

**THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WED., APRIL 16, 2008**

This regular meeting of Kent City Council was called to order by Wayne Wilson, President Pro Tem, for John Fender, Mayor and President of Council, who was absent, on April 16, 2008 at 6:30 p.m.

PRESENT: MR. AMRHEIN, MR. DELEONE, MR. FERRARA, MR. HAWKSLEY, MR. KUHAR, MS. SHAFFER, MR. TURNER, MS. WALLACH, AND MR. WILSON

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

MOTION TO EXCUSE MAYOR FENDER.

Motion made by Mr. Hawksley, seconded by Mr. DeLeone, and carried by a voice vote of 8-0. *(Mayor Fender subsequently arrived at 7:40 p.m.)*

President Pro Tem Wilson called upon Mr. Hawksley for his opening remarks at this time.

Mr. Hawksley had no opening remarks, and led those present in the Pledge of Allegiance.

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF FEBRUARY 20, 2008 AND MARCH 12, 2008; SPECIAL COUNCIL MEETING OF FEBRUARY 27, 2008 AND MARCH 26, 2008; AND WORK SESSIONS OF FEBRUARY 20, 2008, FEBRUARY 27, 2008, MARCH 26, 2008, AND APRIL 9, 2008.

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

President Pro Tem Wilson called for audience comments at this time. Hearing none, he called upon the Clerk for the written correspondence.

The Clerk reported that emails were received from Greg Vilk from March 13, 2008 through March 18, 2008 and were forwarded, previously, to all members of Council.

The Clerk reported that emails were received from Council members Hawksley, Ferrara, and Shaffer on March 14, 2008, regarding the strategic planning session on March 26, 2008. She said these emails were all forwarded, previously, to members of Council.

The Clerk reported that the minutes of the annual Tax Incentive Review Council (TIRC) were received from the Portage County Economic Development Department on April 3, 2008, and are on file in the Council office.

The Clerk reported that emails were received from Carl LaLonde during the week of March 30, 2008 regarding continued truck traffic on Middlebury Road, and were forwarded to all members of Council

\The Clerk reported that letters were received from the Portage County Commissioners, Carl Shallenberger, President Lester Lefton of Kent State University, and Ron Burbick, supporting the Atlantic and Great Western Discovery Park. She said these letters were distributed to members of Council previously.

The Clerk reported that the agenda packet for the last Parks and Recreation Board meeting were placed on file by Council's representative, Mr. Wilson.

The Clerk reported that after the agenda was printed, an email was received from Jeff St. Clair, announcing a special celebration of the late Bill Schultz's life on May 4 @ 4:00 p.m., including a peace parade through town, lead by a Dixieland band. This email was forwarded to all members of Council.

The Clerk reported that a carbon copy of an email was received earlier in the day from Council member Hawksley, that had been sent to the City Manager, speaking of the need for a comprehensive parking strategy. This email was forwarded to all members of Council previously.

Hearing no further written correspondence, President Pro Tem Wilson called upon the City Manager for his report.

MOTION TO APPROVE ITEMS #1 THROUGH #9

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

The following items were approved by the aforementioned motion:

- 1) Authorization of Draft Nos. 08-58 through 08-61, right-of-way agreements for the Fairchild Avenue Bridge project.
- 2) Authorization to spend up to \$700 for food for the safety forces working the May 4th events
- 3) Letting Council know that AMATS has scheduled four meetings during April to receive public input regarding the development of Transportation Outlook, an update of the 2030 Regional Transportation Plan. One meeting will be in Kent, on April 24 at the Kent Free Library at 7:00 p.m.
- 4) Agenda time, Streets, Sidewalks & Utilities, staff update on Crain/Fairchild Avenue bridge project.
- 5) Agenda time, Community Development Committee, to meet with Fairmount/Pizzuti downtown redevelopment team.
- 6) Agenda time, Community Development Committee, further discussion in consideration of the adoption of the Exterior Maintenance Code.
- 7) Agenda time, Community Development Committee, CRA tax abatement request, Don Joseph Toyota
- 8) Agenda time, Community Development Committee, update on Main Street Kent's work
- 9) Agenda time, Finance Committee, review the year-end 2007 financials and the to-date financials for 2008.

Mr. Ruller referred to Item #3, and told the Council that Gene Roberts, Service Director, is the Chair of the Police Committee of AMATS, and asked that Dave remind them of the meeting on April 24, 2008.

STANDING COMMITTEE REPORTS

COMMUNITY DEVELOPMENT COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF APRIL 2, 2008 AND THE RECOMMENDED ACTION, WHICH WAS TO ADOPT THE ECONOMIC DEVELOPMENT STRATEGY, PROVISIONALLY, WITH STAFF REVIEWING COMMENTS MADE AT THIS MEETING.

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

MOTION TO APPROVE THE WRITTEN REPORT OF APRIL 9, 2008 AND THE RECOMMENDED ACTIONS.

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

The following actions were approved by the aforementioned motion:

- 1) TO AUTHORIZE A RESOLUTION OF SUPPORT; DONATION OF \$15,000; AND AUTHORIZE LAND BANKING FOR THE BTEC PROJECT'S JRS GRANT.
- 2) TO AUTHORIZE APPOINTMENT OF TRACY WALLACH TO THE PORTAGE COUNTY SOLID WASTE MANAGEMENT BOARD
- 3) A PRESENTATION WAS RECEIVED ON THE OHIO VIETNAM VETERANS' MEMORIAL PARK.

President Pro Tem Wilson asked the Clerk to read Draft No. 08-65 by title only at this time.

AN ORDINANCE AUTHORIZING SUPPORT OF THE KENT REGIONAL BUSINESS ALLIANCE'S

APPLICATION FOR THE OHIO DEPARTMENT OF DEVELOPMENT JOB READY SITE FUNDING; A DONATION UP TO \$15,000; AND THE USE OF LAND BANKING TO ACQUIRE THE PROPERTIES IF THE FUNDING IS APPROVED; 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. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, 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. Ferrara, seconded by Mr. DeLeone.

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

2008-56: AN ORDINANCE AUTHORIZING SUPPORT OF THE KENT REGIONAL BUSINESS ALLIANCE'S APPLICATION FOR THE OHIO DEPARTMENT OF DEVELOPMENT JOB READY SITE FUNDING; A DONATION UP TO \$15,000; AND THE USE OF LAND BANKING TO ACQUIRE THE PROPERTIES IF THE FUNDING IS APPROVED; AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne A. Wilson, President Pro Tem

FINANCE COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT AND THE RECOMMENDED ACTIONS OF APRIL 2, 2008.

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

The following actions were approved by the aforementioned motion:

- 1) TO AUTHORIZE THE ADMINISTRATION'S RANKING OF THE THREE DEVELOPERS.
- 2) TO AUTHORIZE THE SERVICE DIRECTOR'S RECOMMENDATIONS FOR USE OF THE NOPEC REBATE
- 3) TO AUTHORIZE AMENDMENTS TO THE 2008 APPROPRIATION ORDINANCE.

MOTION TO APPROVE THE WRITTEN REPORT AND THE FIRST RECOMMENDED ACTION OF APRIL 9, 2008, WHICH WAS TO AUTHORIZE AN EMPLOYEE FLEXIBLE SPENDING ACCOUNT.

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

MOTION TO APPROVE THE SECOND RECOMMENDED ACTION OF APRIL 9, 2008.

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

The following action was approved by the aforementioned motion:

- 1) TO ACCEPT THE TAX INC. REVIEW COUNCIL'S ANNUAL REPORT AND TO CONTINUE AGREEMENTS WITH ELBEX, INC.; LAND O'LAKES; AND STAR OF THE WEST MILLING; AND TERMINATING AGREEMENTS WITH ACS INDUSTRIES #2; RAVENS/FONTAINE TRAILER; AND USDC (AKRO PLASTICS).

President Pro Tem Wilson asked the Clerk to read Draft No. 08-57 by title only at this time.

AN ORDINANCE AMENDING ORDINANCE NO. 2007-109, THE CURRENT APPROPRIATION

ORDINANCE, PASSED NOVEMBER 26, 2007, AS AMENDED BY ORDINANCE NO. 2008-13, PASSED JANUARY 16, 2008, SO AS TO INCREASE APPROPRIATIONS IN FUND 106, RECREATION AND FUND 124, INCOME TAX SAFETY; 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. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, 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. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, and Mr. DeLeone. The motion carried by a roll call vote of 9-0.

2008-57: AN ORDINANCE AMENDING ORDINANCE NO. 2007-109, THE CURRENT APPROPRIATION ORDINANCE, PASSED NOVEMBER 26, 2007, AS AMENDED BY ORDINANCE NO. 2008-13, PASSED JANUARY 16, 2008, SO AS TO INCREASE APPROPRIATIONS IN FUND 106, RECREATION AND FUND 124, INCOME TAX SAFETY; AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne A. Wilson, President Pro Tem

The President Pro Tem asked the Clerk to read Draft No. 08-58 by title only at this time.

AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT WITH THE CITY OF KENT, OHIO, OBTAINING A TEMPORARY EASEMENT OF 1,175 SQUARE FEET OF REAL PROPERTY FROM DALE THOMAS, 830 MANTUA STREET, FOR \$1,225.00 FOR PURPOSES OF RIGHT-OF-WAY ACQUISITION, AND THE CONSTRUCTION OF THE NEW CRAIN AVENUE/FAIRCHILD AVENUE BRIDGE PROJECT AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS

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

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

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

2008-58: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT WITH THE CITY OF KENT, OHIO, OBTAINING A TEMPORARY EASEMENT OF 1,175 SQUARE FEET OF REAL PROPERTY FROM DALE THOMAS, 830 MANTUA STREET, FOR \$1,225.00 FOR PURPOSES OF RIGHT-OF-WAY ACQUISITION, AND THE CONSTRUCTION OF THE NEW CRAIN AVENUE/FAIRCHILD AVENUE BRIDGE PROJECT AND

DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne A. Wilson, President Pro Tem

The President Pro Tem asked the Clerk to read Draft No. 08-59 by title only at this time.

AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT WITH THE CITY OF KENT, OHIO, OBTAINING TWO (2) TEMPORARY EASEMENTS ONE OF 2,974 SQUARE FEET AND ONE OF 287 SQUARE FEET FOR A TOTAL OF 3,261 SQUARE FEET OF REAL PROPERTY FROM COLLINWOOD SHALE BRICK & SUPPLY COMPANY, PARCEL #170312100002 AND #170312100003, FOR \$3,280.00 FOR PURPOSES OF RIGHT-OF-WAY ACQUISITION, AND THE CONSTRUCTION OF THE NEW CRAIN AVENUE/FAIRCHILD AVENUE BRIDGE PROJECT AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2008-59: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT WITH THE CITY OF KENT, OHIO, OBTAINING TWO (2) TEMPORARY EASEMENTS ONE OF 2,974 SQUARE FEET AND ONE OF 287 SQUARE FEET FOR A TOTAL OF 3,261 SQUARE FEET OF REAL PROPERTY FROM COLLINWOOD SHALE BRICK & SUPPLY COMPANY, PARCEL #170312100002 AND #170312100003, FOR \$3,280.00 FOR PURPOSES OF RIGHT-OF-WAY ACQUISITION, AND THE CONSTRUCTION OF THE NEW CRAIN AVENUE/FAIRCHILD AVENUE BRIDGE PROJECT AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne A. Wilson, President Pro Tem

The President Pro Tem asked the Clerk to read Draft No. 08-60 by title only at this time.

AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT WITH THE CITY OF KENT, OHIO, OBTAINING A TEMPORARY EASEMENT OF 1,155 SQUARE FEET OF REAL PROPERTY FROM HORNING BUILDERS SUPPLY, 121 LAKE STREET, FOR \$1,200.00 FOR PURPOSES OF RIGHT-OF-WAY ACQUISITION, AND THE CONSTRUCTION OF THE NEW CRAIN AVENUE/FAIRCHILD AVENUE BRIDGE PROJECT AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2008-60: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT WITH THE CITY OF KENT, OHIO, OBTAINING A TEMPORARY EASEMENT OF 1,155 SQUARE FEET OF REAL PROPERTY FROM HORNING BUILDERS SUPPLY, 121 LAKE STREET, FOR \$1,200.00 FOR PURPOSES OF RIGHT-OF-WAY ACQUISITION, AND THE CONSTRUCTION OF THE NEW CRAIN AVENUE/FAIRCHILD AVENUE BRIDGE PROJECT AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne A. Wilson, President Pro Tem

The President Pro Tem asked the Clerk to read Draft No. 08-61 by title only at this time.

AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT WITH THE CITY OF KENT, OHIO, OBTAINING A TEMPORARY EASEMENT OF 578 SQUARE FEET OF REAL PROPERTY FROM COLLINWOOD SHALE BRICK & SUPPLY COMPANY, PARCEL #170312100006, FOR \$575.00 FOR PURPOSES OF RIGHT-OF-WAY ACQUISITION, AND THE CONSTRUCTION OF THE NEW CRAIN AVENUE/FAIRCHILD AVENUE BRIDGE PROJECT AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS

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

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

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

2008-61: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT WITH THE CITY OF KENT, OHIO, OBTAINING A TEMPORARY EASEMENT OF 578 SQUARE FEET OF REAL PROPERTY FROM COLLINWOOD SHALE BRICK & SUPPLY COMPANY, PARCEL #170312100006, FOR \$575.00 FOR PURPOSES OF RIGHT-OF-WAY ACQUISITION, AND THE CONSTRUCTION OF THE NEW CRAIN AVENUE/FAIRCHILD AVENUE BRIDGE PROJECT AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne A. Wilson, President Pro Tem

The President Pro Tem asked the Clerk to read Draft No. 08-62 by title only at this time.

AN ORDINANCE TERMINATING THE AGREEMENT WITH RAVENS, A DIVISION OF FONTAINE TRAILER COMPANY, THAT PROVIDED FOR TAX EXEMPTION PURSUANT TO THE STATE ENTERPRISE ZONE PROGRAM.

MOTION TO SUSPEND THE THREE READINGS

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

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

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

2008-62: AN ORDINANCE TERMINATING THE AGREEMENT WITH RAVENS, A DIVISION OF FONTAINE TRAILER COMPANY, THAT PROVIDED FOR TAX EXEMPTION PURSUANT TO THE STATE ENTERPRISE ZONE PROGRAM.

Linda M. Copley, Clerk of Council

Wayne A. Wilson, President Pro Tem

The President Pro Tem asked the Clerk to read Draft No. 08-63 by title only at this time.

AN ORDINANCE TERMINATING THE AGREEMENT WITH USDC, LLC, THAT PROVIDED FOR TAX EXEMPTION PURSUANT TO THE STATE ENTERPRISE ZONE PROGRAM.

MOTION TO SUSPEND THE THREE READINGS

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2008-63: AN ORDINANCE TERMINATING THE AGREEMENT WITH USDC, LLC, THAT PROVIDED FOR TAX EXEMPTION PURSUANT TO THE STATE ENTERPRISE ZONE PROGRAM.

Linda M. Copley, Clerk of Council

Wayne A. Wilson, President Pro Tem

The President Pro Tem asked the Clerk to read Draft No. 08-64 by title only at this time.

AN ORDINANCE TERMINATING THE AGREEMENT WITH ACS INDUSTRIES, INC, THAT PROVIDED FOR TAX EXEMPTION PURSUANT TO THE STATE ENTERPRISE ZONE PROGRAM.

MOTION TO SUSPEND THE THREE READINGS

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2008-64: AN ORDINANCE TERMINATING THE AGREEMENT WITH ACS INDUSTRIES, INC, THAT PROVIDED FOR TAX EXEMPTION PURSUANT TO THE STATE ENTERPRISE ZONE PROGRAM.

Linda M. Copley, Clerk of Council

Wayne A. Wilson, President Pro Tem

LAND USE COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF APRIL 2, 2008 WHERE A PRESENTATION WAS RECEIVED ON THE PROPOSED ZONING TEXT, WITH NO RECOMMENDED ACTION.

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

President Pro Tem noted that someone had showed up to speak, adding he had been there two weeks earlier. Mr. Wilson said he would deviate from the agenda, and allow him to speak.

George Condos: Mr. Condos said he is in a wheelchair and has to travel in the road in the winter time because of the snow on the sidewalks. He said the City takes care of the roads, but needs to take care of the people also. He said he does a paper route, and is all around the downtown. He said he owns his own house, and takes care of it. He asked what they do besides drinking coffee, and President Pro Tem Wilson told him at this time that the Council just listens during audience comment.

SPECIAL COMMITTEE REPORTS None

UNFINISHED BUSINESS None

NEW BUSINESS

MOTION TO REFER TO THE ADMINISTRATION THE POSSIBILITY THAT APARTMENT COMPLEXES WITH MORE THAN FIFTY UNITS, WITH MORE THAN 50% OF THE OCCUPANTS UNDER THE AGE OF 55, THUS EXCLUDING SENIOR CITIZENS, BE REQUIRED TO HAVE ON-

PREMISE SECURITY.

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

Mr. Kuhar said he had spoken to the Safety Director, who felt the issue has merit. He said the police are stressed by a lot of repeat calls. Mr. Kuhar said that College Towers used to have security, and the noise dropped dramatically. He said this would benefit the landlords on the “three strike program,” saving the Police Department for more serious things.

Mr. Hawksley, seconder, said he felt it was worth looking at this issue.

Mr. Turner asked Mr. Kuhar how he arrived at the number of fifty units, and Mr. Kuhar said they cannot require someone with four units to have on-premise security. He said those with fifty or more would include places like College Towers and Holly Park. He said if someone is making noise, and another tenant calls security, the offender knows that security is tied to management, and they may be “out on their ear.” He said he wanted it to go to the administration to see what is out there.

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

MOTION TO SCHEDULE COMMITTEE TIME TO DISCUSS LONGBOARDS AS AN ALTERNATE SOURCE OF TRANSPORTATION, BEING ALLOWED TO FUNCTION IN THE BIKE LANES.

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

The motion carried by a voice vote of 6-2-1, with Mr. Ferrara and Ms. Wallach dissenting, and Mr. Wilson abstaining.

Mr. Hawksley said he noticed they would be having their annual special Council meeting with Franklin Township, adding that the trustees have yet to respond to the Council’s request for joint planning.

MOTION TO SEND FRANKLIN TOWNSHIP A LETTER TO SCHEDULE COMMITTEE TIME OR ANOTHER SPECIAL MEETING TO DISCUSS JOINT PLANNING.

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

MOTION TO AUTHORIZE UP TO \$3000 FOR THE PURCHASE OF TWO TREES AT THE VIETNAM MEMORIAL, AS PRESENTED THE PREVIOUS WEEK, WITH THE NAMES OF THOSE KILLED INSCRIBED ON THE PLAQUES.

Motion made by Mr. Hawksley.

Mr. Ferrara questioned why they would not do a bench, and asked if the benches were \$1200. Mr. Hawksley said the benches were \$3500.

Ms. Shaffer said the trees are the way to go as they are the Tree City. She said she liked the idea of doing two of them. Ms. Shaffer said the idea of putting the names on the plaques really shows they are definitely interested in continuing the healing process that has divided the Community at times.

Mr. Kuhar said he would typically not support something like this, but when the presenters answered the question that this was the only one of its kind in Ohio, he was swayed a little bit. Mr. Kuhar said that most people who have lost friends and family in the war will not forget them, but they are almost obligated as a City.

Mr. Hawksley said he has heard them say that an endowment is attached for maintenance, adding the money would be available in case the tree dies.

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

Mr. Hawksley said with respect to Mr. Condos’ remarks, he did not wish to micro manage the

Administration, but they need to discuss sidewalks.

MOTION TO REFER TO COMMITTEE A DISCUSSION FOR A STRATEGY OF CODE ENFORCEMENT FOR SIDEWALKS WITH THE FULL TIME CODE ENFORCEMENT PERSON.

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

Ms. Wallach asked Mr. Condos if he was speaking to snow removal or unevenness, and Mr. Condos said he was speaking about the snow. President Pro Tem pointed out that they are not to ask questions of the Administration or the audience while a motion is on the floor.

Mr. Kuhar said he support the removal of snow from the sidewalks, but somewhere in the back of his mind, he thinks there is an ordinance that they are unable to enforce. He said he would support looking at alternative methods, but cannot support enforcement of the current code.

Mr. Hawksley said if it is not enforceable, the Law Director should have them remove it from the books.

The motion carried by a voice vote of 7-1-1, with Mr. Kuhar dissenting and Mr. Wilson abstaining.

Mr. Hawksley said he and Ms. Wallach were talking earlier, and he sees where they are going to have a report regarding the downtown development.

MOTION TO SCHEDULE AT THE SAME MEETING WITH THE FAIRMOUNT/PIZZUTI COMPANIES, OR A SUBSEQUENT MEETING, DISCUSSION ON FURTHER INVOLVEMENT ABOUT THE COMMUNITY INVOLVEMENT PROCESS FOR DOWNTOWN DESIGN/REDEVELOPMENT.

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

Mr. Hawksley said he realizes they sent this back to the Administration, and he is totally open to whenever it can be done. He said he wanted to be sure they have enough time to include people, so they are not backed into a corner because of an anxious developer.

Mr. Ferrara said, for clarification, that he thought the Administration expressed a willingness and understanding for the need. He asked if they are trying to set a number, or make an official statement, and Mr. Hawksley said they are proposing a committee be appointed, similar to the bridge project and the KSU Committee. He said people would be appointed that would be involved on a steering Committee, allowing discussion along the way.

Mr. Kuhar said he was a little confused. He asked if they are having Committee time, agreeing to have community input or committee time to have a committee. Mr. Hawksley said he was suggesting committee time to discuss that committee, rather than to discuss it at this meeting.

Ms. Wallach said the planning process is the most important process with this development. She said that Normal, Illinois spent fourteen years in their process. She said the purpose is to allow the committee to work with the developers, in the planning process, to be sure the community had a lot of input, so that things evolved in the right direction. Ms. Wallach said she felt the more involvement, the better the input. She said she would not have any problem with the planning process lasting eight to twelve months, as it is the most important part of the process.

Mr. Turner said he believed that a committee is necessary for what they are doing, adding they can be involved in various segments. He said he did not see any down side. Mr. Turner said that some might see it as a little more unwieldy. He said it is probably appropriate, and can be done with minimum disruptions. He said it would create greater "stakeholdership", as they move the development and make it the end product more credible.

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

Mr. Wilson said the next item on their agenda was the appointment of a City representative on

Community Action Council, filling the vacancy created by Mr. Schultz's death. Mr. Hawksley said that he has done some research, and determined that Council does not need to appoint someone.

Mr. Wilson called for Council member comments at this time.

Mr. Kuhar said they spent time with the City manager and the Administration a few years earlier about their severe financial problems. He said they spent countless hours on discussions regarding solving the problems. Mr. Kuhar said the Administration did a tremendous job restraining their spending and not filling positions. He said they are more efficient, and as a result of all of those issues, they have saved some money. He said they did have some windfall money. He said while they are not out of the woods, they are looking better.

Mr. Kuhar said he was sure they will be asked to purchase real estate for some downtown development in the near future. He said he is usually opposed to land banking, unless he can see the fruits of the tree. He said that it seems that since they had a little bit of increase in revenue, they also are looking at increases in spending, like they have all the money in the world to spend. Mr. Kuhar suggested they continue with the same game plan, as they did one and one-half years ago, instead of depleting their money as fast it comes in, they could pay for this land with their savings, not more debt. He said that just because they have more money coming in, they should not figure out how to spend more money. He said the reason Normal Illinois was so successful was because they were frugal, and had more money than Kent. He said if they could become more sound in their finances, they would not be in the same plague as they are today, down the road. He said a lot of fruit is budding, adding in five years they should be close to a harvest. He suggested they wait for the harvest before eating the fruit.

MAYOR'S REPORT

Mayor Fender said few people were present, adding he was not sure if that was because the Pro Tem has been conducting the meeting or they knew whether it would be run efficiently.

Mayor Fender said he was late because he threw out a baseball at the Akron Aeros game, in conjunction with Children's hospital. He said he stood by the Mayor from Akron, adding he did bring up some litigation that had occurred between Akron, Kent, and the County. He noted the Mayor did not say hello.

Mayor Fender said he had a signed baseball by Josh Cribbs (former Kent State, current Cleveland Browns) and offered it for sale at this time.

Mr. Wilson told the Mayor while he was gone, they received a call that the Indians needed a relief pitcher, and ESPN wanted to do an interview of him.

Hearing no further business before this Council, President Pro Tem Wilson adjourned this meeting at 7:10 p.m.

Linda M. Copley, Clerk of Council

Wayne A. Wilson, President Pro Tem