

**THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WED., JANUARY 20, 2010**

This regular meeting of Kent City Council was called to order by Jerry T. Fiala, Mayor & President of Council, on Wednesday, January 20, 2010 at 7:30 p.m.

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

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

ABSENT: MR. TURNER, COUNCIL
L. COPLEY, CLERK OF COUNCIL

MOTION TO EXCUSE MR. TURNER.

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

Mayor Fiala called upon Mr. Amrhein for his opening remarks. Mr. Amrhein thanked the Service Director and his department for keeping the roads passable through the snow over the last few weeks. Mr. Amrhein led those present with the Pledge of Allegiance at this time.

MOTION TO HOLD THE MINUTES OF THE REGULAR COUNCIL MEETING OF DEC. 16, 2009.

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

MOTION TO APPROVE THE MINUTES OF SPECIAL COUNCIL MEETING OF JAN. 6, 2010 AND THE MINUTES OF THE COUNCIL WORK SESSION OF JAN. 6, 2010.

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

At this time, Mayor Fiala introduced Barb Hipsman, and asked that she introduce her class at this time. Ms. Hipsman had her students introduce themselves at this time.

There was no further audience comment, and Mayor Fiala called upon the Acting Clerk for the written correspondence at this time.

The Acting Clerk reported that an email was received from James Moore on Dec. 20, 2009 with his thoughts on the water and sewer increases. She reported that this email was forwarded to all members of Council on Dec. 21, 2009.

The Acting Clerk reported that the Civil Service Commission Rules and Regulations, which were approved and adopted by the Commission on Dec. 14, 2009, were placed on file in the Council office on Dec. 18, 2009.

The Acting Clerk reported that the December Parks and Recreation Board agenda packet was placed on file by Council's liaison, Mr. Wilson, on Jan. 6, 2010.

The Acting Clerk reported that a letter was received from Paul Craven with his thoughts how City streets are plowed on Jan. 11, 2010.

The Acting Clerk reported that after the agenda was printed, on Jan. 15, 2010, a carbon copy of an email sent to the Parks and Recreation Director from James Sumner regarding the Riverbend parking lot was received from Council member Valenta and forwarded to the Mayor and all members of Council.

The Acting Clerk reported that the minutes of the December Standing Rock Cemetery Board meeting

were placed on file by Council's representative, Mr. DeLeone, prior to the start of the meeting.

The Mayor called for the City Manager's Report at this time.

MOTION TO AUTHORIZE ITEMS #1 THROUGH #7.

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

The following items were approved by the aforementioned motion:

- 1) Authorization of Draft No. 10-11, donation by Christensen Foundation.
- 2) Authorization of Draft No. 10-10, donation by the Kent Lions Club
- 3) Authorization of Draft No. 10-13, Amendment to 2010 Appropriations Ordinance
- 4) Agenda time, Community Development Committee, draft development agreement for downtown revitalization project
- 5) Agenda time, Streets, Sidewalks & Utilities Committee, 2010 grant applications related to downtown revitalization project
- 6) Agenda time, Land Use Committee, zoning amendment related to schools operating in O-R district
- 7) Agenda time, Finance Committee, 2010 draft budget discussion.

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

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

Roll call was taken at this time. Voting aye: Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer, Mr. Valenta, Ms. Wallach, Mr. Wilson, and Mr. Amrhein. The motion carried by a roll call vote of 8-0.

City Manager Ruller asked that they read the letter from Dr. Lefton of Kent State University that accompanied the sweatshirts they received. He said Dr. Lefton is appreciative of the relationship between the University and the City, and pleased they are making progress. He said that Dr. Lefton has been "front and center" in the news, including an article in Crane's Business. He said Dr. Lefton is one of Kent's greatest cheerleaders.

STANDING COMMITTEE REPORTS

Mayor Fiala said they interviewed for vacancies on City Boards and Commissions on January 6, and voted earlier in the evening. He announced the results at this time.

Elisabeth Willmott	Storm Water Review and Appeals Board
Janet Rusanowsky	Board of Building Appeals
Denise Mote	Income Tax Board of Review
Paula J. Rosky & Audrey Kessler	Community Re-Investment Housing Council
Audrey Kessler	Shade Tree Commission
Melissa Long & Richard Fender	Planning Commission
Paul Sellman	Board of Zoning Appeals
Richard Fender	Fair Housing Board

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

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

The Mayor asked the Acting Clerk to read Draft No. 10-01 by title only at this time.

A RESOLUTION APPOINTING ELISABETH WILLMOTT TO THE STORM WATER REVIEW AND APPEALS BOARD, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2010-01: A RESOLUTION APPOINTING ELISABETH WILLMOTT TO THE STORM WATER REVIEW AND APPEALS BOARD, AND DECLARING AN EMERGENCY.

Sheri Chestnutwood, Acting Clerk of Council

Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Acting Clerk to read Draft No. 10-02 by title only at this time.

A RESOLUTION APPOINTING JANET RUSANOWSKY TO THE BOARD OF BUILDING APPEALS, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2010-02: A RESOLUTION APPOINTING JANET RUSANOWSKY TO THE BOARD OF BUILDING APPEALS, AND DECLARING AN EMERGENCY.

Sheri Chestnutwood, Acting Clerk of Council

Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Acting Clerk to read Draft No. 10-03 by title only at this time.

A RESOLUTION APPOINTING DENISE MOTE TO THE INCOME TAX BOARD OF REVIEW, 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 motion. Voting aye: Ms. Shaffer, Mr. Valenta, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Kuhar. 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. Kuhar.

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

2010-03: A RESOLUTION APPOINTING DENISE MOTE TO THE INCOME TAX BOARD OF REVIEW, AND DECLARING AN EMERGENCY.

Sheri Chestnutwood, Acting Clerk of Council

Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Acting Clerk to read Draft No. 10-04 by title only at this time.

A RESOLUTION APPOINTING AUDREY KESSLER AND PAULA ROSKY TO THE COMMUNITY RE-INVESTMENT AREA HOUSING COUNCIL, 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. 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 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Roll call was taken on the motion. 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 8-0.

2010-04: A RESOLUTION APPOINTING AUDREY KESSLER AND PAULA ROSKY TO THE COMMUNITY RE-INVESTMENT AREA HOUSING COUNCIL, AND DECLARING AN EMERGENCY.

Sheri Chestnutwood, Acting Clerk of Council

Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Acting Clerk to read Draft No. 10-05 by title only at this time.

A RESOLUTION APPOINTING AUDREY KESSLER TO THE SHADE TREE COMMISSION, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Mr. 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 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Roll call was taken on the motion. 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 8-0.

2010-05: A RESOLUTION APPOINTING AUDREY KESSLER TO THE SHADE TREE COMMISSION, AND DECLARING AN EMERGENCY.

Sheri Chestnutwood, Acting Clerk of Council

Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 10-06 by title only at this time.

A RESOLUTION APPOINTING MELISSA LONG AND RICHARD FENDER TO THE PLANNING COMMISSION, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer, and Mr. Valenta. 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. DeLeone.

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

2010-06: A RESOLUTION APPOINTING MELISSA LONG AND RICHARD FENDER TO THE PLANNING COMMISSION, AND DECLARING AN EMERGENCY.

Sheri Chestnutwood, Acting Clerk of Council

Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Acting Clerk to read Draft No. 10-07 by title only at this time.

A RESOLUTION APPOINTING PAUL SELLMAN TO THE BOARD OF ZONING APPEALS, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer, Mr. Valenta and Ms. Wallach. 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. DeLeone.

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

2010-07: A RESOLUTION APPOINTING PAUL SELLMAN TO THE BOARD OF ZONING APPEALS, AND DECLARING AN EMERGENCY.

Sheri Chestnutwood, Acting Clerk of Council

Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Acting Clerk to read Draft No. 10-08 by title only at this time.

A RESOLUTION APPOINTING RICHARD FENDER TO THE FAIR HOUSING BOARD/HOUSING APPEALS BOARD, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms.

Shaffer, Mr. Valenta, Ms. Wallach, and Mr. Wilson. 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. DeLeone.

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

2010-08: A RESOLUTION APPOINTING RICHARD FENDER TO THE FAIR HOUSING BOARD/HOUSING APPEALS BOARD, AND DECLARING AN EMERGENCY.

Sheri Chestnutwood, Acting Clerk of Council

Jerry T. Fiala, Mayor & President of Council

Mayor Fiala thanked everyone that applied, and noted he hoped to see positive things happen from the appointments.

COMMUNITY DEVELOPMENT COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF JAN. 6, 2010.

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

Ms. Wallach asked that these minutes be held until the Clerk returns as she felt there was some information missing.

MOTION TO HOLD THE WRITTEN REPORT OF JAN. 6, 2010.

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

Mr. Wilson asked that Action #1 be separated from the rest of the actions.

Ms. Shaffer asked that Action #4 be separated as well.

MOTION TO APPROVE ITEMS #2 AND #3.

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

The following actions were approved by the aforementioned motion:

2. TO AUTHORIZE THE REVOLVING LOAN FUND AGREEMENT WITH THE OHIO DEPARTMENT OF DEVELOPMENT , WITH THE EMERGENCY CLAUSE.
3. TO AUTHORIZE THE PROPOSED FLAG POLICY

MOTION TO APPROVE ITEM #1, AUTHORIZING THE NEIGHBORHOOD LIAISON POSITION.

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

Mr. Kuhar said it is nice someone wants a liaison to watch over the trouble spots near the college. He said that should be Kent State's responsibility, and not a joint responsibility. He said when he looks at the money going into this, and looks at other things they have done on a trial basis, like Buxton, it is just another way to spend money that could be used to fix potholes. He said they have had some successes at other avenues. He said he would not support the motion.

Ms. Wallach said if she felt the position would add a burden to the budget or if it would increase monies they are spending, she would vote against it. Ms. Wallach said she has been adamant about keeping the budget under control. She said having a person in this position would actually save them money. She said they spent an additional \$60,000 the previous year for additional police to control some of the

neighborhood activities that occurred.

Ms. Shaffer said the intangibles are very important to keep in mind. She said they hope to improve the sense of citizenship for the students. She said this would improve the relationships between the student residents and other residents in campus neighborhoods, and other neighborhoods across the City. She said it is not just a liaison for a particular neighborhood. Ms. Shaffer said this is part of the University partnership they are working on. She said they are looking at strengthening the physical connection between Kent State and the City. She said they also need to look at the human connection as well.

Ms. Shaffer said this is an outreach position, and is a two-year pilot program. She said if they do not achieve success, they can discontinue it at the end of two years. She said it is an important experiment.

Mr. Valenta said he spoke to other universities, who have not seen much success. He asked how they assess the success after two years. He said he did not believe it could be successful until the landlords are involved. He said if the economy was different and the tax dollars were there, he would not mind spending the money for a pilot project. He said the dollars are tight, currently, and noted that Mr. Kuhar mentioned the money could be used for potholes. He said they will have invested \$40,000 after two years, and that is where he has a problem.

Mr. Ferrara said he would reiterate what Ms. Wallach and Ms. Shaffer said. He said it goes in the spirit of collaboration that was referenced by Dr. Lefton in his letter to members of Council. He said along those lines, they are sharing the responsibility of the students with the University. He said it is only natural to ask both parties to partake in it.

Mr. Wilson said when some of the problems occurred and this issue came up, they did have some collaboration. He said they had some staff, students, professors, and Council members that walked around. He said he felt they made a positive move, and made a positive impact. He said he enjoyed doing it with Kent State as opposed to hiring someone. He said it is always easy to throw money at something. He said everyone that went out came away with a positive feeling. He said the students they spoke with received it better also. Mr. Wilson said he would vote against it at this time.

Ms. Shaffer agreed with Mr. Wilson that it was successful to walk around. She said she would like to continue to do that on a limited basis. She said her ward is large, with a huge student turnover. She said it is impossible to get to know them as a Councilperson in the way a liaison could get to know them. She said it is an ambassador position for the students, and is a way to strengthen the two-way connection. She said the population is transient, adding it is helpful to get the information out about what it means to live in a community, and for them to not just have a party patrol. She said that is important, and she would like all of Council to continue doing that. She said the job is much more than the patrol.

Ms. Wallach said she agreed with Ms. Shaffer. She said she planned to continue to walk around her ward, interacting with the students. She said this is something additional that will add to the interaction.

Mr. Kuhar said it was mentioned this was not just a university liaison. He said he asked specifically, in Committee, if that was the case, and was told that was the case, with target areas near the University. He said some residents may think they are paying for problems caused by Kent State. He said he felt it would cause a separation between the City and the University if someone has that type of an attitude. He said he would like to see joint action of getting to know people, adding it will go further than hiring someone to be the "fixer upper" for everything.

The motion carried by hand count of 5-3, with Mr. Wilson, Mr. Kuhar, and Mr. Valenta dissenting.

MOTION TO AUTHORIZE ACTION #4, APPROVING THE SUBLET OF THE PARKING LOT LEASED FROM KENT CITY SCHOOLS, WITH THE EMERGENCY CLAUSE.

Motion made by Mr. Wilson, seconded by Mr. DeLeone, and carried by a voice vote of 7-0-1, with Ms. Shaffer abstaining.

The Mayor asked the Acting Clerk to read Draft No. 10-09 by title only.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO DEPARTMENT OF DEVELOPMENT FROM JANUARY 1, 2010 THROUGH DECEMBER 31, 2012 FOR THE ADMINISTRATION OF A HOUSING REVOLVING LOAN FUND, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2010-09: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO DEPARTMENT OF DEVELOPMENT FROM JANUARY 1, 2010 THROUGH DECEMBER 31, 2012 FOR THE ADMINISTRATION OF A HOUSING REVOLVING LOAN FUND, AND DECLARING AN EMERGENCY.

Sheri Chestnutwood, Acting Clerk of Council

Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Acting Clerk to read Draft No. 10-12 by title only.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT WITH THE UNIVERSALIST – UNITARIAN CHURCH OF KENT FOR THE SUB LEASE OF THIRTY (30) PARKING SPACES ON NORTH MANTUA STREET, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2010-10: A ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT WITH THE UNIVERSALIST – UNITARIAN CHURCH OF KENT FOR THE SUB LEASE OF THIRTY (30) PARKING SPACES ON NORTH MANTUA STREET, AND DECLARING AN EMERGENCY.

Sheri Chestnutwood, Acting Clerk of Council

Jerry T. Fiala, Mayor & President of Council

FINANCE COMMITTEE

MOTION TO HOLD THE MINUTES OF JAN. 6, 2010.

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

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

AN ORDINANCE ACCEPTING A DONATION OF \$300.00 FROM THE KENT LIONS CLUB TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT, TO BE USED TO REPLACE THE LARGE BARBEQUE GRILL AT THE SHELTER HOUSE, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2010-11: AN ORDINANCE ACCEPTING A DONATION OF \$300.00 FROM THE KENT LIONS CLUB TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT, TO BE USED TO REPLACE THE LARGE BARBEQUE GRILL AT THE SHELTER HOUSE, AND DECLARING AN EMERGENCY.

Sheri Chestnutwood, Acting Clerk of Council

Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Acting Clerk to read Draft No. 10-11 by title only at this time.

AN ORDINANCE ACCEPTING A DONATION TO THE CITY OF KENT ADOPT-A-SPOT FROM THE HENRY V. & FRANCES W. CHRISTENSON FOUNDATION IN THE AMOUNT OF \$1,000.00 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. Valenta, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Kuhar. 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. Valenta, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Kuhar. The motion carried by a roll call vote of 8-0.

2010-12: AN ORDINANCE ACCEPTING A DONATION TO THE CITY OF KENT ADOPT-A-SPOT FROM THE HENRY V. & FRANCES W. CHRISTENSON FOUNDATION IN THE AMOUNT OF \$1,000.00 AND DECLARING AN EMERGENCY.

Sheri Chestnutwood, Acting Clerk of Council

Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Acting Clerk to read Draft No. 10-13 by title only at this time.

AN ORDINANCE AMENDING ORDINANCE NO. 2009-129, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 2, 2009, SO AS TO INCREASE APPROPRIATIONS IN FUND 106, RECREATION; FUND 128, FIRE & E.M.S.; FUND 201, WATER; FUND 202, SEWER; FUND 301, CAPITAL; AND FUND 820, UDAG; 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. 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 8-0.

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. 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 8-0.

2010-13: AN ORDINANCE AMENDING ORDINANCE NO. 2009-129, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 2, 2009, SO AS TO INCREASE APPROPRIATIONS IN FUND 106, RECREATION; FUND 128, FIRE & E.M.S.; FUND 201, WATER; FUND 202, SEWER; FUND 301, CAPITAL; AND FUND 820, UDAG; AND DECLARING AN EMERGENCY.

Sheri Chestnutwood, Acting Clerk of Council

Jerry T. Fiala, Mayor & President of Council

HEALTH & SAFETY COMMITTEE

MOTION TO HOLD THE WRITTEN REPORT OF JAN. 6, 2010.

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

Mr. Kuhar requested the two actions be separated.

MOTION TO APPROVE ACTION #1, APPROVING THE RADIO NETWORK UPGRADES, WITH THE INCLUSION OF THE EMERGENCY CLAUSE.

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

MOTION TO APPROVE ACTION #2, APPROVING THE CIVIL INFRACTIONS FOR CODE ENFORCEMENT VIOLATIONS, AS PRESENTED.

Motion made by Mr. Wilson, seconded by Ms. Wallach.

Mr. Kuhar said they have a big need in Kent because of some of the code violations. He said he is mixed

on the recommendation. He said they are losing the right of due process for people when they can push off their problems to a simple fine, which could be burdensome to some people. Mr. Kuhar said it does not solve the problem of zoning violations. He said he wished there was another solution to the problem. He said people should still have their due process.

Ms. Shaffer said they do have due process, known as the court system. She said it costs a lot and takes a lot of time to get resolutions. She said they want to work with people, but if they do not want to comply, there is a follow-up that does not involve the courts. She noted the process also allows for appeals. Ms. Shaffer said this would be faster and less expensive, adding it would be more effective.

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

The Mayor asked the Acting Clerk to read Draft No. 10-14 by title only at this time.

AN ORDINANCE AMENDING SECTION 501.13(B), "CIVIL OFFENSES," IN THE CODIFIED ORDINANCES OF THE CITY OF KENT, BY ADDING NEW SECTIONS TO BE SUBJECT TO CIVIL PENALTIES FOR VIOLATION THEREOF.

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. 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 8-0.

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. Valenta, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Ms. Shaffer. Mr. Kuhar dissented. The motion carried by a roll call vote of 7-1.

2010-14: AN ORDINANCE AMENDING SECTION 501.13(B), "CIVIL OFFENSES", IN THE CODIFIED ORDINANCES OF THE CITY OF KENT, BY ADDING NEW SECTIONS TO BE SUBJECT TO CIVIL PENALTIES FOR VIOLATION THEREOF.

Sheri Chestnutwood, Acting Clerk of Council

Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Acting Clerk to read Draft No. 10-15 by title only at this time.

AN ORDINANCE AMENDING SECTION 1405.09 OF THE PROPERTY MAINTENANCE CODE, BY MAKING VIOLATIONS OF THE PROPERTY MAINTENANCE CODE, SUBJECT TO THE CIVIL PENALTIES OF SECTION 501 OF THE KENT CODIFIED ORDINANCES FOR VIOLATION THEREOF. MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer, and Mr. Valenta. 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. DeLeone.

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

2010-15: AN ORDINANCE AMENDING SECTION 1405.09 OF THE PROPERTY MAINTENANCE CODE, BY MAKING VIOLATIONS OF THE PROPERTY MAINTENANCE CODE, SUBJECT TO THE CIVIL PENALTIES OF SECTION 501 OF THE KENT CODIFIED ORDINANCES FOR VIOLATION THEREOF.

Sheri Chestnutwood, Acting Clerk of Council

Jerry T. Fiala, Mayor & President of Council

SPECIAL COMMITTEE REPORTS - None

UNFINISHED BUSINESS - None

NEW BUSINESS

Mr. Wilson said they received an email from the Clerk about the meetings being broadcast over the internet. He said it costs \$75.00 monthly, or \$900 per year to provide this service. He said that since March of 2009, they had one person listening.

MOTION TO DISCONTINUE THE LIVE FEED OF THE COUNCIL MEETINGS ON THE INTERNET.

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

Ms. Wallach said she thought they had until March to decide whether or not to renew it. Mr. Wilson said the email he received said it is up for renewal in February, and others agreed with him at this time.

Ms. Wallach said she spoke with Ms. Hipsman earlier in the evening who said there was an alternative. Mr. Wilson said the email said they can download a player where people could hear the audio file. Ms. Wallach said a different system. Mr. Wilson said the Clerk was going to look for other options, and suggested Ms. Wallach talk to the Clerk.

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

Mr. Kuhar said he has been around Kent for 50+ years. He said at one time, they ran the whole City from the current police facility, including the fire, police, Mayor, and Council. He said the little building on the corner of Mogadore Road and Cherry Street handled the Service Department's needs. He said it was obviously very cramped, with tight quarters. He said that expansion was necessary, so they bought an old supermarket and some buildings. He said they spent a lot of money redoing the buildings, adding it was probably twice the cost of a new building. He said they are sitting in that facility at this time.

Mr. Kuhar said as jobs, industry and citizens leave Kent, some magic formula has happened where they continue to spend more money because there was a lot of "neat stuff" they wanted to have. He said he feels bad in one way, but not in another, as the State and County governments did the same thing, as did the Federal government. He said they always have to add more jobs, positions, and employees. He said he did not know where it came from, but they do it. He said residents are doing the same thing, using their credit cards to buy a lifestyle they cannot afford. Mr. Kuhar said in every level of government and personal use, people are in trouble as they cannot listen to the basic philosophies that they do not spend more than they make. Mr. Kuhar said he wished the public officials at every level of government, including Kent, would remember that when they start making decisions. He said there are a lot of things he would like, also, but he was raised with the idea if he cannot afford it, he should not buy it. Mr. Kuhar said they can play with numbers to make it look like they afford it, but the fact is that their revenues do not support their expenditures. He said it is all of the way up to the top. He said that is something to think about, as a public official. He said it is something to think about as person.

MAYOR'S REPORT - Mayor Fiala thanked everyone for bearing with him.

Mr. Wilson asked if there was possible action following the Executive Session, and Mr. Silver said it was possible, adding he would record the information for the Acting Clerk.

Mayor Fiala recessed the meeting at 8:20 p.m. Following Executive Session, Mayor Fiala reconvened this meeting at 8:35 p.m.

MOTION TO AUTHORIZE LAND ACQUISITION OF APPROXIMATELY .4 ACRES FROM MERLE KUHNS ON MIDDLEBURY ROAD.

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

Hearing no further business before this Council, Mayor Fiala adjourned this meeting at 8:36 p.m.

Sheri Chestnutwood, Acting Clerk of Council

Jerry T. Fiala, Mayor & President of Council

Transcribed by me on the 1st day of February, 2010.

Linda M. Copley, Clerk of Council