

**THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WED., JUNE 16, 2010**

This regular meeting of Kent City Council was called to order at 7:30 p.m. on Wed., June 16, 2010, by Jerry T. Fiala, Mayor and President of Council.

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

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

ABSENT MR. WILSON

MOTION TO EXCUSE MR. WILSON.

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

Mayor Fiala welcomed those present. He called upon Council member Turner for his opening remarks at this time.

Mr. Turner had no opening remarks, and led those present in the Pledge of Allegiance.

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF MAY 19, 2010 AND THE PUBLIC HEARING OF MAY 19, 2010.

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

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

Renee Ruchotzke, 243 Highland Ave.: Ms. Ruchotzke said they received a letter from the League of Women Voters asking that a charter change be placed on the ballot, changing the way they do recalls. She said she endorsed this request.

Ms. Ruchotzke said she organized and was the Treasurer for Citizens for a Better Kent, a political action committee that advocated against the 2009 recall. She said she wanted to provide a brief recap. Ms. Ruchotzke said in the fall of 2008, a group of fourteen disgruntled citizens circulated petitions due to policy disagreements with Council. She said the recall provision was meant to remove members in serious cases of unethical, illegal, or immoral behavior. She said that was not the case in this situation.

Ms. Ruchotzke said she did not understand why they turned in the petitions, since the only clear issue had been repealed by Council. She said the threshold for signatures is much too low, as they only need signatures based on a percentage of the number of votes from the previous election. She said that election had a low voter turnout. Ms. Ruchotzke said they only needed twenty-six for Ward 5, with three hundred forty for the at-large seats.

Ms. Ruchotzke said that once the petitions were turned in, those advocating a recall formed no political action committee nor spent any time or money. She said her committee spent \$7300 of their own money, and spent three months, including a holiday season, making calls and knocking on doors. She said the cost of the election was between \$15,000 and \$20,000. She said only 10% of the registered voters were interested enough to vote, and all were kept in office by 75% to 80% of the vote. Ms. Ruchotzke said this disruption could happen again. She asked they give the citizens a chance to vote on a Charter amendment to the recall process, allowing it only when something immoral, unethical, or illegal occurs, and not just a difference in philosophy.

Jayson Hoopes, 1817 Issaquah St., Cuyahoga Falls, One Fast Transport: Mr. Hoopes said he wanted to address the proposed taxicab ordinance. He said some of it may hinder their ability to offer affordable service. He said that some of the penalties for noncompliance are unfair compared to surrounding

communities. He said in three out of four surrounding communities, the violations are misdemeanors, with fines of less than \$100 and no jail time. He said fees for the same rates in those communities are 1/10 of what the City wants them to pay.

Mr. Hoopes said they are not offering a grace period for past drug offenders. He said their inability to offer a grace period is unfair, and they should not bar one from being employed. Mr. Hoopes requested they consider a statute of limitations. He said unless it is a violent or repeat offense, the person has paid their debt, and deserves a second chance. He said it is very important to offer grace periods. Mr. Hoopes said if they shut down, it will create unsafe driving conditions if citizens cannot take home a sober taxi and may drive while intoxicated. He said they are here to run a business, and to keep their citizens safe.

Matt Gregory, 428 Lawrence Street, Ravenna: Mr. Gregory said they want to bring quality services to the citizens, and are interested in the safety of the community. He said there should be a grace period for those with prior drug convictions. Mr. Gregory said that Cleveland has a five-year grace period, and Columbus is two years for felony drug convictions. He said they believe there should be a grace period.

Barb Hipsman Springer: Ms. Hipsman-Springer said they are asking that the letter from the League be placed in Committee. She said she gave them a packet with seven to ten pages. She said it is different from what they received, as it includes some totals on what happened in those elections in January 2009. She said based on the Charter, their first recourse is for Council to place an amendment on the ballot. She said the second recourse is an initiative by petition, if they fail to place it on the ballot. She said that ballot needs to be solidified by August 4, adding almost 2000 signatures are needed. Ms. Hipsman-Springer said that most of them are retired, and do not have the person power to get the signatures. She noted that was Mr. Turner's concern.

Ms. Hipsman-Springer said they are going with their first recourse, and approaching Council to place it on the ballot. She said in the recall, the voters decided 4-1 to leave the members on Council. She said the number of votes cast vary widely depending on contentment. She said if they are content, which is how the Charter reads currently, only twenty-five votes may be needed. She said that getting about 2000 signatures is a little onerous.

Ms. Hipsman-Springer suggested if they required 15% of those registered in each ward, there are 17,517 registered voters. She said they are even amenable with 5% of the registered voters, adding that would be 174 voters in Ward 1, which is a little larger than some. She said the average ward has 2500 people, and 5% would be 174, while 15% would be 523. She said they are asking that a reason be provided. She said if the Council wishes to remove someone, they must prove them to be a felon or not attending a meeting. She said they should have one little reason to put the City through a cost of about \$15,000. She said if it is on the November ballot, it will cost next to nothing, as the costs are split and there is a lot on the November ballot. She said they are asking for a rational approach, and will be happy to come back later to discuss it further.

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

The Clerk reported that the agenda packet from the May 27, 2010 Kent Parks and Recreation Board meeting were placed on file in the Council office on June 2, 2010 by Council's liaison, Council member Wilson.

The Clerk reported that an email from Jim Sumner to Kent Parks Director, John Idone, on June 3, 2010, was carbon copied to some members of Council. She said this email was forwarded to the Mayor and all members of Council on June 8, 2010.

The Clerk reported that a letter and petition from twenty-one residents of Carthage Avenue was received on June 7, 2010. She said the residents are concerned about the increased speeding traffic on their street, resulting from the bridge construction. The Clerk said a carbon copy of a follow-up letter sent to the Safety Director was received from the Blankenships on June 15, 2010. She said they thanked the Safety Director for the quick response and the recent police presence. The Clerk said they also made some suggestions on ways to improve the problem.

The Clerk reported that a letter was received from the League of Women Voters of Kent on June 8, 2010,

asking the City to put a Charter change on the ballot with respect to how recalls are handled in Kent.

The Clerk reported that a copy of a letter received by the Community Development Department from Richard Fender was forwarded to Council on June 9, 2010. She said Mr. Fender has advised that due to new employment and relocation, he was resigning effective immediately from the Planning Commission.

The Clerk reported that Council member Mr. DeLeone, Council's representative on the Standing Rock Cemetery Board, placed the minutes from their May meeting on file, earlier in the evening.

MOTION TO ACCEPT MR. FENDER'S RESIGNATION.

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

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

MOTION TO APPROVE ITEMS #1 THRU #10.

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

The following items were approved by the aforementioned motion:

- 1) Authorize draft No. 10-57, authorizing water service at 5854 Horning Road
- 2) Authorize Draft No. 10-54, financial award for Parks & Recreation
- 3) Authorize Draft No. 10-53, Donation of \$1000, Parks & Recreation for Art in the Park
- 4) Authorize agenda time in Finance Committee to discuss Triangle Cleaner property status
- 5) Authorize agenda time in Community Development Committee for a midyear update from Main St Kent
- 6) Authorize agenda time with Health & Safety Committee for a street closure request from Main St Kent
- 7) Authorize agenda time with Health & Safety Committee to receive a report on status of City's radio service
- 8) Authorize agenda time with Finance Committee to review amendments to the appropriation ordinance
- 9) Authorize agenda time with Streets, Sidewalks and Utilities for a request from Beck Energy to place a gas well on City property
- 10) Authorize agenda time with Community Development Committee to review draft compensation agreement between City and Kent City Schools for downtown redevelopment project

STANDING COMMITTEE REPORTS

COMMUNITY DEVELOPMENT COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF JUNE 2, 2010.

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

MOTION TO APPROVE RECOMMENDED ACTIONS #1, #2, AND #3.

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

The following items were approved by the aforementioned motion:

- 1) AN UPDATE ON THE DOWNTOWN REDEVELOPMENT PROJECT WAS RECEIVED; NO ACTION REQUIRED
- 2) TO AUTHORIZE THE RECOMMENDATIONS FOR THE CELEBRATE KENT! PROGRAM
- 3) TO AUTHORIZE THE NSP LAND ACQUISITION.

The Mayor asked the Clerk to read Draft No. 10-61 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT BETWEEN HOMESTEPS AND THE CITY OF KENT TO PURCHASE 527 FAIRCHILD AVENUE, KENT, OHIO FOR \$19,800.00 USING NSP FUNDS 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, 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 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, and Mr. Amrhein. The motion carried by a roll call vote of 8-0.

2010-49: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT BETWEEN HOMESTEPS AND THE CITY OF KENT TO PURCHASE 527 FAIRCHILD AVENUE, KENT, OHIO FOR \$19,800.00 USING NSP FUNDS 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 JUNE 2, 2010 AND ITEMS #1 THROUGH #4.

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

The following items were approved by the aforementioned motion:

- 1) DISCUSSION ON PAST CAPITAL PROJECTS AND LOCAL HIRING; NO ACTION TAKEN
- 2) TO AUTHORIZE THE OPWC APPLICATION WITH THE EMERGENCY CLAUSE.
- 3) TO AUTHORIZE THE REAPPROPRIATION OF \$276,800 TO THE 2010 STREETS AND SIDEWALKS PROGRAM WITH THE EMERGENCY CLAUSE.
- 4) TO AUTHORIZE AN AMENDMENT TO THE MOU WITH KENT STATE FOR THE ERIE/ESPLANADE PROJECT; APPROPRIATION OF \$300,000 FOR THE DESIGN OF THE GATEWAY, TO BE PAID BY KENT STATE UNIVERSITY, WITH THE EMERGENCY CLAUSE.

MOTION TO APPROVE ITEM #5, AUTHORIZING A 3% PAY RAISE AND ADDITIONAL WEEK OF VACATION FOR THE CITY MANAGER.

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

Ms. Wallach said she is not going to support the raise. She said it is not that she does not think he is doing a good job. She said because of the condition of the budget, she cannot support a pay raise at this time.

Mr. Kuhar said he could possibly support the 3% pay raise, but the additional week of vacation "puts it up there." He said it is because of the poor economic times, not because of his performance. Mr. Kuhar said sooner or later they have to stop somewhere. He said they have to look at reality sometimes.

Ms. Shaffer said that compared to a lot of cities, Kent is doing well. She said much of that is due to the City Manager. She said she will support the raise and the additional week of vacation.

The motion carried by a voice vote of 6-2, with Mr. Kuhar and Ms. Wallach dissenting.

The Mayor asked the Clerk to read Draft No. 10-58 by title only at this time.

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SUBMIT ON BEHALF OF THE CITY OF KENT, AN APPLICATION FOR OHIO PUBLIC WORKS COMMISSION (OPWC) FINANCING FOR ROUND 25 AND FURTHER AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, IN THE EVENT THE APPLICATION IS APPROVED, TO AGREE TO PARTICIPATE IN FUNDING OF ITS LOCAL SHARE FOR THE SUBJECT OPWC PROJECT 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. Ferrara, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Mr. Valenta, Ms. Wallach, Mr. Amrhein, and Mr. DeLeone. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2010-50: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SUBMIT ON BEHALF OF THE CITY OF KENT, AN APPLICATION FOR OHIO PUBLIC WORKS COMMISSION (OPWC) FINANCING FOR ROUND 25 AND FURTHER AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, IN THE EVENT THE APPLICATION IS APPROVED, TO AGREE TO PARTICIPATE IN FUNDING OF ITS LOCAL SHARE FOR THE SUBJECT OPWC PROJECT 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. 10-55 by title only at this time.

A RESOLUTION AMENDING RESOLUTION NO. 2010-17, PASSED FEB. 17, 2010, STYLED, "A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF KENT AND KENT STATE UNIVERSITY FOR THE PURPOSE OF CONTINUING THEIR JOINT EFFORTS FOR THE IMPROVEMENT OF ERIE STREET GENERALLY LOCATED FROM LINCOLN STREET TO WATER STREET, AND DECLARING AN EMERGENCY", SO AS TO ALLOW THE CITY TO ADMINISTER THE CONTRACT, AND TO ALLOW THE CITY TO BE REIMBURSED FOR THE DESIGN AND CONSTRUCTION COSTS, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Mr. Kuhar, Ms. Shaffer, Mr. Turner, Mr. Valenta, Ms. Wallach, 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. Kuhar, seconded by Mr. DeLeone.

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

2010-51: A RESOLUTION AMENDING RESOLUTION NO. 2010-17, PASSED FEB. 17, 2010, STYLED, "A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF KENT AND KENT STATE UNIVERSITY FOR THE PURPOSE OF CONTINUING THEIR JOINT EFFORTS FOR THE IMPROVEMENT OF ERIE STREET GENERALLY LOCATED FROM LINCOLN STREET TO WATER STREET, AND DECLARING AN EMERGENCY", SO AS TO ALLOW THE CITY TO ADMINISTER THE CONTRACT, AND TO ALLOW THE CITY TO BE REIMBURSED FOR THE DESIGN AND CONSTRUCTION COSTS, 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. 10-60 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; AND AS AMENDED BY ORDINANCE NO. 2010-42, PASSED MAY 19, 2010, SO AS TO DECREASE APPROPRIATIONS IN FUND 201, WATER; FUND 208, STORM WATER; AND FUND 301, CAPITAL; AND TO TRANSFER

FUNDS FROM FUND 001, GENERAL TO FUND 301, CAPITAL, 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. 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. Ferrara, seconded by Mr. DeLeone.

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

2010-52: AN ORDINANCE AMENDING ORDINANCE NO. 2009-129, PASSED DECEMBER 2, 2009; AS AMENDED BY ORDINANCE NO. 2010- 18, PASSED FEBRUARY 17, 2010; AND AS AMENDED BY ORDINANCE NO. 2010-42, PASSED MAY 19, 2010, SO AS TO DECREASE APPROPRIATIONS IN FUND 201, WATER; FUND 208, STORM WATER; AND FUND 301, CAPITAL; AND TO TRANSFER FUNDS FROM FUND 001, GENERAL TO FUND 301, CAPITAL, 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. 10-53 by title only at this time.

AN ORDINANCE ACCEPTING A DONATION OF \$1,000.00 FROM THE STANDING ROCK CULTURAL ARTS SYLVIA COOGAN FUND TO SUPPORT THE KENT PARKS & RECREATION 2010 ART IN THE PARK FESTIVAL, 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. 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. Ferrara, seconded by Mr. Valenta.

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

2010-53: AN ORDINANCE ACCEPTING A DONATION OF \$1,000.00 FROM THE STANDING ROCK CULTURAL ARTS SYLVIA COOGAN FUND TO SUPPORT THE KENT PARKS & RECREATION 2010 ART IN THE PARK FESTIVAL, 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. 10-54 by title only at this time.

A RESOLUTION AUTHORIZING KENT CITY COUNCIL TO ACCEPT A STEP UP TO QUALITY ACHIEVEMENT AWARD FROM THE OHIO CHILD CARE RESOURCE AND REFERRAL ASSOCIATION IN THE AMOUNT OF \$11,000.00 TO THE KENT PARKS & RECREATION DEPARTMENT FOR MAINTAINING AND IMPROVING THE QUALITY OF EARLY CARE AND EDUCATION SERVICES AT THREE (3) PROGRAM SITES THAT KENT PARKS & RECREATION DEPARTMENT MAINTAIN AND RUN, 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. Valenta, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer, and Mr. Turner. 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. Valenta.

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

2010-54: A RESOLUTION AUTHORIZING KENT CITY COUNCIL TO ACCEPT A STEP UP TO QUALITY ACHIEVEMENT AWARD FROM THE OHIO CHILD CARE RESOURCE AND REFERRAL ASSOCIATION IN THE AMOUNT OF \$11,000.00 TO THE KENT PARKS & RECREATION DEPARTMENT FOR MAINTAINING AND IMPROVING THE QUALITY OF EARLY CARE AND EDUCATION SERVICES AT THREE (3) PROGRAM SITES THAT KENT PARKS & RECREATION DEPARTMENT MAINTAIN AND RUN, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council

LAND USE COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF JUNE 2, 2010 AND THE RECOMMENDED ACTION, AUTHORIZING THE DEDICATION OF LINCOLN COMMONS, CONTINGENT UPON RECEIPT OF REQUIRED EASEMENTS.

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

STREETS, SIDEWALKS & UTILITIES COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF JUNE 2, 2010.

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

MOTION TO APPROVE ITEMS #2 AND #3.

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

The following actions were approved by the aforementioned motion:

- 2) TO AUTHORIZE AN AGREEMENT W/ODOT FOR THE TANNERY HIKE AND BIKE TRAIL
- 3) TO AUTHORIZE AN AMENDMENT TO THE KENT STATE UNIVERSITY EASEMENT AGREEMENT.

MOTION TO AUTHORIZE ITEM #1, TO AUTHORIZE THE TAXI CAB ORDINANCE, WITH A REVIEW OF CITY COSTS AFTER ONE YEAR.

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

Ms. Shaffer said it touched her when she heard that other cities such as Cleveland have a grace period for drug offenders. She said they are nonviolent. Ms. Shaffer said if they care about rehabilitation and providing jobs for people, they really need to have a grace period extended for nonviolent drug offenses.

MOTION TO AMEND TO INCLUDE A GRACE PERIOD FOR NONVIOLENT DRUG OFFENDERS.

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

Mr. DeLeone asked what they are doing, and the Clerk said the amendment allows for a grace period in the draft ordinance. Mr. DeLeone asked if that included returning the discussion to Committee, and Ms. Shaffer said it did not.

Mr. Turner said he would not support it as he wanted it to go back to Committee. He agreed with what Ms. Shaffer was saying, but added there were a few other issues that needed to be addressed as well. He said that is why he will not support it.

Ms. Wallach said she wanted to make an amendment to the amendment. Mayor Fiala noted that Mr. Turner was speaking to it at this time. He asked Mr. Turner if he wished to offer an amendment, and Mr. Turner said he did not want to make an amendment to Ms. Shaffer's amendment.

Ms. Wallach said she would make another amendment after this amendment.

Mr. Kuhar said he felt the same way as Mr. Turner. He said there are some issues they need to look at, such as the types of drug offenses. He said there are some other criminal offenses that need to be included. He said he will not support the motion since it is not going back to Committee.

Ms. Shaffer said it will be imperfect, but they can revisit the issues. She said it is important to get something going. She said she would like to include that the grace period would be contingent on the Law Director's decision as to what other cities are doing. She said it would give the Law Director the authority to decide what the grace period should involve. Mayor Fiala asked if she was changing her amendment, and Ms. Shaffer said she was not, adding she was just suggesting how it might be implemented.

At this time the Clerk was asked to restate the motion and did so at this.

The motion failed by a voice vote of 2-6, with Ms. Shaffer and Mr. Amrhein supporting the motion.

MOTION TO REFER THE DRAFT ORDINANCE BACK TO COMMITTEE FOR FURTHER REVIEW OF ITEMS, SUCH AS A LIMIT ON DRUG OFFENSES, AND OTHER ISSUES RAISED.

Motion made by Mr. Turner, seconded by Mr. Kuhar, and carried by a voice vote of 7-1, with Mr. Ferrara dissenting.

Mayor Fiala asked the Clerk if they had to vote down the draft ordinance that was just discussed, and she said it was a moot point. The Clerk said the referral motion did not authorize the draft ordinance.

The Mayor asked the Clerk to read Draft No. 10-59 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 CONSTRUCTION OF THE BIKE TRAIL FROM FRED FULLER PARK TO TANNERY PARK TO ALLOW THE MAXIMUM USE OF FEDERAL FUNDS IN THE AMOUNT OF \$700,000.00 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. Kuhar, 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, and Ms. Wallach. 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. DeLeone.

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

2010-55: 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 CONSTRUCTION OF THE BIKE TRAIL FROM FRED FULLER PARK TO TANNERY PARK TO ALLOW THE MAXIMUM USE OF FEDERAL FUNDS IN THE AMOUNT OF \$700,000.00 WITH 20% LOCAL SHARE TO BE PAID BY THE CITY OF KENT, AND DECLARING AN EMERGENCY

The Mayor asked the Clerk to read Draft No. 10-62 by title only at this time.

AN ORDINANCE AMENDING AND ACCEPTING FOR DEDICATION AN EASEMENT FROM THE STATE OF OHIO FOR THE S.R. 59 SIGNALIZATION PROJECT AS APPROVED AND ACCEPTED ON OCTOBER 21, 2009 BY KENT CITY COUNCIL IN ORDINANCE NO. 2009-113 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. 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 8-0.

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. 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 8-0.

2010-56: AN ORDINANCE AMENDING AND ACCEPTING FOR DEDICATION AN EASEMENT FROM THE STATE OF OHIO FOR THE S.R. 59 SIGNALIZATION PROJECT AS APPROVED AND ACCEPTED ON OCTOBER 21, 2009 BY KENT CITY COUNCIL IN ORDINANCE NO. 2009-113 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. 10-57 by title only at this time.

AN ORDINANCE CONDITIONALLY APPROVING THE REQUEST OF JESS M. STITZEL AND JAIMIE L. STITZEL FOR WATER SERVICE FROM THE CITY OF KENT FOR PROPERTY LOCATED AT 5854 HORNING ROAD IN FRANKLIN TOWNSHIP 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, and Mr. Amrhein. The motion carried by a roll call vote of 8-0.

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

2010-57: AN ORDINANCE CONDITIONALLY APPROVING THE REQUEST OF JESS M. STITZEL AND JAIMIE L. STITZEL FOR WATER SERVICE FROM THE CITY OF KENT FOR PROPERTY LOCATED AT 5854 HORNING ROAD IN FRANKLIN TOWNSHIP 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

Mr. Kuhar said there seemed to be a lot of regret in the community that the mural was not funded for placement on the TownHall II building. He said that instead of amending the motion and pulling money back from the grant, some of them felt they would like the Administration to find \$500 from the General Fund or some other fund for that purpose.

MOTION TO DONATE \$500 FOR THE MURAL.

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

Ms. Shaffer said she felt strongly that this is worthy of their support. She said they recently had a windfall of \$10,000 from the community liaison position, which was downsized. She suggested they could transfer a little bit of that money to the mural project. She said it is worthy of their support, and they also need to look at other sources of funding. She said the children who participated will be able to point to it with pride.

Mr. Kuhar said he has been talking to members of the art community, and their biggest complaint is that a lot of local art is produced in Kent, but little is being shown. He said this is art in its youngest form. Mr. Kuhar said a lot of people can attend some of the functions for a day. He said with the mural in sight, in downtown Kent, people will see it as they go through town. He said it will be there every day to benefit everyone in the community.

MOTION TO AMEND TO INCREASE THE AMOUNT TO \$1000.

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

Ms. Wallach said the majority of other people that received Celebrate Kent! funds got that amount. Mr. Turner, seconder, had no comment.

Ms. Shaffer said the mural cost was \$3500, adding it would be less than 1/3 of what they needed. She said that it was a fair amendment.

The amendment carried by a voice vote of 8-0. The original motion, as amended, carried by a voice vote of 8-0.

MOTION TO HAVE COUNCIL MEMBERS MAN A BOOTH AT THE HERITAGE FESTIVAL, IF THERE WAS A BOOTH.

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

Ms. Wallach said she wanted to make that gesture. She said Council people should be at the booth to answer the citizens. She said they are asking City departments to tighten their belts, adding this is a small way they can save money.

Ms. Shaffer said some of them worked the booth the previous year, and found it to be a valuable experience. She said she would like it to be a little more organized so they do not have a City staff person there the whole entire day. She said they need to participate.

Mr. Turner said he was unaware that the staff was actually paid. The Clerk said that the staff at the booth was not paid. Mr. Turner said he was told the staff was paid. He asked if they wanted this to exclude staff if they are not being paid, and Ms. Wallach said they received "comp time". She asked the Clerk if she received "comp time", and the Clerk said she did not receive comp time. Mr. Turner asked if there was no compensation, and the Clerk said that was correct. She said she volunteered for the booth. She said she was paid nothing nor comped. Mr. Turner apologized at this time, adding he was led to believe there was compensation. He said if staff wanted to spend their time at the booth, and they are not being compensated, he had no problem. He said Council would have to actually commit to showing up to staff the booth. He asked if they only wanted Council people at the booth exclusively, and Ms. Wallach said that was the motion.

Mr. Kuhar said originally, when he heard this, he supported it because he thought they were paying the people who volunteered. He said if people wanted to volunteer, they could. He said if they are not paying them, and they want to volunteer, he could not support the motion. He said if Council wants to volunteer,

they should be there, but everyone else should also be allowed to be there. He said he may not be in town that day. He asked if it was correct that it cost the City nothing, and Mr. Valenta said there were booth fees. Mr. Turner said there were no costs for staff. Mr. Kuhar said for that reason, he cannot support it.

Ms. Shaffer supported Mr. Kuhar's comments. She said she would not support the motion if it would be Council exclusively. She said the Council works well with staff, and she would want to encourage whoever wants to work to be at the booth. She said she did not want to make it a mandate.

Mr. Kuhar asked if he could amend the motion, and Mayor Fiala said that Mr. Turner had his hand up for acknowledgment.

Mr. Turner said it was almost casting an aspersion on staff. He said he wanted to apologize and commend staff for taking their time to be at the booth. He apologized to the staff for making that statement, as he was led to believe they were compensated. He said he was in favor of the motion, based on that, but since there was no compensation, he wanted to thank the Clerk for her service and told her it was appreciated.

Mr. Kuhar said he did not need to make a motion.

Mayor Fiala commented that he has thirty-six places to be that day.

Mr. Ferrara spoke against the motion. He said they are setting a precedent that Council should be there. He said they may have guests from out of town or other plans, and are unable to attend. He said this sets the impression they do not want to participate, which is nothing further from the truth. He said to set the precedent of just Council at the booth is bad policy.

The motion failed with no one supporting it.

MOTION TO PLACE THE LEAGUE OF WOMEN VOTERS' PROPOSAL INTO COMMITTEE.

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

Ms. Shaffer said the speakers said most of what she wanted to say. She said from a Council member's perspective, she would not want anyone else to go through what they went through. She said they should let the voters make that decision. Ms. Shaffer said a lot of angry people voted against the recall, and were not just voting for the Council people being targeted. She said it is a reasonable request, and they will get into the details at a future meeting. She said it is fair to discuss putting this on the ballot.

Mr. Turner supported the motion, and suggested they do it with deliberate speed because of the time frame. He said the proposal has some merit, adding the Committee meeting would be a better format for discussion.

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

MOTION TO ASK THE ADMINISTRATION TO INFORM ALL TAXICAB COMPANIES WHEN THEY HAVE THE NEXT DISCUSSION ON THE PROPOSED ORDINANCE.

Motion made by Mr. DeLeone.

Mr. Silver asked if he knew who they were, and Mr. DeLeone said he did not. Mr. Ruller said he shared it with one company, as they did not know the others. Mr. DeLeone suggested it be advertised so everyone is on the same page. Mr. DeLeone asked those in the audience to supply the names of all of the companies. He said it was just a suggestion.

Mr. Kuhar seconded the motion at this time, and it carried by a voice vote of 8-0.

Mr. Ferrara suggested, with respect to the taxicab issue, that those wanting something specific to offer the Administration some suggestions, for the sake of their time. He suggested they help them out with specifics for a grace period and other issues.

Mr. Ferrara said that with regard to the Manager's review, he has done a great job and his job is performance based. He said as they look at what has happened, they see that leadership has been

shown. He publicly thanked Mr. Ruller at this time.

MAYOR'S REPORT

Mayor Fiala urged them to call Mr. Wilson and share their thoughts with him. He said Mr. Wilson is in agony from his surgery. He said he saw him earlier in the day, and he seemed to be in good spirits.

Hearing no further business before this Council, Mayor Fiala adjourned this meeting at 8:19 p.m.

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council