

**THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WED., FEBRUARY 15, 2012**

This regular meeting of Kent City Council was called to order at 9:30 p.m. on Wed., Feb. 15, 2012, by Jerry T. Fiala, Mayor & President of Council.

PRESENT: MR. AMRHEIN, MR. DeLEONE, MR. FERRARA, MR. KUCHAR, MS. SHAFFER, MR. TURNER, MS. WALLACH, AND MR. WILSON

MR. SIDOTI JOINED AFTER OATH WAS ADMINISTERED.

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

Mayor Fiala said no one received five votes, the required majority, on the first ballot. He said they would take a second ballot, and would only vote for those receiving votes. He said those names were Sean Buchanan, Scott Flynn, Rick Hawksley, Polly Kordinak, and Roger Sidoti. Following the second ballot, he reported that no one received five votes. He said they would vote between the two top vote getters, Sean Buchanan and Roger Sidoti. After the third ballot, Mayor Fiala announced that Roger Sidoti received five votes.

At this time, Mayor Fiala administered the Oath of Office to Mr. Sidoti. Mr. Sidoti thanked them for their confidence.

Mayor Fiala called upon Ms. Wallach for opening remarks at this time. Ms. Wallach had no audience comments, and led those present in the Pledge of Allegiance.

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF JANUARY 18, 2012; PUBLIC HEARING OF FEB. 1, 2012; AND WORK SESSION OF FEB. 1, 2012.

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

Mayor Fiala called for audience comment at this time. He reminded those wishing to address Council to sign up with the Clerk, who will call them forward. He asked they limit their remarks to three minutes.

Rebecca Vojanov explains she lives on Harris Street, and moved to Kent in 1997. She said she looked for a few years for a house, and found the one she lives in that was formerly owned by Ruth Antonelli. She said she loved this house, worked on it for two years, removed seven layers of carpet and scraped wallpaper. She said the backyard is 60 x 120. Ms. Vojanov explained that she has worked for two of the biggest social service agencies in Kent.

Ms. Vojanov said she had a sewer backup in 2003 in her home, which was the first of four. She said she had sewage, used tampons, baby diapers, feces, and sanitary napkins. She said she loves her home, and has not missed a payment. She said when she called the City, she was told it was a fluke and would be taken care of, as it does not happen often. She said she wanted to be a part of the community and believed the City would take care of it. She said there was another one in 2007. She said she first smells gas, and then when she goes to the basement, there is a fountain of water through the sewer, the smell of feces, as well of parts and pieces of everything flushed down the toilet. Ms. Vojanov said this occurred again in 2007, 2008, and 2009. She said she cannot even find anyone to talk to so as to address the problem. She said she pays her taxes, likes Kent, and needs help. She said she needs help on this issue, adding it is has been an ongoing problem for several years. She said it has to be addressed and taken care of. She told Council they need to do right by her.

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

The Clerk reported the following:

- 1) The agenda packet for the Jan 19, 2012 Parks and Recreation Board meeting was placed on file by Council's liaison, Mr. Wilson, on Feb. 1, 2012.
- 2) An email was received from Greg Balbeirz thanking Council for his recent appointments to the Fair Housing Board/Housing Appeals Board and the Stormwater District Review and Appeals Board on Feb. 4, 2012. He invited Council to share their thoughts with him. This email was forwarded to the Mayor and Council.
- 3) A letter was received by the Mayor, from Mary Paton, on Feb. 7, 2012, asking Council to ban the fracking process until state and federal agencies are sure this process is safe. This letter was forwarded to all members.
- 4) A letter was received, by the Mayor, via email, from Randy Rутtenberg, Fairmount Properties, requesting the formation of an entertainment district. This letter was forwarded to all members of Council.

The Clerk reported that after the agenda was prepared, the following correspondence was received:

- 1) Minutes of the Standing Rock Cemetery Board meeting of January 2012 were placed on file, prior to the start of this meeting, by Council's representative, Mr. DeLeone.
- 2) The 2011 annual report of the Kent Police Department was placed on file in Council's office on Feb. 13, 2012.

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

MOTION TO APPROVE ITEMS #1 THROUGH #11.

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

The following items were approved by the aforementioned motion:

- 1) Authorization, Draft No. 12-18, donation for Adopt A Spot from the Christenson Foundation
- 2) Agenda time, Community Development Committee, internal property maintenance standards; letter from Carol Crimi
- 3) Agenda time, Community Development Committee, review of agreement between Kent State and the City, new community electronic bulletin board
- 4) Agenda time, Finance Committee, loan repayment recommendations for Community Development loans
- 5) Agenda time, Community Development Committee, CDBG funding program recommendations for 2012
- 6) Agenda time, Community Development Committee, CRA Committee recommendations
- 7) Schedule Special Council, March Committee meeting, appoint members of the new Committee on Design & Preservation
- 8) Agenda time, Community Development Committee, possibility of Job Creation Tax Credits offered in Kent-Franklin JEDD
- 9) Agenda time, Community Development Committee, appoint new City representative to Kent-Franklin JEDD
- 10) Agenda time, Community Development Committee, request from Jimmy Johns Restaurant for relocation assistance
- 11) Agenda time, Council Work Session, update of pending list.

MOTION TO RECESS INTO EXECUTIVE SESSION, PRIOR TO ADJOURNMENT, FOR ONE ITEM OF PENDING LITIGATION AND ONE ITEM OF LAND ACQUISITION.

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. Wilson, and Mr. Sidoti. Ms. Wallach dissented. The motion carried by a roll call vote of 8-1.

STANDING COMMITTEES

FINANCE COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF FEB. 1, 2012.

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

MOTION TO APPROVE ITEM #1, TO AUTHORIZE THE AMENDMENT TO THE 2012 APPROPRIATIONS AS PRESENTED AND ITEM #2, TO AUTHORIZE RESOLUTIONS OF SUPPORT AND MOUS, WITH THE EMERGENCY CLAUSE, FOR THE LOCAL GOVERNMENT INNOVATION FUND GRANT.

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

MOTION TO APPROVE ITEM #3, TO AUTHORIZE THE LAND SWAP/PROPERTY PURCHASE AGREEMENT BETWEEN THE CITY AND THE COUNTY.

Motion made by Mr. Wilson, seconded by Mr. DeLeone, and carried by a voice vote of 7-2, with Ms. Wallach and Mr. Kuhar dissenting.

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

AN ORDINANCE AMENDING ORDINANCE NO. 2011-113, THE CURRENT APPROPRIATION ORDINANCE, PASSED NOVEMBER 16, 2011, SO AS TO INCREASE APPROPRIATIONS IN FUND 131, JUSTICE ASSISTANCE GRANT (JAG); FUND 201, WATER; FUND 208, STORM WATER; FUND 301, CAPITAL; AND FUND 302, MPITIE; 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. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Sidoti, 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, Ms. Wallach, Mr. Wilson, Mr. Sidoti, and Mr. Amrhein. The motion carried by a roll call vote of 9-0.

2012-17: AN ORDINANCE AMENDING ORDINANCE NO. 2011-113, THE CURRENT APPROPRIATION ORDINANCE, PASSED NOVEMBER 16, 2011, SO AS TO INCREASE APPROPRIATIONS IN FUND 131, JUSTICE ASSISTANCE GRANT (JAG); FUND 201, WATER; FUND 208, STORM WATER; FUND 301, CAPITAL; AND FUND 302, MPITIE; 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. 12-16 by title only at this time.

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPROVE AND EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN TWO OR MORE OF THE FOLLOWING ENTITIES: THE CITY OF RAVENNA, OHIO, THE CITY OF KENT, OHIO, THE CITY OF AURORA, OHIO, THE CITY OF STREETSBORO, OHIO, THE PORTAGE COUNTY SHERIFF'S OFFICE, AND KENT STATE UNIVERSITY; FOR THE PURPOSES OF ESTABLISHING PROCEDURES, DEVELOPING AN IMPLEMENTATION PLAN, AND THE DEFINING OF PARTNERSHIP ROLES FOR THE "PORTAGE COORDINATED PUBLIC SAFETY COMMUNICATIONS INITIATIVE" AND TO ALLOW FOR THE SUBMISSION OF A PROPOSAL APPLYING FOR LOCAL GOVERNMENT INNOVATION FUND (LGIF) GRANT FUNDS FOR THE INITIATIVE AND CALLING FOR COOPERATION BETWEEN THE COMMUNITIES, 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, Ms. Wallach, Mr. Wilson, Mr. Sidoti, 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, Ms. Wallach, Mr. Wilson, Mr. Sidoti, Mr. Amrhein, and Mr. DeLeone. The motion carried by a roll call vote of 9-0.

2012-18: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPROVE AND EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN TWO OR MORE OF THE FOLLOWING ENTITIES: THE CITY OF RAVENNA, OHIO, THE CITY OF KENT, OHIO, THE CITY OF AURORA, OHIO, THE CITY OF STREETSBORO, OHIO, THE PORTAGE COUNTY SHERIFF'S OFFICE, AND KENT STATE UNIVERSITY; FOR THE PURPOSES OF ESTABLISHING PROCEDURES, DEVELOPING AN IMPLEMENTATION PLAN, AND THE DEFINING OF PARTNERSHIP ROLES FOR THE "PORTAGE COORDINATED PUBLIC SAFETY COMMUNICATIONS INITIATIVE" AND TO ALLOW FOR THE SUBMISSION OF A PROPOSAL APPLYING FOR LOCAL GOVERNMENT INNOVATION FUND (LGIF) GRANT FUNDS FOR THE INITIATIVE AND CALLING FOR COOPERATION BETWEEN THE COMMUNITIES, 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. 12-17 by title only at this time.

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPROVE AND EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF KENT, OHIO AND ONE OR MORE OF THE FOLLOWING ENTITIES: THE CITY OF RAVENNA, OHIO AND THE CITY OF STREETSBORO, OHIO; FOR THE PURPOSES OF ESTABLISHING PROCEDURES, DEVELOPING AN IMPLEMENTATION PLAN, AND THE DEFINING OF PARTNERSHIP ROLES FOR THE ASPHALT RECYCLING SHARED SERVICES INITIATIVE" AND TO ALLOW FOR THE SUBMISSION OF A PROPOSAL APPLYING FOR LOCAL GOVERNMENT INNOVATION FUND (LGIF) GRANT FUNDS FOR THE INITIATIVE AND CALLING FOR COOPERATION BETWEEN THE PARTIES, 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, Ms. Wallach, Mr. Wilson, Mr. Sidoti, 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, Ms. Wallach, Mr. Wilson, Mr. Sidoti, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The motion carried by a roll call vote of 9-0.

2012-19: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPROVE AND EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF KENT, OHIO AND ONE OR MORE OF THE FOLLOWING ENTITIES: THE CITY OF RAVENNA, OHIO AND THE CITY OF STREETSBORO, OHIO; FOR THE PURPOSES OF ESTABLISHING PROCEDURES, DEVELOPING AN IMPLEMENTATION PLAN, AND THE DEFINING OF PARTNERSHIP ROLES FOR THE ASPHALT RECYCLING SHARED SERVICES INITIATIVE” AND TO ALLOW FOR THE SUBMISSION OF A PROPOSAL APPLYING FOR LOCAL GOVERNMENT INNOVATION FUND (LGIF) GRANT FUNDS FOR THE INITIATIVE AND CALLING FOR COOPERATION BETWEEN THE PARTIES, 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. 12-18 by title only at this time.

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

MOTION TO SUSPEND THE THREE READINGS

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

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

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

2012-20: AN ORDINANCE ACCEPTING A DONATION TO THE CITY OF KENT ADOPT-A-SPOT FROM THE HENRY V. & FRANCES W. CHRISTENSON FOUNDATION IN THE AMOUNT OF \$1,000.00 AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council

HEALTH & SAFETY COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF FEB. 1, 2012.

Motion made by Mr. Amrhein, seconded by Mr. DeLeone, and carried by a voice vote of 7-0-2, with Mr. Sidoti and Ms. Wallach abstaining.

MOTION TO APPROVE THE RECOMMENDED ACTION, AUTHORIZING THE PARKING MANAGEMENT PROGRAM AS PRESENTED.

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

LAND USE COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF FEB. 1, 2012.

Motion made by Mr. Ferrara, seconded by Mr. DeLeone, and carried by a voice vote of 7 -0-2, with Mr. Sidoti and Ms. Wallach abstaining.

MOTION TO APPROVE RECOMMENDED ACTION #1, TO AUTHORIZE THE ORDINANCE TO BE A CERTIFIED LOCAL GOVERNMENT, WITHOUT THE DESIGNATED AREA, INCLUDING THE EMERGENCY CLAUSE.

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

MOTION TO APPROVE RECOMMENDED ACTION #2, TO AUTHORIZE THE FORMATION OF THE NEW COMMITTEE AS RECOMMENDED; WITH A SPECIAL COUNCIL MEETING ON MARCH 7, 2012 TO APPOINT THOSE PEOPLE TO THE NEW COMMITTEE.

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

The Mayor asked the Clerk to read Draft No. 12-19 by title only at this time.

AN ORDINANCE ADOPTING CHAPTER 1393, TITLED "HISTORIC PRESERVATION", AS AN ADDITION TO THE BUILDING CODE OF THE CITY OF KENT, 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. Turner, Ms. Wallach, Mr. Wilson, Mr. Sidoti, 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. Ferrara, seconded by Mr. DeLeone.

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

2012-21: AN ORDINANCE ADOPTING CHAPTER 1393, TITLED "HISTORIC PRESERVATION", AS AN ADDITION TO THE BUILDING CODE OF 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. 12-20 by title only at this time.

A RESOLUTION ADOPTING AND APPROVING THE RULES & REGULATIONS OF THE COMMITTEE ON DESIGN AND PRESERVATION OF THE CITY OF KENT, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS

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

Roll call was taken on the motion. Voting aye: Ms. Wallach, Mr. Wilson, Mr. Sidoti, 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. DeLeone, seconded by Ms. Shaffer.

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

2012-22: A RESOLUTION ADOPTING AND APPROVING THE RULES & REGULATIONS OF THE COMMITTEE ON DESIGN AND PRESERVATION OF THE CITY OF KENT, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council

STREETS, SIDEWALKS & UTILITIES COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF FEB. 1, 2012

Motion made by Mr. DeLeone, seconded by Mr. Wilson, and carried by a voice vote of 7-0-2, with Mr. Sidoti and Ms. Wallach abstaining.

MOTION TO APPROVE RECOMMENDED ACTION #1, WHERE AN UPDATE WAS RECEIVED ON A VETERANS' COMMEMORATION, WITH NO ACTION TAKEN.

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

MOTION TO APPROVE ACTION #2, EXTENDING THE AGREEMENT FOR ONE YEAR FOR THE SMOKER AT CAJUN DAVE'S.

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

Ms. Wallach said she would not vote for the extension. She said this smoker is affecting businesses in a negative way. She said they need to look at the awnings at Woody's and Sue Nelsons, along with the tree. She said they need to look at the black soot, adding the smoke IS not harmless. She said it is also taking valuable parking at this time. Ms. Wallach said another location needs to be found.

The motion carried by a voice vote of 7-2-1, with Ms. Shaffer and Ms. Wallach dissenting. Mr. Sidoti abstained.

The Mayor asked the Clerk to read Draft No. 12-21 by title only at this time.

AN ORDINANCE ACCEPTING A RIGHT-OF-WAY AND UTILITY EASEMENT FOR WATER LINES, SEWER LINES, STORM SEWER LINES AND SUCH OTHER UTILITIES AS ARE NEEDED FROM THE CARTER JONES LUMBER COMPANY CONSISTING OF .0455 ACRES OF LAND AT A COST OF \$1.00.

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. Wilson, Mr. Sidoti, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer, Mr. Turner, and Ms. Wallach. 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. Wilson.

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

2012-23: AN ORDINANCE ACCEPTING A RIGHT-OF-WAY AND UTILITY EASEMENT FOR WATER LINES, SEWER LINES, STORM SEWER LINES AND SUCH OTHER UTILITIES AS ARE NEEDED FROM THE CARTER JONES LUMBER COMPANY CONSISTING OF .0455 ACRES OF LAND AT A COST OF \$1.00.

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 12-22 by title only at this time.

AN ORDINANCE ACCEPTING A RIGHT-OF-WAY AND UTILITY EASEMENT FOR WATER LINES, SEWER LINES, STORM SEWER LINES AND SUCH OTHER UTILITIES AS ARE NEEDED FROM THE CARTER JONES LUMBER COMPANY CONSISTING OF .4501 ACRES OF LAND AT A COST OF \$87,500.00.

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. Sidoti, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer, Mr. Turner, 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. DeLeone, seconded by Mr. Ferrara.

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

2012-24: AN ORDINANCE ACCEPTING A RIGHT-OF-WAY AND UTILITY EASEMENT FOR WATER LINES, SEWER LINES, STORM SEWER LINES AND SUCH OTHER UTILITIES AS ARE NEEDED FROM THE CARTER JONES LUMBER COMPANY CONSISTING OF .4501 ACRES OF LAND AT A COST OF \$87,500.00.

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 12-23 by title only at this time.

AN ORDINANCE AMENDING ORDINANCE NO. 2011-40, PASSED MAY 18, 2011, ENTITLED, "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" SO AS TO EXTEND THE AGREEMENT BY A PERIOD OF ONE YEAR.

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. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Mr. Turner, and Mr. Wilson. Ms. Shaffer and Ms. Wallach dissented; Mr. Sidoti abstained. The motion failed by a roll call vote of 6-2-1.

MOTION TO APPROVE THE FIRST READING

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

Ms. Wallach said she cannot vote for this. She said one business has closed on Fridays because of the parking situation, created partly by the smoker, preventing their customer access.

Ms. Shaffer said she initially voted for this, as she believed it would contribute to the vitality of the downtown. She said they represent all of the residents and businesses downtown, and this is controversial and inconvenient in a lot of ways. She said she believed there were alternatives, adding that one year is too long.

Mr. Kuhar said he originally voted against this, based on the complaints he heard. He agreed with Ms. Wallach about the position of the space. He said if Council did not go that way, a monetary amount for that space would not be unreasonable. He said when he weighs out the good and the bad, he will vote for it.

Mr. Ferrara said he can understand the position of people who are opposed. He said to speculate that the smoker and one parking space affected the closing of a business is a stretch and an unfair assumption.

Mr. Turner said he wished to piggyback on Mr. Ferrara's comments. He said he did have a conversation with the business that allegedly closed, and was told it was not about the smoker. He said it is inaccurate to state that this business closed because of the smoker. He said he would support the ordinance, adding there will always be pluses and minuses, but this is of benefit to the community. Mr. Turner said that one year is reasonable. He said if there are overwhelming issues, they can always come back and look at it again. Mr. Turner said he understood the concerns, but this was a sound decision.

Roll call was taken on the motion. Voting aye: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Mr. Turner, Mr. Wilson, and Mr. Sidoti. Ms. Shaffer and Ms. Wallach dissented. The motion carried by a roll call vote of 7-2.

SPECIAL COMMITTEE REPORTS None

UNFINISHED BUSINESS None

NEW BUSINESS

Mr. Kuhar said he never thought he would see himself bring up this issue, but Kent lost a member of the community in the last week. He said it was Robert Woods, known as "F.U. Bob", who was a unique individual. He said he did not think many people knew him, adding if they talked to him on the phone, they would have a totally different vision. He said he was a highly intellectual person, with a tremendous talent for art, and probably misunderstood in the community. He said they will always remember Bob and Wheelchair George, because they are the wallpaper of Kent. He said he was sorry they lost Mr. Wood and the work he did. He said he probably had a troubled life because of his illness. He said he was sure, in his younger days, that he was as bad as everyone else for things he said about him. He said he knows a lot more of him now, adding he was a piece of Kent's wallpaper.

Ms. Shaffer said that part of their mission was to grow the next crop of leaders, adding they have fine people wanting to be involved. She said she is proud of the legacy they are creating and that people truly want to serve in governance.

Mr. Turner echoed Ms. Shaffer's comments. He said the group of candidates was tremendous, and they could not make a bad decision. He said they made a very good decision, adding he would like to welcome Mr. Sidoti to the group. He said he will be an excellent addition to Council in a time of change and forward moving. He said it is a tremendous opportunity, with his leadership as part of the team. Mr. Turner said all of the people who already left did a tremendous job, and he hoped they would stay engaged. He said it reflects well on the community.

Mr. Sidoti said he hoped he can call upon all of them to provide guidance as to the processes of Council. He said processes sometimes get in the way of their thinking. He thanked them for their confidence.

MAYOR'S REPORT

Mayor Fiala welcomed Mr. Sidoti aboard at this time, and told him they were looking forward to working with him.

Mayor Fiala recessed this meeting for the previously scheduled executive session at 10:11 p.m. Following Executive Session, Mayor Fiala reconvened the public portion of this meeting at 10:31 p.m.

MOTION TO AUTHORIZE A SETTLEMENT IN THE VUJANOV CASE FOR \$20,000 WITH NO BACKFLOW PREVENTOR.

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

MOTION TO RECESS FOR ANOTHER EXECUTIVE SESSION FOR PENDING LITIGATION.

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

Roll call was taken on the motion. Voting aye: Mr. Turner, Mr. Sidoti, Mr. DeLeone, Ms. Wallach, Ms. Shaffer, Mr. Kuhar, Mr. Ferrara, and Mr. Amrhein. Mr. Wilson dissented. The motion carried by a roll call vote of 8-1.

Mayor Fiala recessed this meeting at 10:33 p.m. Following the second executive session, Mayor Fiala reconvened the public portion of this meeting at 10:50 p.m.

MOTION TO CONTINUE DEMOLITION OF 234 LAKE STREET

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

Hearing no further business before this Council, Mayor Fiala adjourned this meeting at 10:51 p.m.

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council