

**THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WED., MAR. 17, 2010**

This regular meeting of Kent City Council was called to order at 7:30 p.m. on Wed., March 17, 2010 by Jerry T. Fiala, Mayor & President of Council. Mayor Fiala welcomed those present.

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

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

ABSENT: MR. TURNER AND MR. KUHAR

MOTION TO EXCUSE MR. TURNER AND MR. KUHAR.

Motion made by Mr. Wilson, seconded by Mr. DeLeone, and carried by a voice vote of 7-0.

Mayor Fiala called upon Council member Ferrara for his opening remarks at this time.

Mr. Ferrara said it appears that Spring is here, adding he wanted to thank the street crews for doing a great job keeping the streets clear. He said it appeared their attempts for sidewalk snow removal seemed to work well. He noted he noticed it in his neighborhood. His neighbor, Mayor Fiala, told him he was welcome. Mr. Ferrara suggested their efforts appear to have paid off.

Following his opening remarks, Mr. Ferrara led those present in the Pledge of Allegiance.

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF FEB. 17, 2010.

Motion made by Mr. Ferrara, seconded by Mr. DeLeone, and carried by a voice vote of 7-0.

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

The Clerk reported that an email was received from Laurel Hurst on Feb. 18, 2010 with her thoughts on the budget passed the previous day. She said that Council members Ferrara and Shaffer responded to that email, and Ms. Hurst responded to them. The Clerk reported that all emails were forwarded to Council and the Mayor as they were received.

The Clerk reported that the 2009 Annual report for the Police Department was placed on file in Council's office on Feb. 24, 2010. She said this report was also made available on the City's website on Feb. 25, 2010.

The Clerk reported that a carbon copy of a letter was received on March 3, 2010 from Fred Davis of Vine Street addressing his concern regarding the pavement on his street that was executed in 2009. She said this letter was forwarded to Council and the Mayor on the same day.

The Clerk reported that the agenda packet from the Feb. 25, 2010 Parks & Recreation Board meeting was placed on file by Council's liaison, Wayne Wilson, on March 3, 2010.

The Clerk reported that a carbon copy of an email was received from Jim Sumner on March 8, 2010 with his concerns regarding the park located in River Bend subdivision. She said this email was sent to the Parks & Recreation Director. The Clerk reported that it was forwarded to the Mayor and Council on the same day, with Mr. Idone's response. She said that Mr. Sumner sent an additional email on March 9, 2010, which was also forwarded to all members of Council and the Mayor on the same day. The Clerk reported that Council member Ferrara responded to Mr. Sumner, and his email was carbon-copied to all members of Council on March 9, 2010. She said that further emails between Mr. Sumner and the Ohio Department of Natural Resources were received and forwarded to the Mayor and all members of Council on March 15, 2010 and March 16, 2010.

The Clerk reported that an email was received on March 8, 2010 from Gregg Vilks expressing his concerns with the City's enforcement and inspection of 225 S. Water Street. She said this email was forwarded to Council members on the same day.

The Clerk reported that after the agenda was printed, an email was received from Tom Simpson on March 14, 2010, with his concerns regarding the alley work being proposed downtown. This email was forwarded to all members on March 15, 2010. She said a follow-up email was received from Mr. Simpson, and forwarded to all members on March 16, 2010.

The Clerk reported that an email was received from Sue Whitehurst, on behalf of TownHall II, asking they review the time limits on the parking lot behind TownHall II. She is requesting they be changed to allow three-hour parking. This email was forwarded to all members on March 15, 2010.

The Clerk reported that minutes from the February 2010 Standing Rock Cemetery Trustees' meeting were placed on file by Council's representative, Mr. DeLeone.

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

MOTION TO APPROVE ITEMS #1 THROUGH #8, EXCLUDING #4.

Motion made by Mr. Wilson, seconded by Mr. DeLeone, and carried by a voice vote of 7-0.

The following items were approved by the aforementioned motion:

- 1) Authorization of Draft No. 10-25, donation for Kent Skatepark, \$485.15
- 2) Authorization of Draft No. 10-27, to purchase rock salt through the ODOT state contract.
- 3) Authorization of Draft No. 10-28, to allow staff to submit an Economic Development grant application
- 5) Agenda time, Community Development Committee, to discuss the status of the City's CDBG contract with NDS.
- 6) Agenda time, Community Development Committee, to consider a Kent project for the use of Clean Ohio grant funds.
- 7) Agenda time, Health & Safety Committee, to review the findings of the architectural analysis completed for the Kent Police Station

MOTION TO RECESS INTO EXECUTIVE SESSION, PRIOR TO THE ADJOURNMENT OF THIS MEETING, FOR LAND ACQUISITION AND LITIGATION.

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

Roll call was taken at this time. Voting aye: Mr. DeLeone, Mr. Ferrara, Ms. Shaffer, Mr. Valenta, Ms. Wallach, Mr. Wilson, and Mr. Amrhein. The motion carried by a roll call vote of 7-0.

Mr. Ruller said if there was ever any doubt of the students' ability to head downtown, this day disproved the doubters. He said there was a steady stream of green going downtown, starting at 9:00 a.m., and the stream was still occurring. He said he is optimistic they would have similar activity when the esplanade is extended, and they have the ribbon cutting for the downtown revitalization. He said he witnessed a lot of vibrancy and energy, adding it was partly due to the fact the sun was shining and it was warm. He wished everyone a "Happy St. Patrick's Day," adding he hoped they would see the luck of the Irish on Kent State University's behalf at the Mac Center.

STANDING COMMITTEE REPORTS

COMMUNITY DEVELOPMENT COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF MARCH 3, 2010.

Motion made by Mr. Valenta, seconded by Mr. DeLeone, and carried by a voice vote of 7-0.

MOTION TO APPROVE THE RECOMMENDED ACTIONS OF MARCH 3, 2010.

Motion made by Mr. Valenta, seconded by Mr. Ferrara, and carried by a voice vote of 7-0.

The following actions were approved by the aforementioned motion:

1. TO AUTHORIZE THE LEASE WITH SCOTT ARRINGTON, FOR THE SUMMIT STREET INCUBATOR, WITH THE EMERGENCY CLAUSE.
2. TO AUTHORIZE THE CDBG PROGRAM, FY2010, WITH THE EMERGENCY CLAUSE.

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

AN ORDINANCE AMENDING ORDINANCE NO. 2005-34, PASSED APRIL 20, 2005; AS AMENDED BY ORDINANCE NO. 2007-15, PASSED FEBRUARY 7, 2007, SO AS TO AMEND THE BRIMFIELD-KENT JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT TO AMEND THE TAX RATE BEGINNING ON JAN. 1, 2011 AND FOR SUBSEQUENT YEARS.

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. Ferrara, Ms. Shaffer, Mr. Valenta, Ms. Wallach, Mr. Wilson, Mr. Amrhein, and Mr. DeLeone. The motion carried by a roll call vote of 7-0.

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. Ferrara, Ms. Shaffer, Mr. Valenta, Ms. Wallach, Mr. Wilson, Mr. Amrhein, and Mr. DeLeone. The motion carried by a roll call vote of 7-0.

2010-24: AN ORDINANCE AMENDING ORDINANCE NO. 2005-34, PASSED APRIL 20, 2005; AS AMENDED BY ORDINANCE NO. 2007-15, PASSED FEBRUARY 7, 2007, SO AS TO AMEND THE BRIMFIELD-KENT JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT TO AMEND THE TAX RATE BEGINNING ON JAN. 1, 2011 AND FOR SUBSEQUENT YEARS.

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 10-29 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LEASE AGREEMENT WITH SCOTT J. ARRINGTON dba THE BUZZ, LLC FOR PROPERTY LOCATED AT 203 EAST SUMMIT STREET, KENT, OHIO 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, and Mr. Ferrara. The motion carried by a roll call vote of 7-0.

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, and Mr. Ferrara. The motion carried by a roll call vote of 7-0.

2010-25: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LEASE AGREEMENT WITH SCOTT J. ARRINGTON dba THE BUZZ, LLC FOR PROPERTY LOCATED AT 203 EAST SUMMIT STREET, KENT, OHIO 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 FEB. 17, 2010 (ORAL REPORT/ACTIONS PREVIOUSLY APPROVED ON FEB. 17, 2010).

Motion made by Mr. Wilson, seconded by Mr. Ferrara, and carried by a voice vote of 7-0.

The Mayor asked the Clerk to read Draft No. 10-25 by title only at this time.

AN ORDINANCE ACCEPTING A DONATION RECEIVED BY THE CITY OF KENT PARKS & RECREATION DEPARTMENT IN THE AMOUNT OF \$485.15 FROM THE FUNDRAISERS HELD FOR THE KENT SKATE PARK, 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. Valenta, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Ms. Shaffer. The motion carried by a roll call vote of 7-0.

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. The motion carried by a roll call vote of 7-0.

2010-26: AN ORDINANCE ACCEPTING A DONATION RECEIVED BY THE CITY OF KENT PARKS & RECREATION DEPARTMENT IN THE AMOUNT OF \$485.15 FROM THE FUNDRAISERS HELD FOR THE KENT SKATE PARK, 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. 10-26 by title only at this time.

AN ORDINANCE APPROVING THE PURCHASE BY THE KENT DOWNTOWN URBAN REDEVELOPMENT CORPORATION (DKC) OF APPROXIMATELY .3003 ACRES OF PROPERTY (3 PARCELS) LOCATED AT 241 SOUTH WATER STREET AND THE VACANT LOT BEHIND IT, IN THE CITY OF KENT PURSUANT TO SECTIONS 3.2 AND 3.3 OF THE CITY'S DEVELOPMENT PROGRAM OPERATING AGREEMENT DATED DECEMBER 17, 2009, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Ms. Wallach said she would not vote for this ordinance. She said it is cheaper to pay with cash, collect the rent, and repay themselves, rather than use the rent to pay off the interest. Ms. Wallach said that no one would spend money on a credit card, and just pay the interest only. She said it does not make financial sense. Ms. Wallach said they have the money now, adding it would be smarter to pay now with cash, get it over with, and reimburse themselves.

Mr. Wilson said they are on the brink of something big. He said it was unwise to spend the cash when they can finance it. He said they will have to spend some money, and this line of credit was set up for land banking. Mr. Wilson said it was not set up to fix a street or repair a water line, adding it is an intelligent move with the money at this time.

Roll call was taken on the motion. Voting aye: Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Shaffer, and Mr. Valenta. Ms. Wallach dissented. The motion carried by a roll call vote of 6-1.

2010-27: AN ORDINANCE APPROVING THE PURCHASE BY THE KENT DOWNTOWN URBAN REDEVELOPMENT CORPORATION (DKC) OF APPROXIMATELY .3003 ACRES OF PROPERTY (3 PARCELS) LOCATED AT 241 SOUTH WATER STREET AND THE VACANT LOT BEHIND IT, IN THE CITY OF KENT PURSUANT TO SECTIONS 3.2 AND 3.3 OF THE CITY'S DEVELOPMENT PROGRAM OPERATING AGREEMENT DATED DECEMBER 17, 2009, 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. 10-28 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPLY FOR A GRANT IN THE AMOUNT OF \$ 1,250,000 OR HIGHER FROM THE UNITED STATES DEPARTMENT OF COMMERCE, ECONOMIC DEVELOPMENT ADMINISTRATION, 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. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Shaffer, Mr. Valenta, and Ms. Wallach. The motion carried by a roll call vote of 7-0.

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, Ms. Shaffer, Mr. Valenta, and Ms. Wallach. The motion carried by a roll call vote of 7-0.

2010-28: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPLY FOR A GRANT IN THE AMOUNT OF \$ 1,250,000 OR HIGHER FROM THE UNITED STATES DEPARTMENT OF COMMERCE, ECONOMIC DEVELOPMENT ADMINISTRATION, 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 MARCH 3, 2010.

Motion made by Mr. Amrhein, seconded by Mr. Valenta, and carried by a voice vote of 7-0.

MOTION TO APPROVE THE RECOMMENDED ACTION OF THE MARCH 3, 2010 REPORT, WHICH WAS AN UPDATE ON THE REGIONAL FIRE STUDY.

Motion made by Mr. Amrhein, seconded by Mr. DeLeone, and carried by a voice vote of 7-0.

STREETS, SIDEWALKS & UTILITIES COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF MARCH 3, 2010, WHERE REPORTS WERE PRESENTED, FOR 2009, FOR THE WATER TREATMENT FACILITY AND THE WATER RECLAMATION FACILITY.

Motion made by Mr. DeLeone, seconded by Mr. Valenta, and carried by a voice vote of 7-0.

The Mayor asked the Clerk to read Draft No. 10-27 by title only at this time.

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO PARTICIPATE IN THE

OHIO DEPARTMENT OF TRANSPORTATION'S CONTRACT FOR THE PURCHASE OF SODIUM CHLORIDE/ROCK SALT FOR THE PERIOD OF ONE YEAR, 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, Ms. Shaffer, Mr. Valenta, Ms. Wallach, and Mr. Wilson. The motion carried by a roll call vote of 7-0.

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. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Shaffer, Mr. Valenta, Ms. Wallach, and Mr. Wilson. The motion carried by a roll call vote of 7-0.

2010-29: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO PARTICIPATE IN THE OHIO DEPARTMENT OF TRANSPORTATION'S CONTRACT FOR THE PURCHASE OF SODIUM CHLORIDE/ROCK SALT FOR THE PERIOD OF ONE YEAR, 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

MOTION TO REQUEST THE ADMINISTRATION PROVIDES AN UPDATE ON THE COMPANY HIRED TO FIND SAVINGS WITH RESPECT TO ENERGY EFFICIENCY.

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

Mr. Wilson asked if they needed a committee meeting, and Ms. Wallach said she wanted the information so the public can see what was going on with it. She said she would like a committee meeting.

The motion carried by a voice vote of 5-2, with Mr. Wilson and Mr. Ferrara dissenting.

MOTION TO SCHEDULE COMMITTEE TIME FOR THE RULES/REGULATIONS ON THE SUMMIT STREET INCUBATOR.

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

Mr. DeLeone asked if they just did that, and Mr. Valenta said this was referred after the December 16 meeting when they had a problem with Christian Edwards Hair Salon. He said that Mr. Ferrara suggested they revisit it, because there was nothing specific about limiting the time. Ms. Wallach said she was asking for a general discussion, and Mr. Ferrara said he hoped to discuss that when they reviewed their pending list, adding they could come back after that time, if they wanted further discussion in the committee meeting. Ms. Wallach agreed.

The motion carried by a voice vote of 7-0.

MOTION TO REFER THE REQUEST BY TOWNHALL II REGARDING PARKING TO THE PARKING ACTION COMMITTEE, ASKING THEM FOR A RECOMMENDATION.

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

Ms. Shaffer said some other businesses may share the same concerns, adding that the outlying parking lots could serve a need for those that needed to park longer. She said they may be limiting the use of the downtown with two-hour parking everywhere. She said there may be a larger need for parking longer than two hours.

The motion carried by a voice vote of 7-0.

MAYOR'S REPORT None.

Mayor Fiala recessed this meeting for the previously authorized Executive Session at 7:49 p.m.

Following Executive Session, Mayor Fiala reconvened this meeting at 8:16 p.m.

MOTION TO CONTINUE THE APPEAL PROCESS FOR THE CASE INVOLVING THE BOARD OF ZONING APPEALS AND MERLE KUHNS.

Motion made by Ms. Shaffer, seconded by Mr. Ferrara, and failed by a voice vote of 4-3, with Mr. Wilson, Mr. DeLeone, and Mr. Valenta dissenting.

MOTION TO SETTLE THE CASE WITH MR. KUHNS.

Motion made by Mr. Wilson, seconded by Mr. DeLeone, and failed by a voice vote of 3-4, with Ms. Wallach, Ms. Shaffer, Mr. Ferrara, and Mr. Amrhein dissenting.

Hearing no further business before this Council, Mayor Fiala adjourned this meeting at 8:17 p.m.

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council