nice to see the hundreds of people on Summit Street have some place to walk, other than in the road, in the winter time. He said he hoped they would start on the Rhodes Road project that was to be done last year.

Mr. Turner said he hoped he was speaking for Mr. Valenta and Mr. Ferrara as he thanked the administrative team that met with the Carthage Avenue residents. He said the meeting was very productive, and as noted in the newspaper and on the television, the people have taken ownership of their street and have found a way to reduce of the traffic hazards. He offered kudos to Mr. Lillich and Mr. Roberts for their involvement. He said they looked outside of the box, coming up with some ideas, like the signs. He said he wanted to speak for those of them on Council as he said he appreciated their involvement.

Mr. Turner said he also wanted to thank the School Board for being present at the meeting and for working with them to create new opportunities. He said things can get tense in any negotiation process, and on this one they all came together to do what is best for the community. He said he hoped they would move forward, and continue to create opportunities for people that live in Kent. He said it will provide a return of resources and revenue to the community. Mr. Turner thanked them for their work, and also thanked the City's team, including City Manager Ruller, for their work.

Mr. Wilson said he had some concerns like Mr. Kuhar about their negotiations with the schools, but when he sat down and looked at it, he realized they got more than they thought initially. He said they are getting enough money to cover their costs for the development, and saved their taxpayers money by raising money for the school system. He said the citizens are the same taxpayers paying taxes, no matter which pocket it came from. He said if they add together the monies that is what the City is getting, and without it, nothing would be happening. Mr. Wilson said Kent was going to be a show place and they will be proud. He said a lot of new money is coming to Kent.

Mr. Ferrara said he wanted to piggyback on those comments. He congratulated the parties involved who were present to show their support of the project, for what was a boring session of Council. He said everyone who has lived in Kent for a long time has heard "Why doesn't Kent have this" or "Why doesn't Kent have that?" He said that includes restaurants, hotels, and retail. He said he wanted to congratulate and thank all of the participants, adding they are now going to be proud for what they have. He said he wanted to sincerely thank everyone, including the Administration, Council, Randy (Ruttenberg) and his group, Kent City Schools, and previous Councils. He said when he first campaigned twelve years earlier, he was asked when Kent was going to get a hotel. Ms. Wallach suggested they thank Kent State also, and Mr. Ferrara agreed. He said it was the beginning of something great.

Mr. Valenta agreed with the previous speakers. He said he wanted to offer special thanks to Ron Burbick, adding that without his original insight in the Phoenix Project and Acorn Alley, many people would not have believed in their project. He thanked Mr. Burbick for his generous gift so they can all believe. He said Kent is rising from the ashes into something great, and he thanked all who were involved.

Mayor Fiala said he wanted to agree with everyone. He said he watched the diner move earlier in the day, and remembered eating a hamburger there as a kid. He said it put chills in his back. He said the Clerk and Ms. Shaffer both were down there. He said the bottom line is that they are doing something for their citizens and for the students who come to Kent, adding it is a win/win situation. He thanked the developers, the Administration, PARTA, and Kent State. He said it is the first time he has seen everyone working together in one direction. He said twenty years ago, they were going in ten different ways. Mr. Fiala said he was downtown from 10:30 a.m. to 12:15 p.m., adding it was sitting on a low bed truck at 12:15 p.m., and the contract was tying it down. He said it is exciting for the people of Kent. He said they have to watch this happen, adding it is phenomenal.

Mayor Fiala recessed this meeting at 8:14 p.m. Following Executive Session, Mayor Fiala reconvened this meeting at 8:30 p.m.

**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 Fiala adjourned this meeting at 8:31 p.m.

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Linda M. Copley, Clerk of Council

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Jerry T. Fiala, Mayor & President of Council