

**THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WED., MARCH 28, 2012**

This regular meeting of Kent City Council was called to order at 7:30 p.m. on Wed., March 28, 2012, by Jerry T. Fiala, Mayor & President of Council. Mayor Fiala welcomed those present.

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

ALSO PRESENT: J. FIALA, MAYOR & PRESIDENT OF COUNCIL; D. RULLER, CITY MANAGER; E. FINK, ASS'T. LAW DIRECTOR; AND L. COPLEY, CLERK OF COUNCIL

ABSENT: J. SILVER, LAW DIRECTOR

Mayor Fiala called upon Mr. Wilson for his opening remarks at this time.

Mr. Wilson explained he did have some opening remarks, but with the large crowd present, he felt they would be receiving enough remarks.

At this time, a group of Girl Scouts brought in the flag, and led the Pledge of Allegiance.

Mayor Fiala presented a proclamation to the Girl Scouts present honoring the 100th anniversary of the Girl Scouts.

MOTION TO APPROVE THE MINUTES OF REGULAR COUNCIL MEETING OF FEBRUARY 15, 2012; AND THE SPECIAL COUNCIL MEETING OF MARCH 7, 2012; AND WORK SESSION OF FEB. 15, 2012

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

Mr. Kuhar requested separation of the minutes of the Special Council meeting of March 7, 2012.

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF FEB. 15, 2012 AND THE WORK SESSION OF FEB. 15, 2012.

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

MOTION TO APPROVE THE MINUTES OF THE SPECIAL COUNCIL MEETING OF MARCH 7, 2012

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

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 asked that they limit their comments to three minutes.

Melissa Carville - Ziemer - Ms. Carville-Ziemer explained she is the minister of the Unitarian Universalist Church. She said she was present to urge their consideration of a proposed ordinance establishing a community Bill of Rights for Kent city residents as well as a ban on shale gas extraction, known as fracking. She asked those members of the audience who supported the ban on fracking to raise their hands, and most of the audience did so at this time.

Ms. Carville-Ziemer said their concerns cover many dimensions, adding that water is at the top of the list. She displayed a pitcher of water at this time, explaining it is approximately two liters of water. She said water covers two-thirds of the earth's surface, with 97.5% being salty. She said that just 2.5% of the earth's water is fresh. She explained in proportionate terms, it equaled about 5 millimeters, and displayed that amount in a syringe. Ms. Carville-Ziemer said that a majority of their fresh water is frozen, represented by 3.5 millimeters, proportionately, leaving them with 1.5 millimeters of fresh water for all of their needs. She said the majority of it is in the underground aquifers, some of which they cannot access. She said on nearby continents, they are being drained faster than the recharge rate.

Ms. Carville-Ziemer said the amount of freshwater available to them is a tiny percentage of the water that covers the surface of the earth. She said if they hope to survive, they need to do everything possible to defend and protect their water. She asked that they give the proposed ordinance serious consideration, as it is the only way they can think of to defend and protect their water from the pollution caused by fracking. She said other speakers will describe the pollution, adding that it has been documented by the EPA of the United States.

Ms. Carville-Ziemer said their legal advisor may tell them they cannot pass this ordinance, adding that is not true. She said that more than one hundred municipalities have done such an action. She said it is a bold step, adding that people must have the power to change and challenge unjust laws. She asked that they adopt this for the defense and protection for the people on the planet.

At this time Mayor Fiala explained that Council will not speak during this portion of the meeting, and can consider a referral at a later time in the evening.

Chris Cotton, Woodard Ave: Mr. Cotton explained he is a high school English teacher, and he was present on behalf of the ordinance. He said several of them will speak on different topics. Mr. Cotton said he would address the environmental impact. He said fracking is often mentioned as an economic solution nationally and in Ohio. He said that is far from reality, as there is not as much natural gas to be extracted as was predicted. He said the Energy Department has cut its estimates of available gas by 70%. Mr. Cotton said jobs are another issue presented. He said that two studies from Penn State and Ohio State indicate that only 1/10 of the jobs predicted will be created. He said the higher paid jobs will be done by out-of-state, migrant, drilling professionals who will leave Kent after they make their money. He said Kent will not see those jobs.

Mr. Cotton said that North Dakota is used as an example of the economic benefit, adding that it is true their unemployment reduced from the boom. He said they are a tiny population, smaller than northeastern Ohio, and a few thousand new jobs will change the statewide average.

Mr. Cotton said in Pennsylvania, where there has been a boom, they have not seen a significant impact on their unemployment rate. He said the environmental cost is the number one issue. He said the truck traffic will be discussed by others. He said they have seen many videos of people lighting their water. Mr. Cotton said Kent has had a tradition of high quality tap water. He said that 18% of the municipalities who have experienced an increase in drilling, have reported an increase in tax revenues, while 26% reported an increase for their road maintenance and safety forces. He said for the most part, tax increases were not realized.

Mr. Cotton asked that they remember that property values will fall, adding that Pennsylvania and Youngstown have seen as much as a 50% decrease. He asked if the banks would underwrite mortgages near the drilling, and said that some have been rendered homeless in Pennsylvania because of the fracking.

Rebekah Cotton, Woodard Ave: Ms. Cotton explained she has lived on Woodard Avenue for thirteen years. She said she would address the disposal of toxic wastewater flowing back from wells after drilling for gas. She said fracking requires about five million gallons of water per well, with each frack containing some two hundred chemicals, with 95% of these chemicals causing adverse health effects, like cancer, birth defects, brain damage and respiratory problems.

Ms. Cotton said the high percentage of the wastewater returns with added levels of radioactivity, salt, and heavy metals. She asked what Kent would do with that water, as they cannot treat it for reuse as they do not have the facilities. Ms. Cotton said the only real option is to dispose of it in deep injection wells.

Ms. Cotton said she has four objections with injection wells. She said they know nothing about their long-term safety. She said the toxic water might migrate and contaminate their aquifers and drinking wells. She said that 3% of the injection wells have leaked, and as of September 2010, the U.S. General Accounting Office reported twenty-three cases of drinking water that were contaminated. She said many more are unreported and undocumented.

Ms. Cotton said that fracking wastewater into injection wells is a public safety hazard and an environmental risk. She said a tanker spill occurred in Bradford, Pennsylvania in 2010, and the waste contaminated ponds, wetlands, and wells. She said one individual can no longer use his water for drinking and/or bathing. She said while his property values have plummeted, he cannot afford to move.

Ms. Cotton said she has concerns about the flow back of the water into creeks and tributaries, due to pump failures and other errors. She said in 2009, nearly 11,000 gallons of wastewater leaked from a broken pipeline southwest of Pittsburgh. She said in another case, in Pennsylvania, cattle exposed to leaking wastewater were quarantined to prevent contaminated beef.

Ms. Cotton said earthquakes in Youngstown were caused by an injection well that passed all inspections and was considered safe. She said that despite compliance with regulations, best intentions, and increased regulations, no one can guarantee they are safe. She said there are too many unknowns. Ms. Cotton said that fracking wastewater is one of the worst problems caused by hydraulic fracturing. She said Kent residents have a right to clean soil, water, and air, and have the right to say "no." She said she trusted they would pass the Bill of Rights and safeguard their neighbors.

Sam Lasko: Mr. Lasko explained he has lived in Kent since the fifth grade, and was currently attending Kent State University. He said he loves Kent, and wants his family, friends, and coworkers to continue to live in Kent. He explained that events in seven other states will show how high pressure fracking can have disastrous consequences. He said ten credible studies have been done on fracking, and he would summarize six of them.

Mr. Lasko said in the February 2011 New York Times, an investigation reported severe environmental risks because of radioactivity in water beyond the EPA's standards. He said the House Energy and Commerce Committee, in April 2011, have documented reports of 750 chemicals in fracking fluids, such as benzene and lead. He said there was 93 times more benzene than is found in diesel fuel.

Mr. Lasko said in River Keeper, September 2010, there was a report of hundreds of environmental fracking case studies, listing permit violations, blowouts, spills, air pollution and improper waste management. He said a study from Cornell University dated March 2011 shows that natural gas extraction has a greater effect on climate change than coal and oil production.

Mr. Lasko said a study done by Duke University in April 2011 showed seventeen times more methane in well water near drilling areas than non drilling areas. He said the September 2010 Endocrine Disruption Exchange showed nearly seven hundred chemicals cause cancer and problems with the endocrine system, nervous system, immune system, reproduction, and the cardiovascular system.

Mr. Lasko said the process of fracking is dangerous to the environment and to life. He said to allow fracking is dangerous to the citizens. He said he wanted to cite one document regarding the loss of local control and power taken from their local representatives. He said that document is the Declaration of Independence, July 1776. He said the colonists wrote that the government was "fatiguing the people into compliance, taking away our charters, abolishing our most valuable laws, invading on the rights of people, and altering, fundamentally, the form of our government by declaring themselves invested with the power to legislate for us." He said these five abuses are occurring right here and right now. He said that just because something is written by legislators does not make it safe or right. He said they should be wise and brave enough to stand up and say so.

Abby Greer, E. Williams Street: Ms. Greer said she is a Kent resident. She said she is deeply disturbed by the oil and gas industry invading this region, and being poised at the door of the City. She said she believes in community, and the inner relationships of neighborhoods, businesses, schools, municipalities, and churches interacting with one another. Ms. Greer said a city is more than houses, streets, and commercial buildings, adding it is the manifestation of human life.

Ms. Greer said that hydro fracking for natural gas is a direct threat to life. She said it is hard to foresee how such a viable town with its restoration projects, green energy plan, university students, river walks, and businesses could become an impoverished industrial zone where people must move away in search of a sustainable quality of life.

Ms. Greer suggested they take a day trip to Pennsylvania to see the appalling truth. She said in Portage County, they have state of the art recycling, and Kent has state of the art well water and water treatment, along with a state of the art university. She said Kent has state of the art people, who are diverse, artistic, scientific, technological, teachers, students, health professionals, and environmentalists, old and young, who make up the community. She said they must not lose them. She said they must challenge the law that says an industry that is operating for profit can bring damage to them, the people and Council, their representatives, is acceptable.

Ms. Greer asked that they remember when slavery was legal. She questioned whether it was a just law or one to be challenged. She said the safety of deep, lateral drilling of gas is unproven, but the destruction to communities is proven. She asked that they consider the adoption of the ordinance and be responsible to each other and to Kent.

Paulette Thurman, Delores Dr.: Ms. Thurman said she has lived in Kent for most of her life. She said fracking in Pennsylvania has gone on since 2005. She said the pro-fracking, Republican governor signed a law the previous month, Act 13 of 2012, as an amendment to Title 58 of their statutes, that had required gas and oil drillers to provide the names of chemicals used in fracking to a state maintained registry. She said that physicians and others may request specific information, but the drilling companies do not have to provide the information if it is considered a trade secret or proprietary information. She said that health care professionals can obtain the information only if they sign a non disclosure agreement which forbids them from alerting the community of water and air pollution, and also forbids them from telling their own patients what is causing their problems.

Ms. Thurman said if they are not hearing the land owners' stories, there is a good reason. When companies contaminate the water, they will deliver free water as long as a non disclosure agreement is signed. The people must agree to tell no one what has happened, ensuring that the industry can continue spinning its distortions.

Ms. Thurman said her question is if fracking is as safe as claimed, why this is happening in Pennsylvania. She said that since Ohio has a pro fracking governor, she has to question how long before the same things happen in Ohio.

Mary Greer, Shalersville: Ms. Greer explained she previously was a Kent resident, and looks forward to being one again in the near future. She endorsed the Bill of Human Rights and the ban on fracking, adding they are probably wondering how they can pass an ordinance that conflicts with State law. She said that legal counsel may tell them they cannot do this. She said the task of their legal counsel is to advise them about law, not to protect the human and civil rights of residents. She said they do not have the right to dictate policy, as they are not elected officials.

Ms. Greer said in Ohio, they are at a cross road. She said if residents have any hope to be represented; the local elected officials must take their oaths seriously. She said legal counsel sees the City as a subdivision of the state, while elected officials serve the interest of citizens. She said they may listen to legal counsel, but can choose the rights of the people. She said if Council did not have the right and obligation to pass laws contra to state government, they would still have slaves, with fugitive slaves returned to their owners. She said that she does not need to remind anyone about the role this area played sheltering slaves and challenging the unfair and wrong laws about slavery. She said they do have the right to challenge the laws that violate the rights of people. She said they have the right to do what is right.

Nancy Niklas, Shalersville: Ms. Niklas explained that crime is related to fracking. She said when fracking comes into an area, the crime rates increase because of drugs and alcohol. She said addiction will lead to many other crimes, such as assault, rape, and theft. She said the safety forces become strained, because of an increase in traffic and OVI arrests. She said other crimes are more prevalent as time goes on, leading to violence as people start to panic. She said a community that used to be safe becomes full of transient workers bringing more alcohol and drug usage to the area. Ms. Niklas said that theft, rape, and assault incidents begin to rise. Ms. Niklas said in Ohio in 2011, as many people died from legal narcotics as from traffic accidents. She said fracking will only increase this number as more people will suffer from anxiety and depression. Ms. Niklas said she is not a resident of Kent, but wants to know it is a safe place to visit and do business.

Ms. Niklas said the state of Pennsylvania put a moratorium on their doctors not allowing them to tell patients what has caused their problems, if was related to the gas and oil industry. She said the physicians have responded that it would cause mental illness, related to anxiety, and depression. She asked if this is the type of country they want to live in, and if this is the stress they want on their safety responders. Ms. Niklas said they are asking Council to ban fracking to protect its safety responders and citizens. She asked that they give their residents back their rights so they feel safe in Kent.

Caroline Arnold: 1322 Chelton: Ms. Arnold said she came to Kent in 1947, graduated from Kent State High School and the University. She said she returned to Kent in 1967. Ms. Arnold said she served three terms on the Board of Education. She said she ran for Mayor and lost in the primary. Ms. Arnold said she founded a small business, served on the Kent Dam Advisory Board, served on various boards, served as the moderator of a church, and is a founding member of the Kent Environmental Council. She said she represented John Glenn for twelve years as she served on his staff. She said that during that time, she listened to hearings on horizontal gas drilling, and saw how other communities handled it.

Ms. Arnold said she is proud of Kent and her neighbors. She said she was proud how people chipped in to provide good schools, parks, and services and struggled with local consequences of national and international crises.

Ms. Arnold said an outstanding asset in Kent has been its excellent water, a product of community commitment and professional expertise, supported by state law and fiscal support. She said she is concerned that their ability to control their air, water, and soil will be taken away to clear the way for private gas drillers, who will extract it and sell it on the world market.

Ms. Arnold said she has seen Kent rise up and act with responsibility, resourcefulness, and commitment previously to provide good outcomes. She said she is confident that they will find ways to reclaim their right to self determination and care for the health of their family and neighbors.

Theodore Voneida: Mr. Voneida explained he has lived in Kent for thirty-six years, having retired from NEUCOM, as Chair and professor of neurobiology. Mr. Voneida said he is interested in health care issues and has studied fracking for three years. He said he has written extensively and spoken on the topic.

Mr. Voneida said of the numerous peer-reviewed articles dealing with health effects related to fracking, he would cite only one article due to time constraints. He said that article is a study by Theo Colburn, et al, in 2010, which was carried out in Colorado, Wyoming, New Mexico, Texas, Washing, Montana, Pennsylvania, and New York, over the course of several years. He said the results clearly indicated that modern shale gas drilling resulted in the release of large amounts of toxic chemicals which pose immediate and long term hazards to human health by contaminating both the water they drink and the air they breathe. He said the authors focused on the main target organs or systems that are affected by a number of the chemicals that have been identified for use in drilling operations. Mr. Voneida said of those studied, 72 were found to have 10 or more adverse health effects, including effects on skin, eye and sensory organs, respiratory, gastrointestinal, brain and nervous, endocrine and immune systems, kidney, liver, cardiovascular, and blood as well as cancer causing and mutagenic effects. He said that some of the chemicals used included hydrochloric acid, gluteraldehyde, formaldehyde, xylene, formic acid and ammonia, heavy metals and numerous organic compounds.

Mr. Voneida said that in addition to the studies now available on health effects of fracking, many individuals whose health has been seriously affected by drinking contaminated water or breathing contaminated air have been personally interviewed by those working on the problem. He said some, like Carl Stiles in Bradford County, Pennsylvania, died recently from intestinal cancer blamed on gas drilling. He said an autopsy showed barium, arsenic, and numerous volatile organic chemicals in his blood. He said that strontium, uranium, radium, methane, propane, barium, and arsenic were found in his drinking water.

Mr. Voneida said they are fortunate to have a slim window of opportunity in Ohio, since the frackers have only recently invaded the state. He said they have the advantage of knowing what has been documented in many western states, as well as Pennsylvania and New York. He said they are respectfully urging Kent City Council to fulfill their sworn duty to protect their health, properties, and quality of life, by passing an

ordinance to ban fracking in the City. He said the state may overrule it, but that very overrule will provide much needed support to get the diabolical 2004 state law changed.

Mr. Voneida said that laws can be changed, but it requires the Council's support. He said that many of his constituents are working day and night to bring this about, and asked that they join them in this important effort.

Mayor Fiala asked if there was any one present to speak in favor of fracking, and no one stepped forward. Mayor Fiala asked if there was a motion to refer this to Committee for further discussion.

MOTION TO REFER THE ISSUE OF THE BILL OF RIGHTS AND BAN ON FRACKING TO COMMITTEE.

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

Mr. Wilson said he needed to ask a question of the Law Director at this time. He told Mr. Fink how he has heard talk about their oath of office. He asked if they decide to endorse this, whether they would be violating their oath. He said their oath said they would uphold the laws of the state of Ohio.

Ms. Wallach called for a point of order, adding the motion is to put it in committee for discussion.

Mr. Wilson said he wanted to know before he voted on that motion that he was not violating his oath of office. Mayor Fiala said he would allow the question, as it was clarification for all of them.

Mr. Fink said he saw what Mr. Wilson was saying, adding he was not going to give him an "off the cuff" answer. He said he did not see that as an issue with respect to referring it for consideration later down the road. He said the laws in Ohio are clear, and this is a power reserved for the state and not the individual communities.

Mr. Wilson said if it is the wish of the maker and seconder of the motion to pass this, there will probably no one else showing up from the other side of the coin at the committee meeting. He said if they want to make the motion to approve it, they can, as he was trying to save those people from having to come back for a committee meeting.

Mayor Fiala said the motion is to put this in Committee. Ms. Wallach agreed. Mr. Turner said it deserves the courtesy of discussion.

Mr. Kuhar said he has done some research on this topic, adding he felt there were some areas of concern. He said they have a roomful of people who are concerned. He said he would support putting it in Committee to kick it around. He said he was unsure about the ordinance, but felt they needed to be more informed.

Ms. Wallach suggested when it is in Committee, they could get people from the other side to see both sides.

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

Mayor Fiala told the audience he was not trying to be rude, adding he was just trying to expedite this issue. He said they were welcome to return.

A member of the audience asked when the meeting would be, and Mr. Ruller said it would be the following Wednesday, April 4.

Mayor Fiala said he wanted to repeat that he did not want to be rude, adding they were welcome to come back the following week.

Mr. Kuhar asked why they are rushing this issue, when talking about the opportunity of other people coming in, and Mr. Ruller said that given the sensitivity to the issue, he and Clerk had preprogrammed it. He said he does not have any experts lined up.

Mr. Voneida asked if the experts would get a special invitation, as those present did not get one. He said it does not seem right that they would send out special invitations. Mr. Ruller said that was up to the Council. Mayor Fiala said he would think that after everyone reads the newspaper or reads PATCH, if they are interested, they will be present. He said they will not be sending out written invitations.

Ms. Thurman offered extra copies of the ordinance to those in the audience.

Mayor Fiala recessed this meeting at 8:05 p.m. Following the recess, Mayor Fiala reconvened this meeting at 8:19 p.m.

Rick Hawksley, 120 Portage Street: Mr. Hawksley said he lives in an old house, built in the same period of the newly rediscovered Sherman House. He said it is an example of Greek Revival. Mr. Hawksley said they are requesting Committee time on April 4, 2012, given the timing of the wrecking crew. He said they needed ten minutes for a presentation to Council to discuss a proposal, adding they are working on securing a place for the home.

Timothy (last name unclear): Timothy said the Sherman/Kent House does represent a rarity in Kent. He said few are left, and it warrants preservation. He said there is also a historic association with the house, as it is connected to Zenas Kent and Aaron Sherman. He said the house deserves serious consideration for preservation and restoration. He said there are only a few homes in Kent with the Greek Revival architecture, which is why it is imperative to preserve and restore it. He said he was pleading that they consider there may be one or two sites available where it could be moved and left temporarily while its future fate is pondered.

Sally Burnell, 114 University Drive: Ms. Burnell explained she is a lifelong resident of Kent. She said she has done a lot of research on the Wells/Sherman House, and according to their evidence, it belonged to Frances Kent Wells. Ms. Burnell said that according to Charlotte Weaver in 1924, the house was moved from its former location of Erie and S. Water to its current location. She said Ms. Weaver, who was born in the 1940s, remembered when the house was new, and owned by George Wells. Ms. Burnell said that Mr. Wells was an industrialist, who worked with the Kent Family and opened a glass works, one of the biggest industries in Kent.

Ms. Burnell said according to an obituary, the Wells left the area in 1863, and the house was acquired by Dr. Sherman. She said even if it is not conclusive that the home was owned by the Wells family, Dr. Sherman is an important figure, as a local physician and was a contract surgeon in the war. She said he served many terms on the local school board, served on the General Assembly, was a founder of the Universalist Church, founder of the Portage Medical Society, and helped establish the Rockton Masonic Lodge. She said he was also a member of the Pioneer Association, founded to perpetuate the memories of the early settlers. She said he helped establish a business in the former Silk Mill. She said even if it is not proven conclusively that the Wells' family owned it, Dr. Sherman was a significant figure in their history. She said for that reason, she was asking that this house be preserved.

Mr. Kuhar asked if anyone has taken the time to run a title search on this house, and if so, he would like the results. Ms. Burnell said that has not yet been done, but she plans to do that when she takes vacation. Mayor Fiala said they can have that discussion when it gets to the Committee.

Tom Hatch: Dir. of Kent Historical Society: Mr. Hatch said the Kent Historical Board has discussed the issue of the Wells/Sherman House. He said that several of them have visited it, and have offered their support to the Friends group for two compelling reasons. He said this is one of a handful of buildings in Kent that predates the Civil War. He said it is also a Greek Revival home, and few are left in Kent, none of which were so closely associated with the Kent family. He said that Francis Kent was the wife of Mr. Wells. He said it is one of the few buildings remaining that was visited by Zenas Kent.

Mr. Hatch said the Kent Historical Society has agreed to lend support to the Friends and he encouraged Council to consider their request in Committee. He said that once an appropriate location and use has been identified, they will set up a special fund at the Kent Historical Society and help the Friends with their fundraising efforts, including solicitation of their members. He said this is important from a historical social perspective, adding they would like to see it preserved and become a useful part of the community.

Mr. Turner asked if this house was related to William Sherman, and Ms. Burnell said they have not proven that yet, but plan to research it further.

MOTION TO REFER THE SHERMAN HOUSE TO COMMITTEE TO DISCUSS SOLUTIONS.

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

Mr. Kuhar asked what they were doing in Committee, and Mayor Fiala said the committee discussion would discuss what the City can do. Mr. Wilson said it they would discuss the group's proposal, and Mr. Kuhar noted they would be allowing them to make a proposal. Ms. Wallach specified April, as time is of the essence.

Ms. Wallach said with so much demolition occurring, it is time to save some historical buildings as well. She said they need to save their historical buildings.

Ms. Shaffer said they should not rush to judgment on this issue, as there are people looking at developing a plan. She said she wanted to keep an open mind and see what comes of it.

The motion carried by a voice vote of 8-0-1, with Mr. Amrhein abstaining.

Hearing no further audience comment, Mayor Fiala called for written correspondence at this time.

The Clerk reported the following:

- 1) Notification was received from the Ohio Division of Liquor Control advising they received a request for a new D1 liquor license from Sixth City Industries LLC dba Taco Tontos, 123 Franklin Ave., Kent, OH. Objections must be postmarked no later than March 29, 2012. On Feb. 28, Safety Director Lillich advised there were no objections.

MOTION TO RETURN WITH NO OBJECTIONS

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

- 2) Several articles were placed on file in the Council office on fracking by Greg Balbierz on Feb. 27, 2012. Additionally, after the agenda was printed, he placed more articles on file on March 27, 2012.
- 3) A letter was received from Gregory Jarvie of Kent State supporting adoption of the Ohio Property Maintenance Code. This letter was forwarded to the Mayor and Council on March 7, 2012.
- 4) Emails were received on March 6, 2012 from Mary Lou Kenneley with her concerns on the composition of the newly created Committee on Design and Preservation and the house located at 250 E. Erie Street. These emails were forwarded to all members of Council on the same day.
- 5) The Parks and Recreation Board meeting packet for Feb. 16, 2012 was placed on file by Council's liaison, Mr. Wilson, on March 7, 2012. The Parks and Recreation Board meeting packet for Mar. 15, 2012 was placed on file by Mr. Wilson earlier in the evening. That meeting was subsequently cancelled.
- 6) Minutes of the Feb. 9, 2012 Standing Rock Cemetery meeting were placed on file by Council's representative, Mr. DeLeone, on March 7, 2012.
- 7) Dr. Joe Giancola, Superintendent of Kent City Schools, sent a letter on March 8, 2012, recommending the appointment of Kelley Labajetta, to the Park and Recreation Board. This appointment is in accordance with the City's Charter.

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

- 1) Mr. Kuhar forwarded a section of the tenant/landlord law regarding complaints.

- 2) Ms. Wallach placed a letter on file from Don and Karen Barrett lending their support to the preservation of the Sherman House and offering their willingness to work with the City to preserve the home by participating in its relocation

Hearing no further written correspondence, Mayor Fiala called upon the City Manager for his report.

MOTION TO APPROVE ITEMS #1 THROUGH #11

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

The following actions were approved by the aforementioned motion:

- 1) Authorization of Draft No. 12-26, appointment of Kelley Labajetta to the Kent Parks and Recreation Board
- 2) Authorization of Draft No. 12-28, designation of the old hotel as a locally historic property
- 3) Streets, Sidewalks, and Utilities Committee, agenda time, update on City's sidewalk patio area policy
- 4) Streets, Sidewalks, and Utilities Committee, agenda time on April 18, staff report on the status of the Summit Street improvement project and recommended improvement options
- 5) Finance Committee, agenda time, loan repayment recommendations for Family & Community Services for a loan for the Miller House
- 6) Finance Committee, agenda time to consider a request for subordination of a City rehab loan from a resident
- 7) Finance Committee, agenda time, amendment to the 2012 Appropriations
- 8) Finance Committee, agenda time, amend the Position Allocation Ordinance to reflect personnel changes in the Health Department
- 9) Finance Committee, agenda time, staff recommendation for surplus City property going to the public auction
- 10) Finance Committee, agenda time, issuance of Bond Anticipation Notes
- 11) Land Use Committee, agenda time, transfer of a rehab property under the Neighborhood Stabilization Program to F&CS.

MOTION TO RECESS, IMMEDIATELY FOLLOWING THE CITY MANAGER'S REPORT, FOR AN EXECUTIVE SESSION FOR LAND ACQUISITION.

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

Roll call was taken on the motion. Voting aye: Mr. DeLeone, Mr. Ferrara, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Wilson, and Mr. Amrhein. Mr. Kuhar abstained. The motion carried by a roll call vote of 8-0-1.

Mayor Fiala recessed this meeting for the authorized Executive Session at 8:30 p.m. Mayor Fiala reconvened the public portion of this meeting at 9:50 p.m.

STANDING COMMITTEES

The Mayor asked the Clerk to read Draft No. 12-26 by title only at this time.

A RESOLUTION APPOINTING KELLEY LABAJETTA TO THE PARKS AND RECREATION BOARD AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS

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

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

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. DeLeone, Mr. Ferrara, Mr. Kuhar, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Wilson, and Mr. Amrhein. The motion carried by a roll call vote of 8-0 (Ms. Shaffer was out of the room during the vote).

2012-27: A RESOLUTION APPOINTING KELLEY LABAJETTA TO THE PARKS AND RECREATION BOARD 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 MARCH 7, 2012.

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

MOTION TO APPROVE THE RECOMMENDED ACTION, AUTHORIZING THE EXTENSION OF THE JOB CREATION TAX CREDIT TO THE KENT-FRANKLIN JEDD AND THE BRIMFIELD-KENT JEDD.

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

MOTION TO APPROVE THE ORAL REPORT OF MARCH 28, 2012, AND THE RECOMMENDED ACTION ACCEPTING THE ADMINISTRATION'S RECOMMENDATIONS FOR THE 2012 CDBG PROGRAMMING.

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

The Mayor asked the Clerk to read Draft No. 12-32 by title only at this time.

AN ORDINANCE AMENDING SECTION 181.21 OF THE KENT CODIFIED ORDINANCES ENTITLED "JOB CREATION INCOME TAX CREDIT PROGRAM," AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS

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

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

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

2012-28: AN ORDINANCE AMENDING SECTION 181.21 OF THE KENT CODIFIED ORDINANCES ENTITLED "JOB CREATION INCOME TAX CREDIT PROGRAM", 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 MARCH 7, 2012.

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

The Mayor asked the Clerk to read Draft No. 12-27 by title only at this time.

AN ORDINANCE AMENDING ORDINANCE NO. 2011-113, THE CURRENT APPROPRIATION ORDINANCE, PASSED NOVEMBER 16, 2011, AS AMENDED BY ORDINANCE NO. 2012-17, PASSED FEBRUARY 15, 2012; SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; FUND 106, RECREATION; FUND 121, STATE AND LOCAL FORFEITS; FUND 122, DRUG LAW ENFORCEMENT; FUND 123, ENFORCEMENT EDUCATION; FUND 125, LAW ENFORCEMENT TRUST; FUND 127, NEIGHBORHOOD STABILIZATION (NSP); FUND 202, SEWER; FUND 205, SOLID WASTE; FUND 208, STORM WATER; AND FUND 301, CAPITAL; AND SO AS TO DECREASE APPROPRIATIONS IN FUND 201, WATER; 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. Sidoti, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2012-29: AN ORDINANCE AMENDING ORDINANCE NO. 2011-113, THE CURRENT APPROPRIATION ORDINANCE, PASSED NOVEMBER 16, 2011, AS AMENDED BY ORDINANCE NO. 2012-17, PASSED FEBRUARY 15, 2012; SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; FUND 106, RECREATION; FUND 121, STATE AND LOCAL FORFEITS; FUND 122, DRUG LAW ENFORCEMENT; FUND 123, ENFORCEMENT EDUCATION; FUND 125, LAW ENFORCEMENT TRUST; FUND 127, NEIGHBORHOOD STABILIZATION (NSP); FUND 202, SEWER; FUND 205, SOLID WASTE; FUND 208, STORM WATER; AND FUND 301, CAPITAL; AND SO AS TO DECREASE APPROPRIATIONS IN FUND 201, WATER; 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. 12-29 by title only at this time.

AN ORDINANCE APPROVING THE PURCHASE BY THE KENT DOWNTOWN URBAN REDEVELOPMENT CORPORATION (DKC) OF APPROXIMATELY 2.01 ACRES OF PROPERTY (6 PARCELS) LOCATED AT 303 & 313 EAST MAIN STREET, 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 Ms. Shaffer.

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

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. Sidoti, Mr. Turner, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. Voting nay: Ms. Wallach and Mr. Kuhar. The motion carried by a roll call vote of 7-2.

2012-30: AN ORDINANCE APPROVING THE PURCHASE BY THE KENT DOWNTOWN URBAN REDEVELOPMENT CORPORATION (DKC) OF APPROXIMATELY 2.01 ACRES OF PROPERTY (6 PARCELS) LOCATED AT 303 & 313 EAST MAIN STREET, 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. 12-30 by title only at this time.

AN ORDINANCE AUTHORIZING THE TRANSFER OF A PARCEL OF LAND KNOWN AS 303-313 EAST MAIN STREET, KENT, OHIO, FROM THE DOWNTOWN URBAN REDEVELOPMENT CORPORATION (DKC) TO THE CITY OF KENT, OHIO, AND ACCEPTING SAID TRANSFERRED PROPERTY, 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. Turner, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Shaffer, and Mr. Sidoti. Voting nay: Ms. Wallach and Mr. Kuhar. The motion carried by a roll call vote of 7-2.

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. Turner, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Shaffer, and Mr. Sidoti. Voting nay: Ms. Wallach and Mr. Kuhar. The motion carried by a roll call vote of 7-2.

2012-31: AN ORDINANCE AUTHORIZING THE TRANSFER OF A PARCEL OF LAND KNOWN AS 303-313 EAST MAIN STREET, KENT, OHIO, FROM THE DOWNTOWN URBAN REDEVELOPMENT CORPORATION (DKC) TO THE CITY OF KENT, OHIO, AND ACCEPTING SAID TRANSFERRED PROPERTY, 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. 12-31 by title only at this time.

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A REAL PROPERTY EXCHANGE AGREEMENT BETWEEN THE CITY OF KENT, OHIO AND THE PORTAGE COUNTY, OHIO BOARD OF COMMISSIONERS TO BUILD A NEW COURTHOUSE IN KENT AND FURTHER REDEVELOP THE KENT DOWNTOWN AREA, 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. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Shaffer, Mr. Sidoti, and Mr. Turner. Voting nay: Ms. Wallach and Mr. Kuhar. The motion carried by a roll call vote of 7-2.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Mr. Kuhar said he will stand his ground on this issue, as he will give the same statement as he did previously. Mr. Kuhar said the County is obligated to stay in Kent, and it should not cost the concentrated

amount of money to the taxpayers for something that was supposed to happen. He said it is out of line. Mr. Kuhar said they need a courthouse in Kent, but the City should not be the one footing the bill.

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

2012-32: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A REAL PROPERTY EXCHANGE AGREEMENT BETWEEN THE CITY OF KENT, OHIO AND THE PORTAGE COUNTY, OHIO BOARD OF COMMISSIONERS TO BUILD A NEW COURTHOUSE IN KENT AND FURTHER REDEVELOP THE KENT DOWNTOWN AREA, 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 MARCH 7, 2012

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

MOTION TO APPROVE THE RECOMMENDED ACTION, ADOPTION OF THE INTERIOR MAINTENANCE CODE.

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

Mr. Kuhar said he would not support any part of the proposed ordinance for a number of reasons. He said he would start with four reasons at this time. Mr. Kuhar said they say they are trying to protect people who are residents from inferior housing. He said they are already protected. Mr. Kuhar said they can call the Police Department, Health Department, Building Department, or Fire Department because of a situation, and there will be a response and investigation of the complaint. He said an action will occur.

Mr. Kuhar said another option is the state law in the Ohio Revised Code. He said he distributed information to everyone earlier. He said the State can take action under the Ohio Tenants/Landlord Law.

Mr. Kuhar said there were items in the Code that could occur if an official wanted to get picky. He said bedrooms may not qualify because of structural engineering. He said fairly new homes may not pass. Mr. Kuhar said this will allow them to pick and choose if they wished to discriminate against what they wanted to be a rental house. Mr. Kuhar said his final reason is that if he is renting a single family home or a duplex, he is renting the privacy. He said that no one has any business coming into his personal property where they may see his dirty socks, what he hangs on the walls, or how he lives. He said it is invading his privacy. He said when someone rents, it is the same as owning it, and they are taking a right away from that person. Mr. Kuhar said they presented this as complaint driven, but questioned who can make the complaint. He said it could be a mother-in-law who is mad at her son-in-law. He said it is an invasion of privacy and personal property rights, and he would never support anything like this or anything to do with it.

Mr. Turner said he would not support it either, but not necessarily for the same reasons. He said he knows the intention is well meaning, but it has unintended consequences. He said people charged with the oversight may have one view based on the language of the ordinance. Mr. Turner said it can become a slippery slope, adding civil liberties are at risk.

Mr. Turner said he agrees with the issue for rental and commercial properties, but there needs to be independent oversight. He said that he has a concern about civil liberties and how they would be impacted, even unintentionally. He said if there is an inspection for a specific purpose, upon entering, the inspectors have a responsibility to follow their charge. Mr. Turner said based on this ordinance, if they saw a problem with a banister or lighting, they would have to act. He said failure to do so would be dereliction of duty, and he did not know how they separate it. Mr. Turner said this is a situation that can create more

issues and concerns regarding a person's right to privacy and unreasonable search. He said for those reasons, he will not support it.

Mr. Wilson said he would vote for it, as all they are doing is voting on what happened at the last meeting. He said when they get to the draft he will give his reasons.

Ms. Wallach said if they vote for the motion, they are saying they support the action.

The motion carried by a voice vote of 7-2, with Ms. Wallach and Mr. Kuhar dissenting.

The Mayor asked the Clerk to read Draft No. 12-28 by title only at this time.

AN ORDINANCE DESIGNATING THE PROPERTY LOCATED AT 176 EAST MAIN STREET, ALSO KNOWN AS THE "OLD HOTEL," AS A LOCAL HISTORIC PROPERTY IN THE CITY OF KENT, AND DECLARING AN EMERGENCY .

MOTION TO SUSPEND THE THREE READINGS

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

Roll call was taken on the motion. Voting aye: Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer, Mr. Sidoti, 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. Kuhar.

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

2012-33: AN ORDINANCE DESIGNATING THE PROPERTY LOCATED AT 176 EAST MAIN STREET, ALSO KNOWN AS THE "OLD HOTEL," AS A LOCAL HISTORIC PROPERTY IN 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. 12-33 by title only at this time.

AN ORDINANCE AMENDING CHAPTER 14 OF THE KENT CITY ORDINANCES, COMMONLY KNOWN AS THE "PROPERTY MAINTENANCE CODE".

MOTION TO SUSPEND THE THREE READINGS

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Ms. Shaffer said the City staff gave an impassioned and reasoned presentation that convinced her, so to her satisfaction, she felt it was the appropriate route to take. Ms. Shaffer said she knew not everyone was present for that presentation, but the benefits outweigh the imagined consequences. She said if they have abuses, they can take another look. Ms. Shaffer said the fears are overblown. She said that the issue of safety outweighs the issue of privacy in this situation.

Ms. Wallach said she supported the property maintenance code for rental properties, adding they definitely need to be dealt with. She said she did not agree, however, with extending it to owner-occupied

properties. She said she was going to make a motion to discuss licensing rental properties. She said she will not support this ordinance.

Mr. Kuhar said he has heard the same statements over and over about health and safety reasons. He said he presented a document from the State, adding they also have existing laws in Kent and those things are covered. He said no one has to live in unsafe and unsanitary conditions, and people are protected. He said it is overreach and over-government, adding they have ordinances that cover those issues.

Roll call was taken on the motion. Voting aye: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Shaffer, and Mr. Sidoti. Voting nay: Mr. Kuhar, Mr. Wilson, Mr. Turner and Ms. Wallach. The motion carried by a roll call vote of 5-4.

2012-34: AN ORDINANCE AMENDING CHAPTER 14 OF THE KENT CITY ORDINANCES, COMMONLY KNOWN AS THE “ PROPERTY MAINTENANCE CODE” .

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council

STREETS, SIDEWALKS & UTILITIES COMMITTEE

The Mayor asked the Clerk to read Draft No. 12-23, standing on a first reading, 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. Wilson, seconded by Mr. Ferrara.

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2012-35: 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 .

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council

SPECIAL COMMITTEE REPORTS None

UNFINISHED BUSINESS None

NEW BUSINESS

MOTION TO MAKE AN EFFORT TO FIND SOMEONE ON THE OPPOSING SIDE OF FRACKING FOR THE APRIL 4, 2012 MEETING.

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

Ms. Wallach said the audience was told they would not make any special effort to invite people from the other side. She said this motion would negate that. Mayor Fiala said it would be in the newspaper. Ms. Wallach said this motion would make them look like liars.

MOTION TO AMEND TO SEND A SPECIAL INVITATION TO THOSE THAT ATTENDED THIS MEETING.

Motion made by Mr. Ferrara, and died for a want of a second.

Ms. Shaffer suggested they just put it out to the public and let them decide. She said that some are in favor of it, while others are against it. She questioned why they should pick who to listen to in this case.

Mr. Kuhar said there are 20,000 people in Kent, and they had a handful at this meeting. He said he is trying to get information to make an intelligent decision. Mr. Kuhar said these people came to Council to present something, adding there was no open invitation to the oil people. He said it was just like the "chicken people." He asked why someone would go to the City unless they knew they were being attacked. Mr. Kuhar asked how they can make an intelligent decision with a one-sided discussion. He said this happened to him in the solar business. Mr. Kuhar questioned why they should waste their time if they would be hearing from only one side of the story.

Mr. Turner said he agreed, but did not understand what he was trying to get at, as this would be a committee meeting. He said this is not a hearing, but instead, a normal Council committee meeting. Mr. Turner said that people have the right to come or not come, adding they have the responsibility to educate themselves. Mr. Turner said it would be great to have someone who was pro fracking. Mr. Turner said the reality is that they did not invite the people to this meeting, adding they came because they were interested. He said they can educate themselves, and Mr. Kuhar said that was what he was trying to do.

Mr. Amrhein said for the last three the newspapers have said that the anti-frackers were coming. He said the pro frackers could have attended. Mr. Amrhein said he agreed with Mr. Turner.

Ms. Wallach asked Mr. Kuhar if he wanted to be that person who gets educated on pro fracking, and Mr. Kuhar said he is a little educated, but was not an expert.

Mr. Turner said that Greg Balbierz could speak to the issue.

Mr. Sidoti said they are putting the Administration in an awkward position after they said publicly they would not invite people. He agreed with Mr. Kuhar. He said it is incumbent on other people to see an invitation. He said if they have personal friends who are pro frackers, they may need to be told about the meeting. He said they told the people they were not going to do it publicly. He agreed with Mr. Kuhar, adding it would be nice to hear both sides so they could weigh it.

Mr. Kuhar said the Mayor had said it, adding he had no right to speak for him. Mayor Fiala said he is the one responsible for saying it. Mr. Kuhar told him he was speaking for Council. Mr. Sidoti said they can find someone, and Mr. Turner said it is not up to them. He said the people are aware they are doing this, adding the ultimate responsibility lies with them. He said they better know what they were talking about.

Mr. Wilson asked if anyone has tried to get information off the internet, adding that he spent six hours reviewing information. He said one page shows the EPA against it, and another page shows the EPA in favor of it.

The motion failed by a voice vote of 2-7, with Mr. Ferrara and Mr. Kuhar supporting it, and all others voting against it.

Mr. Wilson said that the Budget & Finance Director had contacted him. He said as the Finance Chair, he serves on the Audit Committee. He said the auditors will be coming in soon, and they need an entrance

meeting. He said previously, Mr. Valenta was on it, and he was recommending their newest colleague, Mr. Sidoti.

MOTION TO APPOINT MR. SIDOTI AS THE SECOND COUNCIL MEMBER TO THE AUDIT COMMITTEE.

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

Mr. Wilson said that Mr. Sidoti has done that job before.

Ms. Wallach said she would like to be on the board also, as she is on the Board of Control. Mr. Wilson said there is a certain number permitted to serve on this Committee. Ms. Wallach said they can come in as Council members. Mr. Wilson said it was an open meeting. Ms. Shaffer said the last time, Mr. Valenta was nominated as he was on the Board of Control. She said it seems like the members of the Board of Control should be on the Audit Committee.

The motion carried by a voice vote of 6-2-1, with Ms. Shaffer and Ms. Wallach dissenting. Mr. Sidoti abstained.

MOTION TO ASK THE STAFF TO MOVE FORWARD WITH INFORMATION OR A PLAN ON THE REGULATION OF RENTAL PROPERTIES.

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

Ms. Shaffer said it is time they brought this up, as it is something she has been looking at in other communities. She said she is not saying when they will discuss it, but she would like to give the Administration the go ahead to devote time to this issue.

Ms. Wallach said it is time to license rental properties, adding other towns have licensing. She said the licenses permits them to be sure zoning codes are adhered to, and it will give them access so they can apply the interior maintenance code to rental properties. She noted that Mr. Jarvie said it is common in other communities.

Mr. DeLeone asked if they were including rental properties, which is 63% of all homes in Kent, and Ms. Shaffer said she wanted staff to study it and bring them a presentation. She said they may say they cannot do it.

Mr. Kuhar said they can read his mind.

Mr. Turner asked how this fits in with what was passed, and said ordinarily he would have supported it. Mr. Turner said Mr. Kuhar told him they would move on to something else. He suggested they look at what they have and how it works before moving so quickly. He said there are some things they can already address.

Ms. Wallach said they have tried to address problems with illegal boarding houses. She said every time they press their Administration, they are told they cannot do anything as they cannot go into the house. She said it is hard to determine how many people are living there. She said this is the final issue, adding illegal boarding houses are a real problem in Wards 5 and 6.

Mr. Kuhar said they are not talking about illegal boarding houses, and are talking about all rentals. Ms. Wallach said some rentals are illegal boarding houses.

The motion carried by a voice vote of 5-4, with Mr. Wilson, Mr. Kuhar, Mr. DeLeone, and Mr. Turner dissenting.

MOTION TO LOOK AT INCREASING FINES ON CERTAIN ZONING CODE VIOLATIONS.

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

Ms. Wallach said when Ms. Susel came to them about zoning code violations, the maximum fine was \$300. She said that is not much of a deterrent for most landlords. She said if the codes were stiffer, they would have a better deterrent.

Ms. Shaffer said it could be part of an overall strategy or system on how they do enforcement. She said it is important to look at, but she was unsure she wanted to look at it aside from looking at a system for licensing and enforcement.

The motion carried by a voice vote of 5-4, with Mr. Turner, Mr. Sidoti, Mr. Kuhar, and Mr. Wilson dissenting.

Mr. Kuhar said on the issue of the second hand stores, he did not know if he was asleep. He said there were some aspects included that he was aware he was voting on. He said he thought it was a system for those who sold goods to register and hold the merchandise for thirty days. Mr. Kuhar said he did not hear anything about fingerprints and background checks. He said he saw where they are working on that, and hoped it would be something better. He said if he knew all of that was included, he probably would not have voted for it. He said he was just listening to Mr. Silver.

MAYOR'S REPORT

Mayor Fiala reminded them of the Food Drive at Kent Social Services on Saturday from 9:00 a.m. to 2:00 p.m. He said they were all welcome to stop and bring some food.

MOTION TO ADJOURN THIS MEETING.

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

Hearing no further business before this Council, Mayor Fiala adjourned this meeting at 10:30 p.m.

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council