

**THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WED., DEC. 17, 2008**

This regular meeting of Kent City Council was called to order at 7:30 p.m. on Wed., Dec. 17, 2008, by John Fender, Mayor & President of Council.

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 & PRESIDENT OF COUNCIL; D. RULLER, CITY MANAGER; J. SILVER, LAW DIRECTOR; AND S. CHESTNUTWOOD, ACTING CLERK

ABSENT: L. COPLEY, CLERK OF COUNCIL

Mayor Fender called upon Council Member Ferrara for his opening remarks at this time.

Mr. Ferrara said that as he looks back over the last year and the things they have accomplished, he felt it was a good year. He said they were constrained by financial difficulties, particularly with the hotel and downtown redevelopment project. He asked Council to give their full effort to these projects in the upcoming year so they can make it work. He said in the current environment of declining revenues, they have to do something to increase their revenues, and those projects are probably the best opportunity they have to do so.

Mr. Ferrara said in this environment of economic downturns, people often look for reasons to not celebrate the holidays. He said it is a better reason to celebrate the holidays, and think about things that really matter, such as friends, family and faith. Mr. Ferrara wished everyone on Council, staff and most importantly the residents of Kent a merry Christmas and happy holiday season.

Following his opening remarks, Mr. Ferrara led those present in the Pledge of Allegiance.

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF NOVEMBER 19, 2008 AND SPECIAL COUNCIL MEETING OF DECEMBER 3, 2008.

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

Ms. Wallach said that in the November 19th minutes, page five, paragraph four, the last sentence of the minutes read "Ms. Wallach said she felt the goal of \$50,000.00 is a little high...." She said these comments were made by Ms. Shaffer, and the minutes should be amended to reflect that change.

MOTION TO AMEND THE MINUTES TO MAKE THE CORRECTION FOR THE NOV. 19 MINUTES.

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

The original motion carried, as amended, by a voice vote of 9-0.

Mayor Fender called for audience comment at this time, reminding those members of the audience wishing to address Council to sign up with the Acting Clerk of Council, who will call them forward.

Paul: Paul said he would like to talk about the former Jerry's Diner in downtown Kent. He said he did not know what the monstrosity is that is sitting there, adding he guessed it was the back end of what used to be the diner. He said it is now a disgusting eyesore, and the pile of junk is on the City's property. He questioned how long it would be until the City removes it, adding it turns his stomach every time he drives by that location.

Paul said he has lived in Kent for seventy-seven years, and he has never seen anything worse in downtown Kent, including the hotel. He said if he were a stranger driving through town, he would not have

a good opinion of the downtown. He said that with efforts made in recent years to beautify Kent, this is a definite step backwards. Paul said it is disgusting and repulsive. He said the sooner it is removed will be better for everyone.

Mayor Fender thanked Paul for his comments and said that later in the meeting someone will answer his questions

Following audience comment, Mayor Fender called upon the Acting Clerk for the written correspondence.

The Acting Clerk reported that two letters were received, by certified mail, from Time-Warner Cable, on Nov. 24, 2008, advising of some channel agreements that are expiring. She said this letter was previously distributed to all members of Council on Dec. 3, 2008.

The Acting Clerk reported that the agenda packet for the November Parks and Recreation Board meeting was placed on file by Council's liaison, Wayne Wilson, on Nov. 24, 2008.

The Acting Clerk reported that after the agenda was printed, a proposed zoning amendment was sent by email from Planning Commission member, John Thomas, on Dec. 13, 2008. She said this amendment was forwarded to all members of Council on December 16, 2008.

The Acting Clerk reported that earlier in the evening, Council's representative on the Standing Rock Cemetery Board, Mr. DeLeone, placed minutes on file from their November meeting.

The Acting Clerk reported that an email was received from Mary Kenneley on Dec. 16, 2008. She said Ms. Kenneley had questions about snow removal, and citations if the City snow plows pushed the snow on the sidewalk she had cleared. The Acting Clerk said this email was distributed to all members of Council earlier in the evening.

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

MOTION TO APPROVE ITEMS #1 THROUGH 6

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

The following items were approved by the aforementioned motion:

1. Request Council's approval of Finance Committee time to discuss a Memorandum of Understanding (MOU) for the downtown redevelopment project.
2. Request Council's approval of Finance Committee time to review and revise the City's incubator policy.
3. Request Council's approval of Finance Committee time to consider the loan authorization for the Sub Area Q storm water improvement project.
4. Request Streets Sidewalks and Utilities Committee time to consider acceptance of the Lincoln Commons dedication.
5. Request Council's authorization to remove item #17 researching Parks and Recreation pay issues from the pending list.
6. Request Council's authorization to remove item # 18 reporting on wage freeze savings from the pending list.

Mayor Fender asked Mr. Ruller if he had any comments at this time.

Mr. Ruller said he would like to answer the question from the audience about the diner. He said the City agrees that it is an eyesore, and has been trying to get rid of it for a long time. He said it has been sitting vacant for a decade. Mr. Ruller said in good faith, they tried to offer people a chance if they wanted to take some of it and restore it. He said the gentleman that bid on it took a bit longer to remove the portion he wanted, due to the weather conditions. He said that gentleman is officially done removing the portion he wished to take, and what remains is up to the City to remove. Mr. Ruller said before they can dispose

of it, they need to be certain there is no asbestos that needs to be removed. He said they have hired a firm to do a quick asbestos survey, and once they receive the green light, it can be removed. He said they have contractors lined up, waiting in the wings to remove it. Mr. Ruller said their goal was to get it out of there before the end of the year, adding it looks like they are not going to make it. He told Paul he was sure that was of no consolation as he drives by. He said unfortunately, Mother Nature is part of that reason. He told Paul the City shares his sentiment and they do want to see it moved onto a better resting place.

STANDING COMMITTEE REPORTS

COMMUNITY DEVELOPMENT COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF DEC. 3, 2008, WHERE INFORMATION WAS RECEIVED ON COMMUNITY REINVESTMENT AREAS AND NO ACTION WAS RECOMMENDED.

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

FINANCE COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF DEC. 3, 2008, AND THE AUTHORIZATION OF THE FINAL 2008 AMENDMENTS TO THE APPROPRIATION ORDINANCE.

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

The Mayor asked the Acting Clerk to read Draft No. 08-228 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; AS AMENDED BY ORDINANCE NO. 2008-57, PASSED APRIL 16, 2008; AS AMENDED BY ORDINANCE NO. 2008-75, PASSED MAY 21, 2008; AS AMENDED BY ORDINANCE NO. 2008-90, PASSED JUNE 18, 2008; AS AMENDED BY ORDINANCE NO. 2008-115, PASSED AUGUST 20, 2008; AS AMENDED BY ORDINANCE NO. 2008-146, PASSED SEPT. 17, 2008, AND AS AMENDED BY ORDINANCE NO. 2008-208, PASSED NOV. 19, 2008, SO AS TO INCREASE APPROPRIATIONS IN FUND 106, PARKS AND RECREATION; FUND 116, INCOME TAX; FUND 126, COMMUNITY DEVELOPMENT BLOCK GRANT; FUND 204, UTILITY BILLING; AND FUND 205 SOLID WASTE; AND SO AS TO ADJUST TRANSFERS INVOLVING FUND 102, STREET CONSTRUCTION, MAINTENANCE AND REPAIR; FUND 108, LICENSE TAX; FUND 116, INCOME TAX; FUND 124, INCOME TAX SAFETY; AND FUND 128, FIRE AND E.M.S. 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. 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. Wilson, seconded by Mr. Ferrara

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.

2008-221: 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; AS AMENDED BY ORDINANCE NO. 2008-57, PASSED APRIL 16, 2008; AS AMENDED BY ORDINANCE NO. 2008-75, PASSED MAY 21, 2008; AS AMENDED BY ORDINANCE NO. 2008-90, PASSED JUNE 18, 2008; AS AMENDED BY ORDINANCE NO. 2008-115,

PASSED AUGUST 20, 2008; AS AMENDED BY ORDINANCE NO. 2008-146, PASSED SEPT. 17, 2008, AND AS AMENDED BY ORDINANCE NO. 2008-208, PASSED NOV. 19, 2008, SO AS TO INCREASE APPROPRIATIONS IN FUND 106, PARKS AND RECREATION; FUND 116, INCOME TAX; FUND 126, COMMUNITY DEVELOPMENT BLOCK GRANT; FUND 204, UTILITY BILLING; AND FUND 205 SOLID WASTE; AND SO AS TO ADJUST TRANSFERS INVOLVING FUND 102, STREET CONSTRUCTION, MAINTENANCE AND REPAIR; FUND 108, LICENSE TAX; FUND 116, INCOME TAX; FUND 124, INCOME TAX SAFETY; AND FUND 128, FIRE AND E.M.S. AND DECLARING AN EMERGENCY.

Sheri Chestnutwood, Acting Clerk of Council

John Fender, Mayor & President of Council

STREETS, SIDEWALKS & UTILITIES COMMITTEE

The Mayor asked the Acting Clerk to read Draft No. 08-227 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN OIL/GAS LEASE AGREEMENT BETWEEN THE CUTTER OIL COMPANY AND THE CITY OF KENT TO INCLUDE CITY PROPERTY IN A SITE TO BE USED FOR OIL AND GAS DRILLING PURPOSES AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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. Amrhein.

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.

2008-222: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN OIL/GAS LEASE AGREEMENT BETWEEN THE CUTTER OIL COMPANY AND THE CITY OF KENT TO INCLUDE CITY PROPERTY IN A SITE TO BE USED FOR OIL AND GAS DRILLING PURPOSES AND DECLARING AN EMERGENCY.

Sheri Chestnutwood, Acting Clerk of Council

John Fender, Mayor & President of Council

SPECIAL COMMITTEE REPORTS - None

UNFINISHED BUSINESS - None

NEW BUSINESS

MOTION TO REFER TO THE TRAFFIC AND SAFETY ADMINISTRATION THE TRAFFIC STUDY FOR NORTH PROSPECT STREET.

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

Mr. Ferrara said that there has been concern by the residents on Prospect Street regarding speeding. He said the Safety Director previously put the speed trailer at this location. He said the residents felt it best to have this area reviewed.

Mr. Kuhar said he does not understand the totality of a traffic study. He asked what would be involved, and the cost of such a study.

Mr. Ferrara said the question being posed by the residents is if a stop sign is warranted at this location. Mr. Kuhar asked if they just wanted the results of the speed trailer, and Mr. Ferrara said that was correct.

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

Mr. Kuhar said at the last Council meeting he either didn't say something right or was misunderstood. He said there were those who thought he was asking for a three percent cut in wages, which was not the case. He said he did not make a formal motion at that time, adding he felt he should do so now.

MOTION TO MAKE A THREE PERCENT REDUCTION IN THE 2009 APPROVED CITY BUDGET

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

Mr. Kuhar said they need to look around, as they cannot do drastic things. He said they need to look at what is happening with the banks and the auto industry, adding they are broke, all of a sudden. He said for some reason, they did not acknowledge they were going downhill, having problems, and ended up broke instantly. Mr. Kuhar said they should not do that as a City, adding they are buying the best they can, and buying everything they need. He said they need to tighten up every belt that they can possibly tighten up. Mr. Kuhar said they are at the threshold of some good things, but he thinks if they could pull another three percent out of that budget, they would show the residents they are working hard. He said that three percent would keep them from getting surprised in another year if some unforeseen things happen in the City.

Ms. Wallach said they have heard about the economic state of the County and the State. He said the governor has slashed millions of dollars from the State budget. She said she did not see why they cannot try to look and see if there is some place they can cut another three percent from the budget, given their financial situation.

Mr. Wilson said that he disagrees with this motion and will not be able to support it. He said this motion is how he understood Mr. Kuhar the last time he voted against it. He said he understood the previous motion was to cut three percent from the budget. He said he did not feel they had anyplace they could do that without jeopardizing some of the policies they have set as far as what they do for the citizens. He said it takes more than a simple motion to cut three percent, adding the staff has to determine what to get rid of at that time. He said Council may not like staff taking away policies the Council put in place because they can longer be funded. Mr. Wilson said he believed the staff is already looking everywhere they can to cut money back.

Mr. Turner said that he will also be voting against the motion. Mr. Turner said that like Mr. Wilson, he did understand the motion when it was previously discussed. He questioned why it is three percent, and not five or ten percent. He asked where the money would come from, and how it would affect the priorities that Council state to the Administration that it wanted to move forward. He said there are no specifics as to the three per cent nor how they are able to move forward, doing the things they have mandated the Administration to do, when they developed the budget. He said the Administration has done a reasonably good job in establishing exactly what they want to do as a Council, and staff has made cuts that are significant and appropriate. He said he would not support the motion.

Mr. Hawksley said that in their budget, a cut of three percent is approaching a million dollars. He said that since their budget is about two-thirds staff; based on what they know about their staffing and contracts, he did not believe the motion was feasible. Mr. Hawksley said the Administration has done a good job reducing the budget already.

Mr. DeLeone said that several years ago a councilman at that time, Mr. Heineking, offered a similar motion, but the amount was to cut ten percent. He said that while the motion did not pass, the City Manager at the time took heed, and that is when a lot of the positions were not filled. Mr. DeLeone said the cuts at that time were made by the Manager and the staff. He said that three percent is a lot of money in a \$34 million budget. He said they are already cutting where they can at this time.

Ms. Shaffer said that she cannot support the motion either, although she appreciates the sentiment behind it and agrees that they are looking at a budget where cuts will have to be made. She said the cuts are political decisions; and they have to be involved in the decisions. She said they will have to weigh what is most important to the citizens, residents, those that work in Kent and decide what services can be reduced. Ms. Shaffer said she is hopeful that new revenue sources can be generated. She said with a new grants person on staff; she was looking forward to having some breakthroughs. She said she is afraid the motion may tie their hands. Ms. Shaffer applauded the City Manager and his staff for the work they have done in cost savings. She said it has been a point of pride for each department to look for ways to stretch their dollars and she would like to see that effort continue rather than force an across-the-board cut. She said she thought they needed to look for cuts where they can reasonably find them.

Mr. Kuhar said that when General Motors was looked at for their problems, they went to the unions and asked for wage cuts from the employees and nobody wanted to give those concessions, nor did they want to be inconvenienced or wished to make any sacrifices. He said a number of years ago in this City when a similar situation arose, considerable layoffs occurred, and he would not want to see that happen. He said if they look at a three percent cut, which he did not anticipate receiving support for, it would force them to look into alternative ways to produce income. He said they also need to put the push on some technology that would help get the job done because they are short on labor. He said there are technologies available in the way people police nowadays. He said that technologies in accounting and record keeping help to get the job done, adding that will help take the burden and work load off the employees. He said that a million dollars out of the budget would be a token amount. He said it is there and they can find it. Mr. Kuhar estimated in three years, they may not have these problems, but they still are going to have a problem getting there. He said they just keep doing what they are doing, adding it is nice. He said he wished he had the liberty to spend money he does not have, but he does not do that as he is smarter than that.

Ms. Shaffer said in response to Mr. Kuhar's comments about technology, it is important to look at technology. She said that a lot of the technology requires up front investment. She said they need to not only look at this coming year, but they really have to look at five maybe even ten years from now. She said she would like to be able to invest in those technologies should they find them available.

Mr. Wilson said he wished to respond to Mr. Kuhar's comments about spending money they do not have. He said they are not spending money that they do not have, adding it is money they have. He said they are not borrowing money nor are they running a deficit budget. He said they are not spending money that they do not have, adding they are spending it out of their reserve. He said he did not want to read in the newspaper the following day that they are spending money they do not have.

The motion was defeated by a hand vote of 2-7, with Mr. Kuhar and Ms. Wallach supporting the motion, and all others dissenting.

MAYOR'S REPORT

Ms. Wallach congratulated the Finance Director on the achievement award recently received by the Government Finance Officers Association for the City's Comprehensive Annual Financial Report. She said it is the twenty-first time that she has received this recognition.

Mr. Turner congratulated Ms. Shaffer on her recent marriage. Mr. Turner thanked his Council colleagues for their support and patience as he approaches his one-year anniversary on Council. Mr. Turner mentioned how much he has enjoyed working with Council during this last year. Mr. Turner thanked his colleagues on Council and offered a salute to his predecessor and good friend Bill Schultz, since Council

will not meet again before the anniversary of Mr. Schultz passing.

Mayor Fender said as a reiteration of Mr. Ferrara's earlier comments, happy holidays to everyone. He said that sometimes they take their family and friends for granted so they should show appreciation during these weeks of the holiday. He said they should also appreciate the many things we take for granted in the City and offered a pat on the back to those people who help make Kent a good city.

Mr. Kuhar said that he may come across as the Grinch that stole Christmas. He said he came to Council for one thing; which was to keep the commitments he made to the people who supported him. He commended all of the departments within the City. He said he knows they each do a tremendous job, regardless of the circumstances, be it weather, money, or politics. He said that whatever they have to work with, they do the best they can and will continue to do a tremendous job with or without a three percent reduction. He thanked each and every department head and the employees for that, and wished everyone within the City and the community a happy holiday.

MOTION TO REFER THE LETTER FROM PLANNING COMMISSION MEMBER JOHN THOMAS INTO COMMITTEE FOR FURTHER DISCUSSION.

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

MOTION TO ADJOURN THIS MEETING

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

Hearing no further business before this Council, Mayor Fender adjourned this meeting at 7:57 p.m.

Sheri Chestnutwood, Acting Clerk of Council

John Fender, Mayor & President of Council