

**THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WED., FEBRUARY 16, 2011**

This regular meeting of Kent City Council was called to order on Wednesday, February 16, 2011 by Jerry T. Fiala, Mayor & President of Council.

PRESENT: MR. AMRHEIN, MR. DELEONE, MR. FERRARA, MR. KUJAR, MS. SHAFFER, MR. TURNER, MR. VALENTA, MS. WALLACH (ARR. @ 7:38 p.m.), AND MR. WILSON

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

Mayor Fiala called upon Council member Shaffer for her opening remarks at this time.

Ms. Shaffer said there is a feeling of spring in the air that feels great. She said she hoped the ground hog was right and it would be an early spring. Ms. Shaffer said they have a lot to look forward to, including the melting of the glaciers, as well as wonderful construction projects they have planned with their partners. She said she cannot wait for spring to come.

Following her opening remarks, Ms. Shaffer led those present in the Pledge of Allegiance.

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF JANUARY 19, 2011 AND TWO PUBLIC HEARINGS OF FEBRUARY 2, 2011.

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

COMMUNICATIONS

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

Marc Kirby, 407 High St.: Mr. Kirby said he was present to discuss the proposed R-4 rezoning on S. Lincoln Street. He said he was present with many people from the neighborhood who were fortunate to raise their families in the neighborhood around High Street and S. Lincoln St. Mr. Kirby said he is emotionally attached as he wants to be able to do that for his family. He said an R-4 zoning would change the personality of his neighborhood, adding that 600 plus students would change the personality for good. He said he fears they are opening Pandora's box, as young families would not want to come in the neighborhood and the houses will become rentals. Mr. Kirby said it is a great neighborhood to raise kids and urged them to vote against the rezoning.

Cassandra Pegg-Kirby, 407 High St.: Ms. Pegg-Kirby explained that she has three children, works at the university; and was a KSU dispatcher. She said she knows what students can be like during the day and at night, adding she makes her living off college students. She said she appreciated their value in the community.

Ms. Pegg-Kirby said at some point they have to draw the line or their community no longer exists, and it becomes a college ghetto. She said it is emotional for her, as she has lived there for ten years, and loves the close proximity with the university.

Ms. Pegg-Kirby said this group wanted the University zoning, and that was turned down. She said they returned with a request for R-4 zoning, adding that should also be turned down. She said they need to figure out how to use the R-3 zoning. Ms. Pegg-Kirby said that whether they agree with the project, changing it to R-4 opens them up to anything, regardless of this project. She said she can see that working its way down Lincoln Street. She has a lot of friends who have kids that go to Holden. She asked they keep it to R-3, and consider the cost to the City with that many beds for college students in the small

area. She suggested they look at College Pointe, with or without security. She asked them to turn down the R-4 zoning.

Wayne Kvam, 1585 S. Lincoln St.: Mr. Kvam explained that he owns his home on S. Lincoln Street, and has been there for twenty-one years. He said he spoke the last time, so he will keep his comments brief. Mr. Kvam said he called Mr. Wilson, adding they had a brief, but civil conservation, and he was unsure they changed each other's minds. He said he lives on S. Lincoln Street, south of School Street, adding he is interested in the traffic implications should the zoning be changed. He said he was told that a traffic planner has decided most traffic would go north. He asked if this means 400 cars go north, while 200 go south, adding that in any case, the south extension of Lincoln Street is the quickest way out for those wanting to go to Canton, Brimfield, or Chapel Hill.

Mr. Kvam said his concern is the condition of S. Lincoln Street. He said it is an old country road, with no devil strips or sidewalks. He said that begins about 50 to 75 yards south of the proposed building site, adding there is no firm edging on either side of the road, and that goes from School Street to Valleyview, all the way to Ivan and Beryl Drives. He said people along Lincoln Street have no choice but to walk in the road. He said he has heard it said it would be nice as the students would use the esplanade, adding he must question where the citizens along S. Lincoln Street would walk, as well as the children, the elderly, and those walking their dogs in the road. Mr. Kvam said the last thing they need is 200 to 300 more cars, and said that under these conditions, he would urge Council to leave the zoning as is.

Larry Andrews, 335 High Street: Mr. Andrews said he has lived on High Street for forty-two years, and raised four kids in that location. He said he is against the rezoning, and supports the recommendations of the Planning Commission and the Land Use Committee. Mr. Andrews said this is the seventh meeting he has spoken at, adding this preempts the ongoing zoning review. Mr. Andrews said this is a large, irregular piece of land, and they need more perspective and time to decide the type of zoning. He said the irregularity of the parcel was pointed out early, and it strikes him strange that the open space requirement of the R-4 would be satisfied with space in the R-3 across the street.

Mr. Andrews said his second reason against this rezoning is the density, as spoken to by others. He said their decision to rezone should be based on density, and not the specific project. He said this zoning could allow a larger project than is being proposed.

Karen Andrews, 335 High Street: Ms. Andrews noted she has also lived on High Street for forty-two years. She said the Edwards Company are champions at repeating what they have told them previously. She said the only compelling reason for the zoning change is to increase their profit, adding it is not anything initiated by the community.

Ms. Andrews said it would have to be a little crazy to think there will be open space, while they have a zoning commission that has not looked at this area to see what makes sense. She said that needs to be done. Ms. Andrews said it was pointed out that the students from this area would use the esplanade to go downtown, but said they cannot tell people where to walk. She said that students take the shortest route possible, and for a lot of them, that route is down High Street.

Ms. Andrew said their concern is for the groups of students when they pass through the neighborhood. She said they vomit and leave trash, adding it is usually between 2:00 a.m. and 3:00 a.m. She said during the day time, they park on the street and are civilized people. She said they do not shovel the walks, pick up trash, or empty the trash. She said the trash cans stay out at the curb. Ms. Andrews said they leave a lot of trash, and talk at the top of their lungs.

Ms. Andrews said they have watched the police chase students up the road, and watched them throw beer out of the car. She said that money talks in their American society. She said they have a religion that believes that places must be developed, adding it sounds nicer than it is. Ms. Andrews said she had hoped from the last meeting, when some said they could not support the change, that there were rationale minds on Council.

Nancy Adams, 336 High Street: Ms. Adams supported everything said by her neighbors, adding she is in the same category. Ms. Adams said as a concerned citizen of Kent, she has attended as many meetings as possible of the review process, and has listened to many hours of discussion. She said she started

attending those meetings for the same reason she was at this Council meeting, adding they want a say in their district in terms of development. She said the process they started is what is wanted, but after more than one year, this discussion has not even been touched on by the committee. She said the citizens who live there should decide the zoning change, adding this development is preempting the process they have started. She said the Planning Commission is very adamant to continue the process, giving citizens a voice on how to rezone the area. She said if they agree to this change, they are going against the citizens who want to remain in that neighborhood.

Walt Adams, 336 High Street: Mr. Adams urged them to seriously consider the threat being posed to a very stable neighborhood. He said the city is comprised of neighborhoods, and this is one of the best. He said it is a serious threat to have high density.

Mr. Adams asked for clarification for Item 5.4. He said he was on Council for eight years, and could not figure out what they were doing. He said he hoped at some point that the Law Director would explain how they have no action, a motion, and an ordinance. He said it is a bit confusing to some, and it may be difficult to follow what they are supposed to do. He urged their support of the Planning Commission.

Ryan Szymanski: Mr. Szymanski said he was not going to reiterate what has been discussed, adding this is about a rezoning of a parcel of land between Summit Street, Lincoln Street, and Morris Road. He said he appreciated the concerns of the neighborhood, and their desire to maintain a residential neighborhood. He said that one reason they put open space on that portion of land, was through discussions with the neighbors to maintain the buffer. He said they need to understand the facts are the facts.

Mr. Szymanski said they were given a packet previously, adding when they talked about density, this was referenced as a drastic change. He asked they review information from the County Auditor's website. Mr. Szymanski said Dartmouth Place has 102 units on 6.78 acres, or 15.04 units per acre. He said that Summit Hill has 21 units on 1.5 acres or 16.5 per acre. Mr. Szymanski said that Eagle Landing has 270 units on 10.94 acres or 24.68 units per acre. He said their project has 246 units, on 15.69 acres or 15.68 units per acre. He said when they talk about the proper use of land, they need to look at the neighboring projects, and not across the street. He said that this area is R-3, but every use around them is R-4. He said they are asking for that same density, adding they are less than two of three neighboring properties in terms of density. He said it is important they understand this, since one criterion is that the current use does not provide the owner with the rightful use of that land. He said this is not a single family home development, and no one wants more duplexes or triplexes with absentee landlords. Mr. Szymanski said the capacity in the sewer and traffic, which will be discussed by some of his counterparts, can handle the proposed density. He said they have worked closely with the city, and have letters that the capacity for both is present.

Pete Edwards, Columbus, Ohio: Mr. Edwards said they will do a good project, adding they will do what they say, and have built a number of these developments. He said their reputation is based on producing what they say they will produce. He said they believe it will be the nicest student housing in Kent, adding it has taken a long time to assemble this piece of ground. He said the neighborhood has old, worn-out houses and there are two large pieces of ground that are assembled. He said there is a piece of ground not connected because of the street, but they have the other piece of ground on the other side of street for a buffer.

Mr. Edwards said he cannot say they will never have problems with students. He said Kent is growing, and if they do not have enough housing, it will spread into the neighborhoods. He said the students need somewhere to live, and they will get more rental housing, and more problems.

Mr. Edwards said they will do what they have said, adding they are looking forward to building it, as they believe it will be the nicest development in Kent. Mr. Edwards said this usually happens in every community, adding that is what they are known for. He said they even did an interchange in Columbus, and it has prompted others to do landscaping. He said they have been trying to get something in the right location in Kent for seven years, adding the closeness to the campus is important. He said they can walk to campus, and will not have the additional traffic.

Dave Williams said he is representing the Edwards Companies. He said that part of the packets delivered prior to the last meeting contained information from Mr. Szymanski and Mr. Edwards. He said they can

reference that information if they want to check the numbers. He said he also presented them with a letter from Mr. Edwards committing to what he said. Mr. Williams said that because they do these all over the country, they have to live on their reputation. He said the package does not get into the project until the end, as they want to let them know everything else they have done. He said they use the other places as referrals. Mr. Williams said their reputation is important, and they are proud of what they do, which is why they spent twenty-two pages showing other projects. He said it tells them where they are and who they are, so the Council can look at the information.

Mr. Williams said a few things have occurred since the last meeting. He said there was a planning meeting held the previous night to look at zoning, and to develop a policy for student housing. He said there were a few things that came out in that meeting. He noted that Mr. Ferrara, Mr. Kuhar, and Ms. Shaffer were present. He said there is a process that is going on, adding it has been going on for a long time, but is gathering momentum at this time. He said one discussion was that a remedy would be an overlay district. He said it was clear to him, although the process has started, that this process would not be available for this project. He said it is in the infancy stage, and will not be available.

Mr. Williams said at that meeting, they heard from Dr. Greg Jarvie, Vice President of Housing at the university. He said Dr. Jarvie confirmed some things that were said in the package. He said their enrollment is increasing, and more students are coming. Mr. Williams said they are only interested in first and second year students, and are not building anything more. He said they are actually tearing down one upper class hall. He said the only thing they are going to do is accommodate the first and second year students by renovating some existing rooms. He said that confirmed some things they have been told, and it was interesting to hear that.

Mr. Williams said that Dr. Jarvie mentioned safe, quality housing within a close proximity to the campus. He said they also heard that the amenities are important, adding that one bedroom units with one bath are very important.

Mr. Williams said there were three things that the Planning Commission hung their hat on. He said they did not know about the sewer capacity and the traffic capacity, and were unsure what would happen. He said the traffic study is done, and they have a letter from Mr. Bowling, City Engineer, that says any impact would be handled by the Summit Street project. He said they have heard the project will not impact their sewers, adding this study was not done in time for the Planning Commission. He said he also gave them letters from homeowners saying the property can return to R-3 zoning if this project does not happen, adding the Planning Commission expressed their concern on this issue.

Mr. Williams said he wanted to make a motion, in light of new information and other things. Mayor Fiala pointed out he cannot make motions. Mr. Williams agreed, adding they have submitted a letter to Mr. Silver, which Mr. Silver drafted, asking this matter be resubmitted to the Committee. He said the Code gives them twenty days to vote following the public hearing, and the Edwards Company signed a letter waiving that twenty-day period if a motion is made to refer it back to Committee in March, followed by a special Council meeting that same night.

Joyce Harris, 319 High Street: Ms. Harris said she was quite pleased with the outcome of the last meeting. She said her comments are directed to anyone sitting on the fence since that last meeting. She said they seem to get threatened about houses becoming student rentals. She said they have laws that protect them against this, as three unrelated people cannot live in a house in Kent. She said the University may look at what they can do to help the problem.

Ms. Harris said Mr. Silver read some things, adding she did not understand all of it. She said she understood they cannot approve a rezoning if the property owner receives a monetary gain. She said that she also understood that a rezoning should be beneficial to the community. Ms. Harris said she is the community, along with her neighbors at Vine Street, Lincoln Street, and High Street. She said they have to live on High Street to know what students are like. She questioned whether they could put a few patrolmen on Lincoln Street and High Street between 10:00 p.m. and 4:00 a.m. Ms. Harris said the police are good, but if they are called because of a commotion, by the time they get there, the students are gone. She noted that is one of her concerns.

Barbara Bennett: Ms. Bennett said she is a registered surveyor and engineer, adding she was commissioned to assist with the technical issues and infrastructure issues. She said the sanitary sewer issues were addressed at the last meeting, adding they have a letter of concurrence from the City, for what Edwards is proposing or for the maximum density, with respect to adequate capacity.

Ms. Bennett said the other bit of information was the traffic impact study. She said the traffic engineers looked at a few different scenarios. She said at the request of the City, they analyzed the maximum density as well as the density proposed by Edwards. Ms. Bennett said that after a few meetings, they got a letter of concurrence earlier in the day. She said a few issues on both scenarios can be resolved in the formal site plan review and when Summit Street is improved. She said that information just became available earlier in the day.

Dan Siegel, 25700 Science: Mr. Siegel said he is the owner of Kent Apartments.Com. He said he has about 3000 students living in his apartment buildings. He said he has heard a lot of what the residents have discussed. He said no one was present from the University and no students were present. He said he pays hundreds of thousands of dollars in property and payroll taxes that help maintain the City. He said that student housing owners are part of the city also, adding that students go to college. He said the college is an important part of the community, and adds to the beauty of the community. He said the students make up part of that personality and beauty. He said they are not just a negative, adding that students are part of the neighborhood and the community.

Mr. Siegel said he owns the site, and is looking to sell it to the Edwards Company. He said the site is adjacent to some major buildings at the university. He said there is some single family housing nearby. Mr. Siegel said he owns Eagle's Landing, adding that all buildings abutting this site are student housing. He said the single family housing is very tired, and likely occupied by students. He said this is probably the best site and the healthiest site for the residents, university, and community. He said as a large building owner, one would think he is unhappy with the proposal. He said with the University's growth and increasing enrollment, the University is trying to increase those who live on campus. He said they want a higher quality student that is vibrant who lives in Kent. He said this is another reason for more off-campus housing. He said it is a great location, adding he is impressed with the Edwards Company. Mr. Siegel said when he first came to Kent ten years earlier, he worked hard to fix up his units. He said the rental people were displeased, as he drew people out of the neighborhoods. He said people will want to be there if it is a high quality product. He said they need student housing, as it is a vibrant, important part of their community if well done.

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

The Clerk reported that a copy of an email sent to members of Council was received on Feb. 1, 2011, from Michael Fite, Partner, of Hallmark Campus Communities, regarding plans to redevelop the Sunrise Apartments.

The Clerk reported that the minutes of the Standing Rock Cemetery Trustees meeting of December 9, 2010, were placed on file by Council's representative, Mr. DeLeone, on Feb. 4, 2011.

The Clerk reported that the agenda packet from the Jan. 20, 2011 Parks and Recreation Board meeting was placed on file by Council's liaison, Mr. Wilson, on Feb. 4, 2011. She reported that he also placed the agenda packet from the Feb. 17, 2011 meeting on file prior to the start of this meeting.

The Clerk reported that emails were received from Ryan Martin, President/CEO of the Northern Ohio Chapter of the Associated Builders & Contractors with information on PLAs. She said these emails were forwarded to the Mayor and members of Council on Feb. 7, 2011.

The Clerk reported that after the agenda was printed, an email was received from the Mittigas on Feb. 12, 2011, speaking against hen raising in Kent. This email was forwarded to all members of Council on Feb. 14, 2011.

The Clerk reported that a petitioners' committee was filed for an initiative known as the "Kent Decriminalization Act" and deals with reform of Kent's marihuana laws. This information was sent by email to all members of Council on Feb. 14, 2011.

The Clerk reported that notification was received from the Ohio Division of Liquor Control regarding a transfer to 107 South Inc., located at 107 S. Depeyster Street. She said that objections must be postmarked no later than March 14, 2011. The Clerk said the Safety Director has indicated there are no statutory grounds for objection to the transfer of this currently operating business, Euro Gyro.

MOTION TO RETURN WITH NO OBJECTION

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

The Clerk reported that the 2010 Annual Report for the Kent Police Department was placed on file in Council's office on Feb. 15, 2011.

The Clerk reported that as referenced by Mr. Williams earlier, the Edwards Community Development Company has requested an extension of the twenty-day time limit regarding the rezoning request. They further request this be scheduled for more Committee time on March 2, 2011, followed by a special Council meeting that same evening.

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

MOTION TO APPROVE ITEMS #1 THROUGH #11

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) Approval of Dan Smith to serve on the Kent JEDD Board as the City's representative
- 2) Disposal of City cell phones that have no resale or reuse value
- 3) Authorization of Draft No. 11-12, appointment of Kent Hodar to the Civil Service Commission
- 4) Approval of Lori Wemhoff and Michelle Hartman to serve on the Kent Tax Incremental Review Council
- 5) Authorization of Draft No. 11-13, support of the Ohio Historic Preservation Tax Credit renewal
- 6) Community Development Committee, consideration of CDBG program recommendations for 2011.
- 7) Health & Safety Committee, consider revisions to the draft for street vendor regulations
- 8) Land Use Committee, revisions to the Zoning Code
- 9) Finance Committee, 2011 Appropriations Amendment
- 10) Finance Committee, 1996 Mini-Loan Program
- 11) Work Session, update to City's pending list item

Mr. Ruller informed the Council that the City Manager's report for the March 2 meeting was at the table earlier in the evening. He said there will be no further mailing, and it was already posted on his blog site.

STANDING COMMITTEE REPORTS

The Mayor asked the Clerk to read Draft No. 11-13 by title only at this time.

A RESOLUTION APPOINTING KEN HODAR TO THE CIVIL SERVICE COMMISSION AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

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.

2011-11: A RESOLUTION APPOINTING KEN HODAR TO THE CIVIL SERVICE COMMISSION AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council

COMMUNITY DEVELOPMENT COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF FEB. 2, 2011.

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 RECOMMENDED ACTION, AUTHORIZING THE AMENDMENTS TO THE FAIR HOUSING CHAPTER OF THE CODIFIED ORDINANCES, WITH THE EMERGENCY CLAUSE.

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

The Mayor asked the Clerk to read Draft No. 11-12 by title only at this time.

A RESOLUTION ENDORSING THE RENEWAL OF THE OHIO HISTORIC PRESERVATION TAX CREDIT BY THE OHIO GENERAL ASSEMBLY.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Mr. 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. DeLeone, seconded by Mr. Valenta.

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

2011-12: A RESOLUTION ENDORSING THE RENEWAL OF THE OHIO HISTORIC PRESERVATION TAX CREDIT BY THE OHIO GENERAL ASSEMBLY.

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 11-15 by title only at this time.

AN ORDINANCE AMENDING PART FIVE, GENERAL OFFENSES CODE, CHAPTER 557, "FAIR HOUSING PRACTICE", IN THE CODIFIED ORDINANCES OF THE CITY OF KENT, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

2011-13: AN ORDINANCE AMENDING PART FIVE, GENERAL OFFENSES CODE, CHAPTER 557, "FAIR HOUSING PRACTICE", IN THE CODIFIED ORDINANCES OF THE CITY OF KENT, 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. 2, 2011, WHERE NO ACTION WAS RECOMMENDED; AS DISCUSSION ON DRAFT PARTA/CITY LEASE, OPERATING AGREEMENT, AND FINANCING STRUCTURE TO BE RESCHEDULED.

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

LAND USE COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF FEB. 2, 2011, WHERE NO ACTION WAS RECOMMENDED, AS A MOTION TO CHANGE THE ZONING FAILED.

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

MOTION TO REFER THIS BACK TO THE LAND USE COMMITTEE ON MARCH 2, FOLLOWING BY A SPECIAL COUNCIL MEETING THAT SAME EVENING.

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

Ms. Shaffer said this has been a very difficult decision. She said it would have been very easy to vote along with the residents on High Street who have spoken eloquently. She said this is an opportunity, adding they have the possibility of restricting the development, and holding a developer to what they say they are going to do. Ms. Shaffer said it is good leverage to support the neighborhood, making this the best possible development.

Ms. Shaffer said she has to take a larger perspective. She stressed that she was not saying she would support it, but felt it was worthy of more discussion. Ms. Shaffer said that students are citizens also. Ms. Shaffer said what they tend to see with large complexes is sprawl, adding this is happening across the country in other university towns. She said they have discussed redevelopment of their city center. Ms. Shaffer said this is not changing the character of that block, as it is all student housing. She said one of the worst things is to have lower density housing developed that is not managed well. She said there are real pluses to doing managed complexes.

Ms. Shaffer said it is important to acknowledge that R-4 density does not work, nor does R-3. She said she would like to see what else they can do, while involving them in the planning process. She said there has been some discussion on the overlay district, but they may not be able to get it worked out in time for this company. She said many have had participation in making this a better development, adding they could continue to make it a better development. She said this could be used as a model for the types of student housings they need for students, so they do not spread into single-family residential neighborhoods. She said they need a place for students in the community. Ms. Shaffer said she did not believe in pushing them to Stow or the outskirts of Kent. She said the students want safe quality housing, as do their parents. Ms. Shaffer said she would support the motion to discuss this on March 2.

Mr. Kuhar said he did not think anyone loves Kent more than he does, having been born and raised in Kent. He said that after the meeting the previous night with the Planning, Zoning, and Council members, he was enlightened on what is going on around campus, and how to keep it under control so it is good for everyone. He said since their last meeting, there has been a lot of information finalized, adding that staff

