

**THE CITY OF KENT, OHIO  
REGULAR COUNCIL MEETING  
WED., OCTOBER 17, 2012**

This regular meeting of Kent City Council was called to order on Wednesday, Oct. 17, 2012 at 7:30 p.m. by Jerry T. Fiala, Mayor & President of Council.

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

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

**ABSENT: MS. WALLACH**

**MOTION TO EXCUSE MS. WALLACH**

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

Mayor Fiala led those present in the Pledge of Allegiance.

Council member Wilson said that Ms. Wallach asked him to trade opening remarks, as she would do them the following month. He said he had no opening remarks.

**MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF SEPT. 19, 2012.**

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

Mayor Fiala called for audience comment at this time. He reminded those wishing to address Council to sign up with the clerk who would call them forward.

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

The Clerk reported the following:

- 1) Minutes of the July 26, 2012 Portage County Solid Waste Management District Policy Committee meeting were placed on file by Council's representative, Ms. Wallach, on Sept. 25, 2012.
- 2) Notification was received from the Ohio Division of Liquor Control advising that a request for a new D3 & D3A liquor license was received from James W. Arthur dba Ohio Music Shop, 118 E Main St, 1<sup>st</sup> Floor, Suite #2, Kent, OH 44240. Deadline for objections is Oct. 29, 2012. Safety Director Lillich advised on Oct. 1, 2012 that he has no objections, as there are no grounds to oppose this request. This information was forwarded to the Mayor and all members of Council on Oct. 3, 2012.

**MOTION TO RETURN WITH NO OBJECTIONS.**

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

- 3) Emails were received on Oct. 1 and Oct. 2 from Bob Earp and Matthew McComb endorsing the proposal for "The Local" restaurant. These emails were forwarded to the Mayor and all members of Council the same day.
- 4) A press release from the Community Environmental Legal Defense Fund was distributed to all members of Council on Oct. 3, 2012 by Paulette Thurman.

The Clerk reported the following were received after the agenda was printed:

- 1) The agenda packet for the October Parks and Recreation Board meeting was placed on file prior to the start of this meeting by Council's liaison, Mr. Wilson.
- 2) The minutes of the September 13, 2012 Standing Rock Cemetery Board meeting were placed on file prior to the start of this meeting by Council's representative, Mr. DeLeone.

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

**MOTION TO APPROVE ITEMS #1 THROUGH #3.**

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

The following items were approved by the aforementioned motion:

- 1) Agenda time, Finance Committee, 2013 draft operating budget on Nov. 7 and Nov. 28, 2012, if necessary
- 2) Agenda time, Finance Committee, draft fund balance policy
- 3) Authorization to spend up to \$750 for food supplies to support the regional emergency response teams assisting the City on Halloween night

**MOTION TO AUTHORIZE AN EXECUTIVE SESSION FOR TWO ISSUES OF PENDING LITIGATION, PRIOR TO THE ADJOURNMENT OF THIS MEETING.**

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. Sidoti, Mr. Turner, Mr. Wilson, and Mr. Amrhein. The motion carried by a roll call vote of 8-0.

Mr. Ruller said they have been operating following the loss of Gary Locke, who passed away in September. He said **Bridget Susel** had been working as Interim Director for several months. He said that while Mr. Locke was irreplaceable, he offered Ms. Susel the job, and she accepted earlier in the day. There was a round of applause at this time. He said he cannot think of a better person to continue the work done by Mr. Locke, adding he laid an amazing foundation for the community. He said that Ms. Susel has unbelievable energy, and it should be an easy transition since she has been doing it for fourteen to fifteen months. Mr. Ruller said he was delighted to have her officially as part of the team.

Congratulations were offered to Ms. Susel at this time by the Mayor and various members of Council.

Mr. Kuhar asked Ms. Susel if they were losing her talents, and Ms. Susel said she will still be writing grants.

**STANDING COMMITTEES**

**FINANCE COMMITTEE**

**MOTION TO APPROVE THE WRITTEN REPORT OF SEPT. 19, 2012 (ORAL REPORT/ACTION APPROVED SEPT. 19, 2012) AND WRITTEN REPORT OF OCT. 3, 2012 AND THE RECOMMENDED ACTIONS.**

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

The following items were approved by the aforementioned motion:

- 1) TO AUTHORIZE CERTIFICATION OF OUTSTANDING WATER, SANITARY SEWER, STORM WATER, AND RECYCLING PAYMENTS AS PROPERTY LIENS
- 2) TO AUTHORIZE THE PARKING TICKET AMNESTY PROPOSAL AS PRESENTED
- 3) TO AUTHORIZE ACCEPTANCE AND APPROPRIATION OF CLEAN OHIO GRANT MONIES FOR RB&W AND AMETEK.

The Mayor asked the Clerk to read Draft No. 12-114 by title only at this time.

**AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT A GRANT AND EXECUTE AN AGREEMENT BETWEEN THE CITY OF KENT AND THE STATE OF OHIO, DEPARTMENT OF DEVELOPMENT (ODOD), FOR CLEAN UP OF THE THOMAS & BETTS CORPORATION SITE, IN THE AMOUNT OF \$1,342,210.00, APPROPRIATING THE SAME THEREFOR, 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, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Mr. Wilson, and Mr. Amrhein. The motion carried by a roll call vote of 8-0.

**MOTION TO ADOPT THE DRAFT ORDINANCE.**

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

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

**2012-108: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT A GRANT AND EXECUTE AN AGREEMENT BETWEEN THE CITY OF KENT AND THE STATE OF OHIO, DEPARTMENT OF DEVELOPMENT (ODOD), FOR CLEAN UP OF THE THOMAS & BETTS CORPORATION SITE, IN THE AMOUNT OF \$1,342,210.00, APPROPRIATING THE SAME THEREFOR, AND DECLARING AN EMERGENCY.**

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Linda M. Jordan, Clerk of Council

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Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 12-115 by title only at this time.

**AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT A GRANT AND EXECUTE AN AGREEMENT BETWEEN THE CITY OF KENT AND THE STATE OF OHIO, DEPARTMENT OF DEVELOPMENT (ODOD), FOR CLEAN UP OF THE FORMER AMETEK SITE, IN THE AMOUNT OF \$1,084,403.00, APPROPRIATING THE SAME THEREFOR, 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. Ferrara, Mr. Kuhar, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Mr. Wilson, Mr. Amrhein, and Mr. DeLeone. The motion carried by a roll call vote of 8-0.

**MOTION TO ADOPT THE DRAFT ORDINANCE.**

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

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

**2012-109: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT A GRANT AND EXECUTE AN AGREEMENT BETWEEN THE CITY OF KENT AND THE STATE OF OHIO, DEPARTMENT OF DEVELOPMENT (ODOD), FOR CLEAN UP OF THE FORMER AMETEK SITE, IN THE AMOUNT OF \$1,084,403.00, APPROPRIATING THE SAME THEREFOR, AND DECLARING AN EMERGENCY.**

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Linda M. Jordan, Clerk of Council

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Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 12-117 by title only at this time.

**AN ORDINANCE AMENDING SECTION 913.07, 915.72, 921.24 AND 935.14 OF THE KENT CODIFIED ORDINANCES SO AS TO ALLOW FOR THE CERTIFICATION OF DELINQUENT WATER USE CHARGES, WASTEWATER USE CHARGES, STORM WATER UTILITY CHARGES AND RECYCLING/SOLID WASTE COLLECTION CHARGES TO THE COUNTY AUDITOR TO BE PLACED AS A TAX LIEN UPON THE REAL PROPERTY THAT GENERATED THE DELINQUENT CHARGES, 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. Kuhar, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The motion carried by a roll call vote of 8-0.

**MOTION TO ADOPT THE DRAFT ORDINANCE.**

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

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

**2012-110: AN ORDINANCE AMENDING SECTION 913.07, 915.72, 921.24 AND 935.14 OF THE KENT CODIFIED ORDINANCES SO AS TO ALLOW FOR THE CERTIFICATION OF DELINQUENT WATER USE CHARGES, WASTEWATER USE CHARGES, STORM WATER UTILITY CHARGES AND RECYCLING/SOLID WASTE COLLECTION CHARGES TO THE COUNTY AUDITOR TO BE PLACED AS A TAX LIEN UPON THE REAL PROPERTY THAT GENERATED THE DELINQUENT CHARGES, AND DECLARING AN EMERGENCY.**

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Linda M. Jordan, Clerk of Council

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Jerry T. Fiala, Mayor & President of Council

**HEALTH & SAFETY COMMITTEE**

**MOTION TO APPROVE THE WRITTEN REPORT OF OCT. 3, 2012 AND RECOMMENDED ACTIONS:**

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

The following actions were approved by the aforementioned motion:

- 1) TO AUTHORIZE THE FEE RECOMMENDATIONS FOR THE SOLID WASTE VIOLATIONS AS PRESENTED.
- 2) TREX LICENSE REQUEST & PROPOSED SPECIAL EVENT STREET CLOSURE DEFERRED UNTIL NOVEMBER.

The Mayor asked the Clerk to read Draft No. 12-116 by title only at this time.

**AN ORDINANCE AMENDING SECTION 521.08 OF THE KENT CITY ORDINANCES, COMMONLY KNOWN AS THE "SOLID WASTE MANAGEMENT; LITTER CONTROL", ADDING CIVIL PENALTIES FOR FAILURE TO PROPERLY DISPOSE OF SOLID WASTE.**

**MOTION TO SUSPEND THE THREE READINGS.**

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

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

**MOTION TO ADOPT THE DRAFT ORDINANCE.**

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

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

**2012-112: AN ORDINANCE AMENDING SECTION 521.08 OF THE KENT CITY ORDINANCES, COMMONLY KNOWN AS THE "SOLID WASTE MANAGEMENT; LITTER CONTROL", ADDING CIVIL PENALTIES FOR FAILURE TO PROPERLY DISPOSE OF SOLID WASTE.**

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Linda M. Jordan, Clerk of Council

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Jerry T. Fiala, Mayor & President of Council

**STREETS, SIDEWALKS & UTILITIES COMMITTEE**

**MOTION TO APPROVE THE WRITTEN REPORT OF OCT. 3, 2012 AND RECOMMENDED ACTIONS AND THE ORAL REPORT OF OCT. 17, 2012, AND THE RECOMMENDED ACTION.**

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

The following actions from Oct. 3, 2012 were approved by the aforementioned motion:

- 1) TO AUTHORIZE THE LICENSE TO OCCUPY AT RAY'S PLACE
- 2) SIDEWALK POLICY DISCUSSED; NO ACTION

The following action from Oct. 17, 2012 was approved by the aforementioned motion:

- 1) TO AUTHORIZE THE LICENSE TO OCCUPY AT THE OLD HOTEL.

The Mayor asked the Clerk to read Draft No. 12-111 by title only at this time.

**AN ORDINANCE ACCEPTING, FOR DEDICATION PURPOSES, THE STREET CURRENTLY KNOWN AS ALLEY #5, RENAMING IT LOCKE LANE, 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. Sidoti, Mr. Turner, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, and Ms. Shaffer. The motion carried by a roll call vote of 8-0.

**MOTION TO ADOPT THE DRAFT ORDINANCE.**

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

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

**2012-113: AN ORDINANCE ACCEPTING, FOR DEDICATION PURPOSES, THE STREET CURRENTLY KNOWN AS ALLEY #5, RENAMING IT LOCKE LANE, AND DECLARING AN EMERGENCY.**

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Linda M. Jordan, Clerk of Council

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Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 12-112 by title only at this time.

**AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LICENSE AGREEMENT BETWEEN 135 FRANKLIN LLC., AND THE CITY OF KENT, AND DECLARING AN EMERGENCY.**

**MOTION TO SUSPEND THE THREE READINGS.**

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

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

**MOTION TO ADOPT THE DRAFT ORDINANCE.**

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

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

**2012-114: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LICENSE AGREEMENT BETWEEN 135 FRANKLIN LLC., AND THE CITY OF KENT, AND DECLARING AN EMERGENCY.**

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Linda M. Jordan, Clerk of Council

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Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 12-113 by title only at this time.

**AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LICENSE AGREEMENT BETWEEN GENGHIS PROPERTIES LLC (176 E. MAIN STREET, ACORN CORNER, AKA OLD HOTEL) AND 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. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer, Mr. Sidoti, and Mr. Turner. The motion carried by a roll call vote of 8-0.

**MOTION TO ADOPT THE DRAFT ORDINANCE.**

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

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

**2012-115: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LICENSE AGREEMENT BETWEEN GENGHIS PROPERTIES LLC (176 E. MAIN STREET, ACORN CORNER, AKA OLD HOTEL) AND THE CITY OF KENT, AND DECLARING AN EMERGENCY.**

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Linda M. Jordan, Clerk of Council

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Jerry T. Fiala, Mayor & President of Council

**SPECIAL COMMITTEE REPORTS**      None

**UNFINISHED BUSINESS**      None

**NEW BUSINESS**

**MOTION TO APPROVE PLACEMENT OF ISSUE 11 SIGNS ON CITY PROPERTY.**

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

**MOTION TO HAVE NOVEMBER'S REGULAR COUNCIL MEETING ON NOV. 28, INSTEAD OF NOV. 21, 2012.**

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

Mr. Ferrara asked the reason for the change, and Mayor Fiala said Nov. 21 is the day before Thanksgiving, and some people travel.

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

Mr. Kuhar asked where they stand at this time with the sign at Jimmy John's, and Mr. Ruller said he was able to give them an update. He said Ms. Susel met with Eric Fink, the City's legal staff for the Architectural Review Board. He said they reviewed the process and the timing of the process, adding the sign was approved, with their comments, prior to having any authority. He said they were purely advisory at that time. Mr. Ruller said that Mr. Fink feels the owner of Jimmy John's is not obligated to change anything. He noted that he heard from a number of Council members who wanted to overrule the decision of the board, but based on what he has told them, they will not have to do that. He said they will be advising the Board and the owner of Jimmy John's later in the week.

**MAYOR'S REPORT**

Mayor Fiala said the City received a certificate as an Ohio Certified Local Government, and read the certificate at this time.

Mayor Fiala said they were also presented a resolution of appreciation for their work and support from R.G.E.C., formerly known as Kent Regional Business Alliance. He said it was presented by Jack Crews and Laing Kennedy.

Mayor Fiala noted Halloween was coming up soon, and he distributed candy for all of them prior to the meeting.

This meeting was recessed for the previously authorized executive session at 7:45 p.m.

Mayor Fiala reconvened this meeting at 8:25 p.m.

Mr. Turner announced he would be resigning from Council, effective Oct. 31, 2012.

Hearing no further business before this Council, Mayor Fiala adjourned this meeting at 8:30 p.m.

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Linda M. Jordan, Clerk of Council

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Jerry T. Fiala, Mayor & President of Council