

**THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WED., JANUARY 18, 2012**

This regular meeting of Kent City Council was called to order at 7:30 p.m. on Wed., January 18, 2012, by Jerry T. Fiala, Mayor & President of Council.

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

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

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

Mr. Valenta said this was a bittersweet moment. He said he wanted to thank all of his colleagues for two pleasurable years. He said the City has done a lot of things, adding they have started the downtown redevelopment, the multi modal facility, and bought the old hotel. He said there are better things to come, with the purchase of the Ametek property and the RB&W site. Mr. Valenta said he wished he would be present to complete it, but will return to look at it. He thanked the Administration, adding they do not receive the kudos they deserve. He said any City would be proud of their dedication and the extra hours they put into their jobs.

Mr. Valenta said that being on Council opened a lot of doors for him. He said it gave him a lot of opportunities to sit with a lot of organizations. He said that included Main Street, the Rotarians, the Lions, the Kent Area Chamber of Commerce, and the Boy Scouts. He strongly recommended that anyone in the City take the time to look at these organizations, and to consider becoming a member. He said time can be donated to these organizations that need assistance, as they do a lot for the community. He said he would recommend involvement with them. He suggested they contact Mayor Fiala or Mr. Wilson about being a Lion. He said it has been an eye opening experience, and it is one he will take with him and cherish the rest of his life.

Mr. Valenta welcomed Jackson Roberts to the microphone to lead the Pledge of Allegiance. It was pointed out that another Boy Scout was in the audience, Shawn Rogers, and Mr. Valenta welcomed him forward also. He said Mr. Roberts is with #3250, and Mr. Rogers was with Troop 251. Both led the Pledge of Allegiance at this time.

Mr. Wilson noted that Mr. Valenta did not thank his wife or children, and questioned whether she was going to let him accompany her to North Carolina. Mr. Valenta thanked his wife for putting up with him and the mistakes he has made. Mr. Kuhar commented the City only had him for two years, and Mr. Valenta said his wife has had him for twenty-one years.

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF DECEMBER 14, 2011.

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

MOTION TO APPROVE THE MINUTES OF THE SPECIAL COUNCIL MEETING OF JANUARY 4, 2012.

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

MOTION TO APPROVE THE WORK SESSION OF JANUARY 4, 2012.

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

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

Sue Valerian, University Hts., OH: Ms. Valerian said she was present with the Reporting Public Affairs Class, and will be working with them for the semester. She said she hoped they would meet a lot of the class, and answer their questions.

Mayor Fiala told the students the Council looked forward to working with them.

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

The Clerk reported the following:

- 1) An email was received from James Moore, Marilyn Drive, on Dec. 15, 2011, expressing his discontent over the water rate increase. This email was forwarded to the Mayor & all members of Council previously.
- 2) Three emails were received from Mary Greer in Shalersville, in December 2011, expressing her concerns about fracking. These emails were forwarded to the Mayor & all members of Council previously.
- 3) An email was received from Carol Crimi on December 16, 2011 asking for a more adequate and enforceable interior housing code. Ms. Crimi also asked that they adopt a "point of transfer" inspection requirement. This email was forwarded to the Mayor & all members of Council previously.
- 4) The City Manager forwarded a resignation he received from Ronald Heineking. Mr. Heineking resigned from the Civil Service Commission effective Dec. 22, 2011.

MOTION TO ACCEPT MR. HEINEKING'S LETTER AND TO SEND HIM A LETTER OF THANKS.

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

- 5) An email was received from Council member Kuhar on January 1, 2012 with his thoughts on the collection of City income taxes from contractors. This email was forwarded to the Mayor & all members of Council on Jan. 3, 2012.
- 6) The agenda packet for the December 2011 Parks and Recreation meeting was placed on file by Council's liaison, Mr. Wilson, on Jan. 4, 2012.

The Clerk reported that after the agenda was posted, the following items were received:

- 1) The minutes of the December Standing Rock Cemetery Board of Trustees were placed on file by Council's representative, Mr. DeLeone, prior to the start of this meeting.

Hearing no further written correspondence, Mayor Fiala called upon Mr. Ruller for his report.

MOTION TO APPROVE ITEMS #1 THROUGH #11

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

The following items were approved by the aforementioned motion:

- 1) Authorize Draft No. 12-13, an easement for the new hotel & conference center footers and foundations
- 2) Authorize Draft No. 12-14, allocation of funds for the final assessment work at RB&W
- 3) Authorize Draft No. 12-15, execution of the Ametek property purchase agreement amendment
- 4) Authorize a public hearing for 2012 Community Development Block Grant Action Plan
- 5) Authorize a work session to review procedures for filling a mid-term Council vacancy
- 6) Agenda time, Finance Committee, amendment to the 2012 appropriations amendment
- 7) Agenda time, Health & Safety Committee, report on parking management options
- 8) Agenda time, Finance Committee, land swap/property purchase agreement between the City and County
- 9) Agenda time, Finance Committee, Local Government Innovation Fund Grant authorization
- 10) Agenda time, Streets, Sidewalks, and Utilities Committee, update on status of the request to dedicate a street, bridge, etc., to honor Adam Hamilton and Kent's fallen veterans
- 11) Agenda time, Land Use Committee, option for City to pursue state designation as certified local government for historic preservation

MOTION TO RECESS INTO EXECUTIVE SESSION FOR LAND ACQUISITION 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. Turner, Mr. Valenta, Ms. Wallach, Mr. Wilson, and Mr. Amrhein. The motion carried by a roll call vote of 9-0.

Mr. Ruller thanked Mr. Valenta for his service, on behalf of the staff. He said he was a pleasure to work with, and they will miss him. He said that one greeting in North Carolina is "Whatcha know good," adding that is a question as to whether or not anything good is happening. Mr. Ruller wished Mr. Valenta luck.

STANDING COMMITTEES

Mayor Fiala announcing the results of the balloting for vacancies on the various boards and commissions:

CIVIL SERVICE COMMISSION	Robert Bossar
SHADE TREE COMMISSION	Deborah D. Miller
INCOME TAX BD. OF REVIEW	Denise S. Mote
FAIR HOUSING BD/HOUSING APPEALS BD	Greg Balbierz
STORMWATER DISTRICT REV. & APPEALS BOARD	Greg Balbierz
BOARD OF BUILDING APPEALS:	
GENERAL PUBLIC	Erik Clarke
ALTERNATE	Todd S. Ridenour
GENERAL CONTRACTOR	James L. Stewart
LICENSED ELECTRICIAN	Robert A. Rummel
REGISTERED PLUMBER	Scott Ridenour

MOTION TO AUTHORIZE DRAFT NOS. 12-01 THROUGH 12-06, WITH APPROPRIATE NAMES INSERTED.

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

The Mayor asked the Clerk to read Draft No. 12-01 by title only at this time.

A RESOLUTION APPOINTING ROBERT BOSSAR TO THE CIVIL SERVICE COMMISSION AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2012-01: A RESOLUTION APPOINTING ROBERT BOSSAR TO THE CIVIL SERVICE COMMISSION 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. 12-02 by title only at this time.

A RESOLUTION APPOINTING DEBORAH MILLER TO THE SHADE TREE COMMISSION AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2012-02: A RESOLUTION APPOINTING DEBORAH MILLER TO THE SHADE TREE COMMISSION 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. 12-03 by title only at this time.

A RESOLUTION APPOINTING DENISE S. MOTE TO THE INCOME TAX BOARD OF REVIEW 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: Ms. Shaffer, Mr. Turner, Mr. Valenta, Ms. Wallach, Mr. Wilson, 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. DeLeone, seconded by Mr. Valenta.

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

2012-03: A RESOLUTION APPOINTING DENISE S. MOTE TO THE INCOME TAX BOARD OF REVIEW 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. 12-04 by title only at this time.

A RESOLUTION APPOINTING GREG BALBIERZ TO THE FAIR HOUSING BOARD/HOUSING APPEALS BOARD AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

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

2012-04: A RESOLUTION APPOINTING GREG BALBIERZ TO THE FAIR HOUSING BOARD/HOUSING APPEALS BOARD 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. 12-05 by title only at this time.

A RESOLUTION APPOINTING GREG BALBIERZ TO THE STORMWATER DISTRICT REVIEW & APPEALS BOARD AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Mr. Valenta, Ms. Wallach, Mr. Wilson, 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 Mr. Ferrara.

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

2012-05: A RESOLUTION APPOINTING GREG BALBIERZ AND ERIK CLARKE TO THE STORMWATER DISTRICT REVIEW & APPEALS BOARD 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. 12-06 by title only at this time.

A RESOLUTION APPOINTING ERIK CLARKE; TODD S. RIDENOUR; JAMES L. STEWART; ROBERT A. RUMMEL; AND SCOTT RIDENOUR TO THE BOARD OF BUILDING APPEALS AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

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

2012-06: A RESOLUTION APPOINTING ERIK CLARKE; TODD S. RIDENOUR; JAMES L. STEWART; ROBERT A. RUMMEL; AND SCOTT RIDENOUR TO THE BOARD OF BUILDING APPEALS AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council

FINANCE COMMITTEE (MR. WILSON/MS. WALLACH)

MOTION TO APPROVE THE WRITTEN REPORT OF JANUARY 4, 2012.

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

MOTION TO APPROVE ACTIONS #2, #4, #5, AND #6

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

The following actions were approved by the aforementioned motion:

- 1) ACTION #2, TO AUTHORIZE THE ADMINISTRATION TO PROCEED WITH THE NECESSARY ORDINANCES FOR THE REALLOCATION OF LAB PERSONNEL, AS REQUESTED, WITH THE INCLUSION OF THE EMERGENCY CLAUSE.
- 2) ACTION #4, A REPORT RECEIVED ON UTILITY DISCOUNT PROGRAM OVERVIEW; NO ACTION REQUIRED.
- 3) ACTION #5, TO AUTHORIZE ADOPTION OF RITA'S LANGUAGE TO MAKE CERTAIN MANAGEMENT AND OFFICERS OF COMPANIES CRIMINALLY AND PERSONALLY LIABLE FOR EMPLOYEE TAXES.
- 4) ACTION #6, TO AUTHORIZE A CHANGE TO THE TERMS OF THE PURCHASE AGREEMENT WITH AMETEK FOR THE PURCHASE OF THEIR LAKE STREET PROPERTY, TO TAKE POSSESSION OF THE PROPERTY BEFORE JANUARY 20, 2012 AND TO LEASE IT BACK TO AMETEK FOR \$1.00 PER MONTH ON A TRIPLE NET LEASE WITH TERMS AND CONDITIONS ACCEPTABLE TO THE STAFF.

MOTION TO APPROVE ACTION #1, TO AUTHORIZE MAINTAINING THE FULL TIME STATUS OF THE CIVIL SERVICE POSITION, PENDING ANY ADDITIONAL INFORMATION RECEIVED, THAT COULD MAKE CHANGES TO THE OVERALL EFFICIENCIES, AT THE PAY SCALE WITH A RANGE FROM \$33467 TO \$47467.

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

Ms. Shaffer said she did not feel they had adequate information on this subject, and was not comfortable moving forward.

Mr. Turner said that until they have a determination on what the job will entail, it is not valuable for them to establish the pay range. He said he would wait until they do the additional work, and see what the Civil Service Commission defines for job responsibilities. He said when it is brought back; they can make a better determination, as they would be more educated on how to compensate the position.

The motion carried by a voice vote of 6-3, with Ms. Wallach, Ms. Shaffer, and Mr. Turner dissenting.

MOTION TO APPROVE ACTION #3, TO AUTHORIZE THE AMENDMENTS TO THE GENERAL COMPENSATION PLAN.

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

Ms. Wallach said she cannot support the motion. She said the reason they asked the employees to take a pay freeze was because of a tight budget. She said Mr. Wilson's reason for not spending \$10,000 for the safety of the residents was the tight budget. She said the reason they recommended giving REGC \$24,000 instead of \$34,000 was because they had a tight budget.

Ms. Wallach said it is not appropriate to give raises of this magnitude. She said the car allowance of \$3600 equates to a 4% increase. She said the bump of the Economic Development Director would provide an extra week of vacation that could be sold back. She said they had \$106,000 in vacation sellback in 2009, with more than \$100,000 in vacation sellback in 2010.

Ms. Wallach said they both do excellent, outstanding work, but it is inappropriate with a tight budget. She said when the budget loosens, she would allow additional compensation.

Ms. Shaffer said she would not support this motion for other reasons. She said they need to look at restructuring what they do with the car allowance. She said they should either make it compensation or a reimbursement, adding they need to make it more transparent and more up-front.

Mr. Kuhar said he was opposed the motion. He said at the last meeting, the majority of Council opposed it, but they were one vote shy as someone was missing. He said to call something it is not is deceptive, and he cannot be a part of something that is deceptive. Mr. Kuhar said they have said there would be no raises in the first year, and this is a raise. He said in one year, when everyone else gets 1%, he would not be opposed to giving a raise and calling it a raise. He said to call it a car allowance is wrong, and they have an obligation to do what is right.

Mr. Turner said he would support the motion, but has a lot of the same concerns that were expressed. He said they need to do a much better job at being transparent. He said they need to be accurate at how it is stated. Mr. Turner said the public is watching what they are doing. Mr. Turner said if it appears deceptive, the fact of the matter is that while it is not deceptive, it may be interpreted that way. He said they should leave it to the department head's discretion, and hold them accountable. He said they need to do a better job at being consistent, adding there are times they do not do that well. Mr. Turner said he would support it, but does have a lot of concerns. He said he does not have an issue with the Economic Development Director's reclassification, adding he does an excellent job and deserves to be compensated. He said he has issues with the car allowance, adding that people can be reimbursed for using their car. He said it is something they have to look at doing, adding they have to be mindful that the general public is watching them. He said that \$3600 is a salary bump that will be viewed by the public. Mr. Turner said he will leave that to Mr. Ruller's decision, as he makes pretty sound judgments. He said he is looking at them to clear up some outstanding issues that could raise red flags.

Ms. Shaffer said she felt bad taking the stand she was taking, as she recognized it as a fairness issue. She said they need to look at fairly compensating their hard-working administrators across the board. She said she did not believe this was how to go about it, and suggested they needed to reword it.

Mr. Kuhar said if it is a fairness issue, then in all fairness, almost everyone else agreed not to have a raise in 2012, and a small raise in 2013. He said they must be fair to those employees too.

Mr. Wilson said he hated to prolong the night. He said all they were trying to do is authorize what they did the previous week. He said in a few minutes, they will get to the other page of the agenda where the ordinance is listed. He said they can make the amendment at that time. Mr. Kuhar said they would not repeat any of what was said the next time.

The motion carried by a voice vote of 6-3, with Mr. Kuhar, Ms. Shaffer, and Ms. Wallach dissenting.

The Mayor asked the Clerk to read Draft No. 11-129, which stands on first reading, by title only at this time.

AN ORDINANCE AMENDING SECTION 915.071 OF THE KENT CODIFIED ORDINANCES, INCREASING THE SEWER RATES OF THE CITY OF KENT, OHIO BY NINE PERCENT (9%) FOR 2012 WITH ADDITIONAL INCREASES THEREAFTER, ANNUALLY, AND ADJUSTING THE SEWER REVENUE FUND PERCENTAGES IN SECTION 915.07(f), AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2012-07: AN ORDINANCE AMENDING SECTION 915.071 OF THE KENT CODIFIED ORDINANCES, INCREASING THE SEWER RATES OF THE CITY OF KENT, OHIO BY NINE PERCENT (9%) FOR 2012 WITH ADDITIONAL INCREASES THEREAFTER, ANNUALLY, AND ADJUSTING THE SEWER REVENUE FUND PERCENTAGES IN SECTION 915.07(f), 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. 11-130, which stands on first reading, by title only at this time.

AN ORDINANCE AMENDING SECTION 935.13 OF THE KENT CODIFIED ORDINANCES SO AS TO CHANGE THE RATES FOR SOLID WASTE COLLECTION IN THE CITY OF KENT, INCREASING BY FIVE PERCENT (5%) FOR 2012 AND ANNUAL INCREASES THEREAFTER, 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. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Mr. Valenta, 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. Wilson, seconded by Mr. Ferrara.

Ms. Wallach asked, for clarification, if the solid waste increase was for the collection of recyclables and the spring cleanup, and heads nodded in assent. Ms. Wallach said she has some residents that think it is for their trash collection, adding she wanted clarification.

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

2012-08: AN ORDINANCE AMENDING SECTION 935.13 OF THE KENT CODIFIED ORDINANCES SO AS TO CHANGE THE RATES FOR SOLID WASTE COLLECTION IN THE CITY OF KENT, INCREASING BY FIVE PERCENT (5%) FOR 2012 AND ANNUAL INCREASES THEREAFTER, 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. 12-07 by title only at this time.

AN ORDINANCE AMENDING ORDINANCE 2011-114, PASSED NOVEMBER 16, 2011, ENTITLED "AN ORDINANCE ALLOCATING THE NUMBER OF PERSONS WHO MAY BE EMPLOYED BY THE CITY FOR THE YEAR 2012 WITH RESPECT TO EACH POSITION, TITLE AND WORK CLASSIFICATION RECOGNIZED BY THE CITY, DESIGNATING THE TREATMENT OF SUCH POSITIONS AS FULL OR PART-TIME POSITIONS AND DESIGNATING THE FUND OR FUNDS FROM WHICH EACH SUCH POSITION SHALL BE PAID" SO AS TO ALLOW THE TRANSFER OF THE POSITIONS OF THE CHEMIST AND TWO (2) LABORATORY TECHNICIANS FROM THE HEALTH DEPARTMENT TO THE SERVICE DEPARTMENT, 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, Mr. Valenta, Ms. Wallach, Mr. Wilson, and Mr. Amrhein. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2012-09: AN ORDINANCE AMENDING ORDINANCE 2011-114, PASSED NOVEMBER 16, 2011, ENTITLED "AN ORDINANCE ALLOCATING THE NUMBER OF PERSONS WHO MAY BE EMPLOYED BY THE CITY FOR THE YEAR 2012 WITH RESPECT TO EACH POSITION, TITLE AND WORK CLASSIFICATION RECOGNIZED BY THE CITY, DESIGNATING THE TREATMENT OF SUCH POSITIONS AS FULL OR PART-TIME POSITIONS AND DESIGNATING THE FUND OR FUNDS FROM WHICH EACH SUCH POSITION SHALL BE PAID" SO AS TO ALLOW THE TRANSFER OF THE

POSITIONS OF THE CHEMIST AND TWO (2) LABORATORY TECHNICIANS FROM THE HEALTH DEPARTMENT TO THE SERVICE DEPARTMENT, 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. 12-08 by title only at this time.

AN ORDINANCE AMENDING THE GENERAL COMPENSATION PLAN FOR ALL UNCLASSIFIED AND VARIOUS CLASSIFIED EMPLOYEES OF THE CITY OF KENT, EXCEPT THE CITY MANAGER, FROM JANUARY 1, 2012 THROUGH DECEMBER 31, 2014 AS ADOPTED BY ORDINANCE 2011-107, PASSED NOV. 2, 2011; SO AS TO ALLOW CLARIFICATION OF SOME SECTIONS; THE TRANSFER OF THE ECONOMIC DEVELOPMENT DIRECTOR FROM THE "PROFESSIONAL" CATEGORY TO THE "MID-MANAGEMENT" CATEGORY; THE INCLUSION OF THE BUDGET & FINANCE DIRECTOR'S POSITION FOR RECEIPT OF A CAR ALLOWANCE; AND RECLASSIFICATION OF THE CIVIL SERVICE COORDINATOR; 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, Mr. Valenta, Mr. Wilson, Mr. Amrhein, and Mr. DeLeone. Ms. Wallach dissented. The motion carried by a roll call vote of 8-1.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Ms. Wallach said she would not vote for the ordinance for the same reasons she gave earlier in the meeting.

Ms. Shaffer said she wished they were separate, adding she would vote for some and not for others. She said it is somewhat of a package deal.

MOTION TO AMEND THE ORDINANCE TO ACCEPT EVERYTHING EXCEPT THE CAR ALLOWANCE.

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

Mr. Kuhar said they had this discussion previously, adding they had a majority vote on the subject. He said he hoped that some people would see the reality at this meeting.

Ms. Shaffer said she had spoken her piece.

Mr. Turner said he has a concern with rolling all of the changes into one. He said that while he supports some of the changes, there are others he does not support. He said to have them as part of one motion was a little confusing.

Mayor Fiala said they can separate them.

MOTION TO SEPARATE ALL THREE ITEMS.

Motion made by Mr. Turner.

Mr. Wilson pointed out that they were in the middle of an amendment. He said after that amendment was handled, they can make a motion to do them separately.

The amendment failed by a voice vote of 4-5, with Ms. Shaffer, Ms. Wallach, Mr. Wilson, and Mr. Kuhar supporting the motion, with all others dissenting.

MOTION TO SEPARATE ALL THREE ITEMS.

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

Mr. Turner said they all have elements they should deal with individually.

Mr. Wilson said, as a point of clarification, they already had one discussion. Mr. Turner said they should be able to do them separately. Mayor Fiala agreed, adding that removal of one item already failed. Mr. Turner said that was a different motion, separating two of the items. Mayor Fiala said they would still be voting on one item two times. Mr. Turner asked what the amendment was, and the Mayor asked the Clerk to clarify what they had done. The Clerk said the motion that failed was to accept everything but the car allowance. Mayor Fiala asked Mr. Turner if he wanted to separate the other two, and Mr. Turner asked what they voted on. The Clerk said they voted on accepting everything but the car allowance, and that motion failed. Mr. Wilson said the amendment failed, and the Clerk said an amendment is a motion.

Mr. Turner said his motion is to separate all three items. He said if they cannot revisit an item, he would like to know what was available for their consideration. He asked for some guidance.

The Clerk suggested that they have already discussed the car allowance with the previous failed amendment. She said the other two were still up for discussion. Mr. Turner asked if the car allowance passed, and the Clerk said the motion was to remove it, and that failed.

MOTION TO SEPARATE THE FIRST TWO ITEMS.

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

Ms. Wallach said they should vote on each one individually.

Mr. Turner asked if the car allowance passed, and the Clerk said the motion was to accept everything but the car allowance. She said that since that motion failed, the car allowance stays in the ordinance.

Ms. Wallach said they would be doing the other two separately.

Mayor Fiala asked the Clerk to restate the motion, and she did so. Mr. Turner said it was to separate all three, but he had to change it based on the reality. The Clerk said this motion merely asks if they want to separate the items. She said if that is an affirmative vote, then they could do subsequent motions.

The motion carried by a hand count of 6-3, with Mr. Valenta, Mr. DeLeone, and Mr. Wilson dissenting.

MOTION TO RECLASSIFY THE ECONOMIC DEVELOPMENT DIRECTOR FROM THE PROFESSIONAL CLASSIFICATION TO THE MID-MANAGEMENT CLASSIFICATION.

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

Ms. Wallach said the Economic Development Director has done an outstanding job, but she could not support it for the same reasons as before.

Ms. Shaffer said she would support this motion, because he has done a good job.

Mr. Kuhar asked if there was no monetary change, and Ms. Wallach said he gets five extra vacation days.

Mr. Wilson said he did not speak at the last meeting, as he was chairing the meeting. He said he would vote against it. Mr. Wilson said Mr. Smith is doing an excellent job, as is the Budget and Finance Director. He said his problem is they asked all employees to take no raise in 2012, and they have told the Administration to hold the line. He said it appears they are picking and choosing, one by one, and he did not think that was fair. He said they need to hold the line.

The motion carried by a hand count of 6-3, with Mr. Wilson, Ms. Wallach, and Mr. Kuhar dissenting.

MOTION TO AUTHORIZE THE SALARY RECLASSIFICATION FOR THE CIVIL SERVICE COORDINATOR.

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

Mr. Wilson said he did not speak to this previously. He said he would support the motion. He said they are lowering the pay classification, adding he agrees with that decision.

Mr. Valenta said he would support the motion, but did think it was a little like putting the cart before the horse. He said the last study was done in the mid-1980s, and they do not know what the position does. He said until they find out, it is best to go forward with the lower salary, and adjust it in the future, if necessary.

Mr. Turner said he follows Mr. Valenta's logic, but his concern is they are establishing the pay range before they know the duties. He said it is difficult, and he would vote against it. He said they need to know the job specifications and how to attract a qualified employee. He said they need greater participation by the Commission. Mr. Turner said he understands the budget constraints, but it is important to be fair to the Commission, who is autonomous, and to make their employee as qualified as possible. He said he would oppose the change in the pay range.

Mr. Amrhein said he would support the motion. He said he would like to see them further investigate the entire issue of the full time versus part time. He said they need to do a study of the position.

Mr. DeLeone said he would support the motion also. He said there is a \$14,000 pay window, and if they decide there are more things to be done, the Commission does not have to start at the lowest level.

The motion carried by a voice vote of 6-3 with Ms. Shaffer and Mr. Turner dissenting.

Mr. Turner asked what that meant at the end of the day with the issue of the car allowance. He asked if it passed, and Mr. Kuhar said there will be a car allowance, although it is not a car allowance.

Mr. Turner asked what the motion was for, and it was clarified that they were voting on the whole ordinance, as it was prepared. Mayor Fiala asked Mr. Valenta if he could take Mr. Turner with him at this time.

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

2012-10: AN ORDINANCE AMENDING THE GENERAL COMPENSATION PLAN FOR ALL UNCLASSIFIED AND VARIOUS CLASSIFIED EMPLOYEES OF THE CITY OF KENT, EXCEPT THE CITY MANAGER, FROM JANUARY 1, 2012 THROUGH DECEMBER 31, 2014 AS ADOPTED BY ORDINANCE 2011-107, PASSED NOV. 2, 2011; SO AS TO ALLOW CLARIFICATION OF SOME SECTIONS; THE TRANSFER OF THE ECONOMIC DEVELOPMENT DIRECTOR FROM THE "PROFESSIONAL" CATEGORY TO THE "MID-MANAGEMENT" CATEGORY; THE INCLUSION OF THE BUDGET & FINANCE DIRECTOR'S POSITION FOR RECEIPT OF A CAR ALLOWANCE; AND RECLASSIFICATION OF THE CIVIL SERVICE COORDINATOR.

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 12-09 by title only at this time.

AN ORDINANCE REPEALING SECTION 153.05 OF THE KENT CODIFIED ORDINANCES ENTITLED "WASTEWATER TREATMENT PLANT EFFLUENT TESTING" TO REFLECT THE TRANSFER OF THE DUTIES OF THE CITY'S LABORATORY FROM THE HEALTH DEPARTMENT TO THE DEPARTMENT OF SERVICE 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. Kuhar, Ms. Shaffer, Mr. Turner, Mr. Valenta, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2012-11: AN ORDINANCE REPEALING SECTION 153.05 OF THE KENT CODIFIED ORDINANCES ENTITLED "WASTEWATER TREATMENT PLANT EFFLUENT TESTING" TO REFLECT THE TRANSFER OF THE DUTIES OF THE CITY'S LABORATORY FROM THE HEALTH DEPARTMENT TO THE DEPARTMENT OF SERVICE 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. 12-10 by title only at this time.

AN ORDINANCE AMENDING SECTION 143.01 OF THE KENT CODIFIED ORDINANCES ENTITLED “ORGANIZATION AND STRUCTURE” TO UPDATE THE DUTIES OF THE SERVICE DEPARTMENT AND TO INCLUDE THOSE DUTIES OF THE CITY’S LABORATORY TRANSFERRED FROM THE HEALTH DEPARTMENT TO THE DEPARTMENT OF SERVICE 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: Ms. Shaffer, Mr. Turner, Mr. Valenta, Ms. Wallach, Mr. Wilson, 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, Mr. Valenta, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Kuhar. The motion carried by a roll call vote of 9-0.

2012-12: AN ORDINANCE AMENDING SECTION 143.01 OF THE KENT CODIFIED ORDINANCES ENTITLED “ORGANIZATION AND STRUCTURE” TO UPDATE THE DUTIES OF THE SERVICE DEPARTMENT AND TO INCLUDE THOSE DUTIES OF THE CITY’S LABORATORY TRANSFERRED FROM THE HEALTH DEPARTMENT TO THE DEPARTMENT OF SERVICE 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. 12-11 by title only at this time.

AN ORDINANCE AMENDING SECTION 181.09 OF THE KENT CODIFIED ORDINANCES ENTITLED “COLLECTION AT SOURCE” TO AID WITH THE COLLECTION OF CITY INCOME TAXES, 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. Valenta, Ms. Wallach, Mr. Wilson, 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. Wilson, seconded by Mr. Valenta.

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

2012-13: AN ORDINANCE AMENDING SECTION 181.09 OF THE KENT CODIFIED ORDINANCES ENTITLED “COLLECTION AT SOURCE” TO AID WITH THE COLLECTION OF CITY INCOME TAXES, 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. 12-13 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN EASEMENT FROM THE CITY OF KENT, OHIO, GRANTING A PERPETUAL EASEMENT CONSISTING OF .00225 ACRES OF REAL PROPERTY TO THE KENT STATE UNIVERSITY FOUNDATION, INC., AN OHIO NON-PROFIT CORPORATION, FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING FOOTERS AND FOUNDATIONS IN THE CITY'S RIGHT-OF-WAY FOR THE NEW HOTEL ON ERIE STREET FOR \$1.00 AND OTHER VALUABLE CONSIDERATION, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

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

2012-14: AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN EASEMENT FROM THE CITY OF KENT, OHIO, GRANTING A PERPETUAL EASEMENT CONSISTING OF .00225 ACRES OF REAL PROPERTY TO THE KENT STATE UNIVERSITY FOUNDATION, INC., AN OHIO NON-PROFIT CORPORATION, FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING FOOTERS AND FOUNDATIONS IN THE CITY'S RIGHT-OF-WAY FOR THE NEW HOTEL ON ERIE STREET FOR \$1.00 AND OTHER VALUABLE CONSIDERATION, 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. 12-14 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A MATCHING ENVIRONMENTAL GRANT AGREEMENT WITH THE THOMAS & BETTS COMPANY, THE GRANTEE, FOR UP TO \$75,000.00, FOR THE ASSESSMENT OF A LEAKING SLURRY WALL LOCATED AT 800 MOGADORE ROAD, KENT, OHIO, AND ALLOCATING FUNDS FOR SAID GRANT, 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: Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer, Mr. Turner, and Mr. Valenta. 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: Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer, Mr. Turner, and Mr. Valenta. The motion carried by a roll call vote of 9-0.

2012-15: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A MATCHING ENVIRONMENTAL GRANT AGREEMENT WITH THE THOMAS & BETTS COMPANY, THE GRANTEE, FOR UP TO \$75,000.00, FOR THE ASSESSMENT OF A LEAKING SLURRY WALL LOCATED AT 800 MOGADORE ROAD, KENT, OHIO, AND ALLOCATING FUNDS FOR SAID GRANT, 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. 12-15 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AMENDMENT TO THE PURCHASE AGREEMENT FOR 627 LAKE STREET, KENT, OHIO, ORIGINALLY AUTHORIZED IN ORDINANCE 2011-30, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

2012-16: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AMENDMENT TO THE PURCHASE AGREEMENT FOR 627 LAKE STREET, KENT, OHIO, ORIGINALLY AUTHORIZED IN ORDINANCE 2011-30, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council

STREETS, SIDEWALKS & UTILITIES COMMITTEE (MR. DeLEONE/MS. WALLACH)

MOTION TO APPROVE THE WRITTEN REPORT OF DEC. 14, 2011 (ORAL REPORT/ACTION APPROVED ON DEC. 14, 2011.

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

SPECIAL COMMITTEE REPORTS - None

UNFINISHED BUSINESS None

NEW BUSINESS

MOTION TO REFER THE ISSUE OF CAR ALLOWANCES AND HOW THEY ARE DISBURSED TO COMMITTEE.

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

Mr. Kuhar said they need to see who is getting the car allowances, how they are paid, and how much they are using for their car. He said they cannot just throw away money as a perk, and a car allowance is a perk. He said if someone drives 1000 miles, they should be paid for 1000 miles.

Mr. Turner said he believed those statements were accurate. He said they are all in agreement they need to do a better job. He said it is appropriate to have it in Committee for discussion to see if there is something more appropriate.

Mr. Wilson supported putting it in Committee, but said he felt they were wasting their time. He suggested they ask the Administration for a report. He said he did not believe they could take away compensation that is already there. He asked the Law Director, who could not speak because there was a motion on the floor. Mr. Silver indicated it was questionable. Mr. Wilson said those not getting a car allowance are compensated according to federal law. The Mayor said it is 55 ½ cents per mile. Mr. Wilson said they could clear it up by reviewing their policies.

Ms. Shaffer said there was a reason Council decided to suspend the allowance for that position, adding she would like to revisit the issue.

Mr. Kuhar said he is not saying they should take them away. He said they need to analyze how they will be distributed and how much is received. He said some may receive more.

Mr. Turner said the issue is to clarify the purpose of a car allowance, adding it is appropriate for Council to discuss this. He said they need to understand. He said the City Manager pointed out this is part of the compensation package. He said whether or not they agree, at least they know what it is. Mr. Turner said the bottom line is to define what it is and define a policy. He said it may be more appropriate to reimburse it. He said it is appropriate for them to look at the issue, with the Administration's input.

Mr. DeLeone said they did this five or six years earlier, and found out that is why they did not mess with it at the time. He said they already have that information somewhere.

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

MOTION TO REFER TO COMMITTEE THE DISCUSSION OF THE INTERNATIONAL MAINTENANCE PROPERTY CODE, INTERIOR STANDARDS.

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

Ms. Shaffer said there is a lot of frustration among the Administration, Carol Crimi and herself as there is little they can do about safety and bad housing conditions without the tools. She said she would like to revisit this topic so they can reconsider the information, based on additional information discussed with the Administration.

Mr. Kuhar asked if they can discriminate between rentals and private dwellings, and Ms. Shaffer said that would be something they would discuss. She said she was just referring the discussion to Committee.

Mr. Turner said he would support it if it dealt with commercial and rental properties, and not intrude on owner/occupied issues. He said a man's home is his castle, and they do not have the right to intrude. Mayor Fiala said they cannot be self serving. Ms. Shaffer said they could discuss that also.

Mr. Ferrara said this was discussed briefly a few years earlier. He said if they have an external code, it makes sense to protect the people on the inside. He said it makes sense to look at it.

The motion carried by a voice vote of 8-1, with Mr. Kuhar dissenting.

Mr. Valenta said he distributed his resignation letter to members of Council, and asked they accept it as of Jan. 31, 2012.

MOTION TO ACCEPT MR. VALENTA'S RESIGNATION, WITH REGRETS, EFFECTIVE JAN. 31, 2012.

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

Mr. Valenta thanked his wife and children for putting up with him. He said he can remember meeting each one of them, and wished to thank all of them. He apologized to the Clerk for speaking loudly into the microphone. He thanked the City Manager for everything he has done and for being a good role model on how to speak, off the cuff, in public. He said he enjoyed Mr. Silver's quick wit.

Mayor Fiala asked Mr. Valenta to hold off until the motion is handled.

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

The Mayor asked the Clerk to send Mr. Valenta a letter of thanks.

Mr. Valenta thanked Mr. Ferrara for encouraging him to be involved. He said he remembered talking to him at the Davey preschool meeting and discussing it. He told Mr. Amrhein he enjoyed talking about history and current events with him, adding it made him pay attention to Fox and CNN.

Mr. Valenta told Mr. Wilson his friendship would be truly appreciated and he would be missed. He told Mayor Lion President Fiala he would miss his friendship. He said he remembered meeting him at the Kent Heritage Festival, and talking about being independents. He said without the Mayor and Mr. Wilson, he probably would not have joined the Lions. He said he appreciated what they have done for him, and words cannot describe what they mean to him.

Mr. Valenta told Mr. Kuhar he wished he knew him better, and enjoyed his quick wit and some of his wisdom. He told Ms. Shaffer he will miss her passion and love for the downtown. He said he had never

seen someone so dedicated to keeping up the fight. He told her she does a good job and urged her to keep it up.

Mr. Valenta told Ms. Wallach he appreciated her math intelligence, as she kept him on his toes with his numbers, although they did not always see eye to eye.

Mr. Valenta told Mr. DeLeone he was his left-hand man and there for him if he had a problem. He said he would miss stopping at Riverside with him.

Mr. Valenta told Mr. Turner he was his “ying for his yang.” He said he was his right-hand man. Mr. Valenta said if there were two people who were polar opposites, it would be them. He thanked him for everything, and for opening his eyes to other things and other ways. He said he kept him on his toes. He said he hoped that the Steelers and Bears will meet some day, and hoped they would get together for a few beverages when it happened.

Mr. Valenta commented to Mr. Roberts that it is nothing but a paradise. He told Ms. Susel to keep up what she does and thanked her for doing a good job and her hard work. He thanked Mr. Coffee for bringing Kent into the 21st Century with electronics in his department. He thanked Mr. Smith, the bearded one, and told him to keep up a good job with bringing businesses into Kent.

Mr. Valenta told Mr. Idone he would remember the canoe livery. He said he was in the sunlight, and his wife commented on his gray hairs. He said a few were from Mr. Idone’s projects, and he thanked Mr. Idone for making him a little grayer.

Mr. Wilson said it was a pleasure working with Mr. Valenta. He said his work at the Lions Club was extraordinary. He said that Kent is losing a very good doctor, with his wife. He said that is what makes his heart sad, adding he guessed he would visit them a lot in North Carolina. He said he appreciated her as a doctor, and the community would miss her.

Mr. Wilson told the students that despite what they saw, the Council does know what they are doing.

Mr. Kuhar bid Mr. Valenta a good farewell. He said the Manager gave him insight on the language. He said whoever told him he needed to grow a beard to move there lied to him.

Mr. Ferrara thanked him for his efforts. He said Mr. Valenta literally walked the town and was elected, adding it goes to show there are people who want to be involved. He said it is refreshing to see people wanting to be involved. Mr. Ferrara thanked him for his time, adding he will be missed. He said Mr. Valenta should be proud of what he has done. He wished the Valenta family all the best.

Mr. Turner said he wanted to express his deep thanks for the job done by Mr. Valenta. He said that while they sometimes had divergent views, the bottom line was that Mr. Valenta was a man of integrity. He said the issues he pushed were because he felt they needed to be pushed. He said he respected that and he respected Mr. Valenta. He said the City is losing a Council person, doing the best job possible, whether or not they agreed. He said the community is losing a good public servant.

Mr. Turner wished Mr. Valenta and his family the best in their future endeavors. He suggested he could move closer to Chicago, and support the Bears. Mr. Valenta noted he lived there for four years, and his views did not change.

Mr. Amrhein thanked Mr. Valenta for his work, friendship, and dedication. He said they would also be missing his wife.

At this time, Mayor Fiala invited Mr. Valenta to the center of the room. He presented Mr. Valenta with a proclamation honoring him, along with a plaque, thanking him for his service.

Mayor Fiala said he walked the City with Mr. Valenta. He said he shared his knowledge, and Mr. Valenta gave him new insight. He said they were a team. Mr. Valenta told him he would miss him.

MOTION TO DIRECT THE ADMINISTRATION TO STUDY OPTIONS FOR RENTAL HOUSING INSPECTIONS, EITHER VOLUNTARY OR COMPULSORY, TO RETURN AT A LATER DATE TO COMMITTEE.

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

Ms. Shaffer said this is something that has been put on the back burner for a while. She said it is something that she is very passionate about, adding that most other college towns have some type of regulation. She said this goes hand in hand with developing tools in the tool box. She said it would target rental housing. Ms. Shaffer said she would like to see what other communities do, and bring it back for further discussion.

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

MAYOR'S REPORT

Mayor Fiala recessed this meeting for the previously authorized executive session at 8:42 p.m. Following Executive Session, Mayor Fiala reconvened the public portion of this meeting at 9:12 p.m.

MOTION TO AUTHORIZE THE PURCHASE OF APPROXIMATELY FIVE ACRES OF WETLANDS FROM THE GAVRILOFFS FOR \$8000 PER ACRE, WITH ENVIRONMENTAL COVENANTS TO KEEP THE AREA AS WETLANDS AND TO ACCEPT THE DONATION OF FOUR ACRES OF WETLANDS TO THE CITY FROM THE GAVRILOFFS UPON APPROVAL OF ALL STATE AND FEDERAL AGENCIES INVOLVED.

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

Hearing no further business before this Council, Mayor Fiala adjourned this meeting at 9:15 p.m.

Linda M. Copley, Clerk of Council

Jerry T. Fiala, Mayor & President of Council