

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

This regular meeting of Kent City Council was called to order by Jerry T. Fiala, Mayor & President of Council, on Wed., July 21, 2010, at 7:40 p.m.

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; W. LILlich, ACTING CITY MANAGER; J. SILVER, LAW DIRECTOR; AND L. COPLEY, CLERK OF COUNCIL

ABSENT: D. RULLER, CITY MANAGER

Mayor Fiala welcomed those present, and called upon Council member Valenta for his opening remarks at this time.

Mr. Valenta said when he was trying to figure out what to say, he decided to see who was born on his son's birthday, which is July 25. He said that Martin L. Davey was born 126 years ago on July 25. Mr. Valenta said he read a little more about him, and it was interesting to see how he brought some ideas to fruition. He said Mr. Davey brought everyone together for the Board of Trade, which is now the Chamber of Commerce. He said he was instrumental with bringing the Normal School to Kent, which is now Kent State. Mr. Valenta said that Mr. Davey became the governor in 1935, and there were a lot of the same problems. He said he opposed bills and policies that were passed by the Feds, and was indicted on corruption charges. He said those charges were later overturned. Mr. Valenta said it is nice to see Kent is still working to bring people together. He said Cajun Dave's is a great example of working together to reach a common goal. He said when the downtown development is complete, three things developed, in part, by Mr. Davey will be included, and they are Davey Tree, the Kent State University Hotel/Conference Center, and Kent Area Chamber of Commerce.

Having no further opening remarks, Mr. Valenta led those present in the Pledge of Allegiance.

MOTION TO APPROVE THE MINUTES OF REGULAR COUNCIL MEETING OF JUNE 16, 2010; THE PUBLIC HEARING OF JULY 7, 2010; and THE SPECIAL COUNCIL MEETING OF JULY 7, 2010.
Motion made by Mr. Valenta, seconded by Mr. DeLeone, and carried by a voice vote of 9-0.

Mayor Fiala called for audience comment at this time. He reminded all members of the audience wishing to address Council they must sign up with the Clerk of Council prior to speaking, and they were limited to three minutes.

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

The Clerk reported that the minutes from the March 30, 2010 Solid Waste Management District Policy Committee meeting were placed on file by Council's representative, Ms. Wallach, on June 24, 2010.

The Clerk reported that a letter was received on June 28, 2010 from Townhall II, thanking Council for supporting the mural project.

The Clerk reported that a carbon copy of an email from Gregg Vilks to the Health Commissioner was received on June 30, 2010 regarding issues raised by the Health Commissioner about Mr. Vilks's property.

The Clerk reported that an email from Diana Sumner to the Parks and Recreation Director was carbon copied to some members of Council regarding a recent meeting in her neighborhood. She said the email was forwarded to all members of Council and the Mayor.

The Clerk reported that the agenda packet for the June 29, 2010 Parks and Recreation board meeting was placed on file by Council's liaison, Mr. Wilson, on July 7, 2010.

The Clerk reported that the minutes of the June 12, 2010 Standing Rock Cemetery meeting were placed on file by Council's representative, Mr. DeLeone, on July 7, 2010.

The Clerk reported that notification was received of the formation of a committee, in accordance with the Charter, for the purpose of circulating initiative petitions to amend Section 23 of the Kent City Charter on July 9, 2010.

The Clerk reported that a request was received from R.P.S. 1, LLC (dba Cajun Dave's), on July 14, 2010, for permission to use the public right of way in front of their business, 138 S. Water Street, for food preparation.

The Clerk reported that after the agenda was printed that an email from Jim Sumner to the Parks and Recreation Director was carbon copied to some members of Council regarding the plans for Riverbend, and asked when he can expect a response to his last two letters. She said this email was distributed to all members of Council and the Mayor.

The Clerk reported that an email was sent to Council member Valenta and the Parks and Recreation Director regarding clothing items left at the Riverbend parking lot, and also speaking to a vehicle that was there after the stated closing time. She said this email was forwarded to the Mayor and all members of Council as well as the Police Chief.

The Clerk reported that a letter was received earlier in the day from Robert and Teresa Kirby expressing their concerns with ongoing traffic issues on Carthage Avenue. She said this letter was distributed to the Mayor and all members of Council.

Hearing no further written correspondence, Mayor Fiala called for the City Manager's report.

MOTION TO APPROVE ITEMS #1 THROUGH #9.

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. Authorization of Draft No. 10-72, updates to the City's Codified Ordinances
2. Authorization of Draft No. 10-73, agreement w/ODOT for the Summit Street Resurfacing Project
3. Agenda time, Finance Committee, update for RITA
4. Agenda time, Finance Committee, TIF agreement w/Kent City Schools
5. Agenda time, Finance Committee, amendment to 2010 appropriations
6. Agendas time, Finance Committee, status of the properties owned by the Downtown Kent Corporation (DKC) (Triangle Cleaners Property, hardware store property, former Arthur property).
7. Agenda time, Finance Committee, 2011 Capital Improvement Plan update.
8. Agenda time, Community Development Committee, Land Development Agreement (LDA) for the downtown redevelopment block.
9. Agenda time, Streets, Sidewalks and Utilities Committee, review of revisions to the taxi cab Ordinance.

STANDING COMMITTEE REPORTS

COMMUNITY DEVELOPMENT COMMITTEE

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

Motion made by Mr. Valenta, seconded by Mr. DeLeone, and carried by a voice vote of 8-0-1, with Ms. Wallach abstaining.

MOTION TO APPROVE THE ACTIONS OF JULY 7, 2010.

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

The following actions were approved by the aforementioned motion:

- 1) PROPOSED CHARTER AMENDMENT DISCUSSED; NO ACTION AUTHORIZED
- 2) MAIN STREET MID YEAR UPDATE PRESENTATION; NO ACTION AUTHORIZED

3) AUTHORIZATION OF TERMINATION OF STAR OF THE WEST ENTERPRISE ZONE

The Mayor asked the Clerk to read Draft No. 10-71 by title only at this time.

AN ORDINANCE REPEALING ORDINANCE NO. 2001-79, PASSED SEPTEMBER 19, 2001, ENTITLED "AN ORDINANCE APPROVING AN AGREEMENT WITH STAR OF THE WEST MILLING, INC. PROVIDING FOR A PROJECT AND TAX EXEMPTION PURSUANT TO THE STATE ENTERPRISE ZONE PROGRAM, AND MAKING DETERMINATIONS IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY" SO AS TO TERMINATE SAID AGREEMENT, 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. 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. DeLeone.

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.

2010-61: AN ORDINANCE REPEALING ORDINANCE NO. 2001-79, PASSED SEPTEMBER 19, 2001, ENTITLED "AN ORDINANCE APPROVING AN AGREEMENT WITH STAR OF THE WEST MILLING, INC. PROVIDING FOR A PROJECT AND TAX EXEMPTION PURSUANT TO THE STATE ENTERPRISE ZONE PROGRAM, AND MAKING DETERMINATIONS IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY." SO AS TO TERMINATE SAID AGREEMENT, 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 JULY 7, 2010.

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

The Mayor asked the Clerk to read Draft No. 10-73 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF KENT AND THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE RESURFACING OF SUMMIT STREET, FROM LOOP ROAD TO SR 261, TO ALLOW THE MAXIMUM USE OF FEDERAL FUNDS IN THE AMOUNT OF \$276,800.00 WITH 20% LOCAL SHARE TO BE PAID BY THE CITY OF KENT, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Mr. Ferrara, Mr. 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. Ferrara.

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.

2010-62: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF KENT AND THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE RESURFACING OF SUMMIT STREET, FROM LOOP ROAD TO SR 261, TO ALLOW THE MAXIMUM USE OF FEDERAL FUNDS IN THE AMOUNT OF \$276,800.00 WITH 20% LOCAL SHARE TO BE PAID BY THE CITY OF KENT, 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. 10-75 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; AND AS AMENDED BY ORDINANCE NO. 2010-52, PASSED JUNE 16, 2010, SO AS TO INCREASE APPROPRIATIONS IN FUND 127, NEIGHBORHOOD STABILIZATION; FUND 128, FIRE & EMS; FUND 201, WATER, FUND 202, SEWER; AND FUND 301, CAPITAL; AND SO AS TO DECREASE APPROPRIATIONS IN FUND 106, PARKS & RECREATION; AND ADVANCE FUNDS FROM FUND 001, GENERAL TO FUND 127, NEIGHBORHOOD STABILIZATION, AND FROM FUND 127, NEIGHBORHOOD STABILIZATION TO FUND 001, GENERAL, 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. 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. Ferrara.

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.

2010-63: 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; AND AS AMENDED BY ORDINANCE NO. 2010-52, PASSED JUNE 16, 2010, SO AS TO INCREASE APPROPRIATIONS IN FUND 127, NEIGHBORHOOD STABILIZATION; FUND 128, FIRE & EMS; FUND 201, WATER, FUND 202, SEWER; AND FUND 301, CAPITAL; AND SO AS TO DECREASE APPROPRIATIONS IN FUND 106, PARKS & RECREATION; AND ADVANCE FUNDS FROM FUND 001, GENERAL TO FUND 127, NEIGHBORHOOD STABILIZATION, AND FROM FUND 127, NEIGHBORHOOD STABILIZATION TO FUND 001, GENERAL, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council

HEALTH & SAFETY COMMITTEE

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

Motion made by Mr. Kuhar, seconded by Mr. DeLeone, and carried by a voice vote of 8-0-1, with Ms. Wallach abstaining.

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

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

The Mayor asked the Clerk to read Draft No. 10-72 by title only at this time.

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CITY OF KENT CODIFIED ORDINANCES 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.

2010-64: AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CITY OF KENT CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council

LAND USE COMMITTEE

Ms. Wallach noted they did not discuss these drafts in Committee. The Clerk said that the Administration previously came before them for the dedication of Lincoln Commons. She said at that time, the Administration told them they needed these sidewalk easements because the contractor had built into the right-of-way. She said they authorized the dedication contingent on accepting these easements.

The Mayor asked the Clerk to read Draft No. 10-64 by title only at this time.

AN ORDINANCE ACCEPTING AND AUTHORIZING THE PURCHASE OF A SIDEWALK EASEMENT, BEING A TWO FOOT STRIP OF LAND, FROM MOHAMMAD G. MATAR AND NAJLA K. ABUKHALED.

MOTION TO SUSPEND THE THREE READINGS.

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

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. DeLeone, seconded by Mr. Ferrara.

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.

2010-65: AN ORDINANCE ACCEPTING AND AUTHORIZING THE PURCHASE OF A SIDEWALK EASEMENT, BEING A TWO FOOT STRIP OF LAND, FROM MOHAMMAD G. MATAR AND NAJLA K. ABUKHALED.

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 10-65 by title only at this time.

AN ORDINANCE ACCEPTING AND AUTHORIZING THE PURCHASE OF A SIDEWALK EASEMENT, BEING A TWO FOOT STRIP OF LAND, FROM RICHARD ANDREW LOWTHER AND SUSAN A. LOWTHER.

MOTION TO SUSPEND THE THREE READINGS.

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

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. 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.

2010-66: AN ORDINANCE ACCEPTING AND AUTHORIZING THE PURCHASE OF A SIDEWALK EASEMENT, BEING A TWO FOOT STRIP OF LAND, FROM RICHARD ANDREW LOWTHER AND SUSAN A. LOWTHER.

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 10-66 by title only at this time.

AN ORDINANCE ACCEPTING AND AUTHORIZING THE PURCHASE OF A SIDEWALK EASEMENT, BEING A TWO FOOT STRIP OF LAND, FROM BABACAR M'BAYE AND ERIKO TANAKA.

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, 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. 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.

2010-67: AN ORDINANCE ACCEPTING AND AUTHORIZING THE PURCHASE OF A SIDEWALK EASEMENT, BEING A TWO FOOT STRIP OF LAND, FROM BABACAR M'BAYE AND ERIKO TANAKA.

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 10-67 by title only at this time.

AN ORDINANCE ACCEPTING AND AUTHORIZING THE PURCHASE OF A SIDEWALK EASEMENT, BEING A TWO FOOT STRIP OF LAND, FROM TIMOTHY McSHANE.

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. 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 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.

2010-68: AN ORDINANCE ACCEPTING AND AUTHORIZING THE PURCHASE OF A SIDEWALK EASEMENT, BEING A TWO FOOT STRIP OF LAND, FROM TIMOTHY McSHANE.

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 10-56 by title only at this time.

AN ORDINANCE ACCEPTING, FOR DEDICATION PURPOSES, THE STREETS, EASEMENTS AND INFRASTRUCTURE OF THE LINCOLN COMMONS SUBDIVISION, PHASE 1.

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. 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. 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.

2010-69: AN ORDINANCE ACCEPTING, FOR DEDICATION PURPOSES, THE STREETS, EASEMENTS AND INFRASTRUCTURE OF THE LINCOLN COMMONS SUBDIVISION, PHASE 1.

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council

STREETS, SIDEWALKS & UTILITIES COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF JULY 7, 2010

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

MOTION TO APPROVE THE RECOMMENDED ACTION OF JULY 7, 2010, AUTHORIZING AN EASEMENT AGREEMENT OR LICENSE TO OCCUPY AGREEMENT WITH PARTA, WHICHEVER IS APPROPRIATE.

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

MOTION TO APPROVE THE ORAL REPORT OF JULY 21, 2010, AND RECOMMENDED ACTION, AUTHORIZING A LICENSE TO OCCUPY WITH R.P.S. 1, LLC db CAJUN DAVE'S.

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

The Mayor asked the Clerk to read Draft No. 10-76 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LICENSE AGREEMENT BETWEEN R.P.S. 1, LLC (dba CAJUN DAVE’S) AND THE CITY OF KENT AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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. Wilson, seconded by Mr. DeLeone.

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.

2010-70: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LICENSE AGREEMENT BETWEEN R.P.S. 1, LLC (dba CAJUN DAVE’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. Shaffer said they have a lot of big projects underway and coming up. She expressed concern that they may not have a bulletproof plan on following up with tax collection of the contractors and sub contractors. She said she wanted to ask the Administration for a plan on how they will go about doing that. She said that R.I.T.A. is part of the answer, but will not do detective work. Se said they may not get the revenue they should be getting. She said that 20% of \$20 million is a high number for the PARTA project.

MOTION TO ASK THE ADMINISTRATION TO BRING FORWARD A PLAN FOR FOLLOWING THROUGH ON TAX COLLECTION FOR CONTRACTORS AND SUBCONTRACTORS, REVIEWING IT IN COMMITTEE.

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

Ms. Shaffer said she has had some conversations with the Administration and she does not feel they have thoroughly considered this issue. She said they need to look at their ability to enhance their revenue through the construction projects and beyond. She said they will be creating jobs, and some will be construction jobs. Ms. Shaffer said she is unsure they have a good system in place, adding they do not license contractors like other cities. She said they may be losing opportunities to enhance their revenue stream.

Mr. Wilson said he assumes if they have a policy that it would be acceptable, and Ms. Shaffer said she would like to see what they have, and have it presented to them. She said she was not going to promise anything. Mr. Wilson said he wanted to make sure she did not intend for them to develop something if they already have something in place.

Mr. Wilson questioned the 20% she referenced about the PARTA project, and Ms. Shaffer said it is 2% on \$20 million. She said with the PARTA project, they should be able to capture a lot of revenue. Mr. Wilson said they should be doing that on all construction.

Mr. Kuhar said he wanted to refresh Council's memory of the business license that no one was interested in, adding the sole purpose was knowing who was working in Kent so they could collect the taxes.

Ms. Wallach asked if she planned to have Committee discussion, and Ms. Shaffer said that was correct.

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

MAYOR'S REPORT

Mayor Fiala said his daughter and grandson joined him for an adventure on the Crooked River from Tannery Park to Munroe Falls. He said it was one of the best times in his life. He said he has never been in a kayak nor wanted to be in one. He noted they need a bigger one for a man of his stature. Mayor Fiala said it was about 4.5 miles, and lasted 2.5 hours. He said they are doing it on Friday and Saturday mornings, for a cost of \$20. He said they even get picked up in Munroe Falls. Mayor Fiala said he plans to do it again when the leaves change in the Fall.

MOTION TO ADJOURN THIS MEETING.

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

Hearing no further business before this Council, Mayor Fiala adjourned this meeting at 8:00 p.m.

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council