

**THE CITY OF KENT, OHIO
SPECIAL COUNCIL MEETING
WED., FEB. 27, 2008**

This special meeting of Kent City Council was called to order by Wayne A. Wilson, President Pro Tem, in the absence of 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: D. RULLER, CITY MANAGER; J. SILVER, LAW DIRECTOR; AND S. CHESTNUTWOOD, ACTING CLERK OF COUNCIL

ABSENT: J. FENDER, MAYOR & L. COPLEY, CLERK OF COUNCIL

The President Pro Tem asked the Acting Clerk to read Draft No. 08-29 by title only at this time.

AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A PURCHASE AGREEMENT FOR THE CITY OF KENT, OHIO, BUYING AN EASEMENT IN .049 ACRES OF REAL PROPERTY FROM THE AKRON METRO REGIONAL TRANSIT AUTHORITY FOR \$1,050.00 FOR PURPOSES OF RIGHT-OF-WAY ACQUISITION FOR THE CONSTRUCTION, MAINTENANCE, AND REPAIR OF THE NEW 12 INCH WATER TRANSMISSION PIPELINE AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND BOTH READINGS.

Motion made by Mr. Hawksley, 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. Amrhein, 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.

2008-43: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A PURCHASE AGREEMENT FOR THE CITY OF KENT, OHIO, BUYING AN EASEMENT IN .049 ACRES OF REAL PROPERTY FROM THE AKRON METRO REGIONAL TRANSIT AUTHORITY FOR \$1,050.00 FOR PURPOSES OF RIGHT-OF-WAY ACQUISITION FOR THE CONSTRUCTION, MAINTENANCE, AND REPAIR OF THE NEW 12 INCH WATER TRANSMISSION PIPELINE AND DECLARING AN EMERGENCY.

Sheri Chestnutwood, Acting Clerk of Council

Wayne Wilson, President Pro Tem

The President Pro Tem asked the Acting Clerk to read Draft No. 08-46 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT BETWEEN LEONARD TOMPKINS AND THE CITY OF KENT TO PURCHASE 0.0347

ACRES OF LAND FOR \$2,867.50 FOR IMPROVEMENTS TO THE MIDDLEBURY ROAD BRIDGE PROJECT AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND BOTH READINGS.

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

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. Hawksley, 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.

2008-44: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT BETWEEN LEONARD TOMPKINS AND THE CITY OF KENT TO PURCHASE 0.0347 ACRES OF LAND FOR \$2,867.50 FOR IMPROVEMENTS TO THE MIDDLEBURY ROAD BRIDGE PROJECT AND DECLARING AN EMERGENCY.

Sheri Chestnutwood, Acting Clerk of Council

Wayne Wilson, President Pro Tem

The President Pro Tem asked the Acting Clerk to read Draft No. 08-47 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT BETWEEN THE CARTER JONES LUMBER COMPANY AND THE CITY OF KENT TO PURCHASE 0.2975 ACRES OF LAND FOR \$9,437.50 FOR IMPROVEMENTS TO THE MIDDLEBURY ROAD BRIDGE PROJECT AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND BOTH 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. Hawksley, seconded by Mr. DeLeone.

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.

2008-45: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT BETWEEN THE CARTER JONES LUMBER COMPANY AND THE CITY OF KENT TO PURCHASE 0.2975 ACRES OF LAND FOR \$9,437.50 FOR IMPROVEMENTS TO THE MIDDLEBURY ROAD BRIDGE PROJECT AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND BOTH READINGS.

Sheri Chestnutwood, Acting Clerk of Council

Wayne Wilson, President Pro Tem

The President Pro Tem asked the Acting Clerk to read Draft No. 08-48 by title only at this time.

A RESOLUTION AMENDING THE OPERATING AGREEMENT BETWEEN THE CITY OF KENT, OHIO AND THE KENT DOWNTOWN COMMUNITY URBAN REDEVELOPMENT CORPORATION, INC. ("DKC") DATED APRIL 10, 1995 AND ADOPTED BY KENT CITY COUNCIL TO CLARIFY THAT DKC IS ALLOWED TO ACQUIRE PROPERTIES ANYWHERE IN THE CITY WITH OR WITHOUT USING CITY OF KENT LOAN PROCEEDS, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND BOTH READINGS.

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

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.

2008-46: A RESOLUTION AMENDING THE OPERATING AGREEMENT BETWEEN THE CITY OF KENT, OHIO AND THE KENT DOWNTOWN COMMUNITY URBAN REDEVELOPMENT CORPORATION, INC. ("DKC") DATED APRIL 10, 1995 AND ADOPTED BY KENT CITY COUNCIL TO CLARIFY THAT DKC IS ALLOWED TO ACQUIRE PROPERTIES ANYWHERE IN THE CITY WITH OR WITHOUT USING CITY OF KENT LOAN PROCEEDS, AND DECLARING AN EMERGENCY.

Sheri Chestnutwood, Acting Clerk of Council

Wayne Wilson, President Pro Tem

The President Pro Tem asked the Acting Clerk to read Draft No. 08-49 by title only at this time.

A RESOLUTION REQUESTING THE PAYMENT OF CABLE VIDEO SERVICE PROVIDER FRANCHISE FEES FROM TIME WARNER CABLE TO THE CITY OF KENT, OHIO, IN THE AMOUNT OF 5% OF GROSS REVENUES AS DEFINED BY THE STATE OF OHIO, GENERATED BY TIME WARNER CABLE, EFFECTIVE IMMEDIATELY, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND BOTH 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.

2008-47: A RESOLUTION REQUESTING THE PAYMENT OF CABLE VIDEO SERVICE PROVIDER FRANCHISE FEES FROM TIME WARNER CABLE TO THE CITY OF KENT, OHIO, IN THE AMOUNT OF 5% OF GROSS REVENUES AS DEFINED BY THE STATE OF OHIO, GENERATED BY TIME WARNER CABLE, EFFECTIVE IMMEDIATELY, AND DECLARING AN EMERGENCY.

Sheri Chestnutwood, Acting Clerk of Council

Wayne Wilson, President Pro Tem

The President Pro Tem asked the Acting Clerk to read Draft No. 08-50 by title only at this time.

A RESOLUTION REQUESTING THE PAYMENT OF CABLE VIDEO SERVICE PROVIDER FRANCHISE FEES FROM AT & T OHIO TO THE CITY OF KENT, OHIO, IN THE AMOUNT OF 5% OF GROSS REVENUES AS DEFINED BY THE STATE OF OHIO, GENERATED BY AT & T OHIO, EFFECTIVE IMMEDIATELY, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND BOTH READINGS.

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.

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.

2008-48: A RESOLUTION REQUESTING THE PAYMENT OF CABLE VIDEO SERVICE PROVIDER FRANCHISE FEES FROM AT & T OHIO TO THE CITY OF KENT, OHIO, IN THE AMOUNT OF 5% OF GROSS REVENUES AS DEFINED BY THE STATE OF OHIO, GENERATED BY AT & T OHIO, EFFECTIVE IMMEDIATELY, AND DECLARING AN EMERGENCY.

Sheri Chestnutwood, Acting Clerk of Council

Wayne Wilson, President Pro Tem

The President Pro Tem asked the Acting Clerk to read Draft No. 08-52 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, 2006 THROUGH DECEMBER 31, 2008 AS ADOPTED BY ORDINANCE 2006-61, PASSED MAY 17, 2006; AS AMENDED BY ORDINANCE NO. 2006-74, PASSED JUNE 14, 2006; AS AMENDED BY ORDINANCE NO. 2006-128, PASSED NOVEMBER 15, 2006; AS AMENDED BY ORDINANCE NO. 2007-33, PASSED APRIL 18, 2007; AND AS FURTHER AMENDED BY ORDINANCE NO. 2008-15, PASSED JANUARY 16, 2008; SO AS TO CHANGE THE NAME OF THE ADMINISTRATIVE ASSISTANT TO THE CIVIL SERVICE COORDINATOR AND UPGRADING THE PAY OF THE POSITION TO PAY CLASSIFICATION VI, PROFESSIONAL.

MOTION TO SUSPEND BOTH READINGS.

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

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, Ms. Shaffer, and Mr. Turner. Mr. Kuhar dissented. The motion carried by a roll call vote of 8-1.

2008-49: 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, 2006 THROUGH DECEMBER 31, 2008 AS ADOPTED BY ORDINANCE 2006-61, PASSED MAY 17, 2006; AS AMENDED BY ORDINANCE NO. 2006-74, PASSED JUNE 14, 2006; AS AMENDED BY ORDINANCE NO. 2006-128, PASSED NOVEMBER 15, 2006; AS AMENDED BY ORDINANCE NO. 2007-33, PASSED APRIL 18, 2007; AND AS FURTHER AMENDED BY ORDINANCE NO. 2008-15, PASSED JANUARY 16, 2008; SO AS TO CHANGE THE NAME OF THE ADMINISTRATIVE ASSISTANT TO THE CIVIL SERVICE COORDINATOR AND UPGRADING THE PAY OF THE POSITION TO PAY CLASSIFICATION VI, PROFESSIONAL.

Sheri Chestnutwood, Acting Clerk of Council

Wayne Wilson, President Pro Tem

The President Pro Tem asked the Acting Clerk to read Draft NO. 08-53 by title only at this time.

AN ORDINANCE AMENDING ORDINANCE NO. 2007-110, PASSED NOV. 26, 2007, ENTITLED "AN ORDINANCE ALLOCATING THE NUMBER OF PERSONS WHO MAY BE EMPLOYED BY THE CITY FOR THE YEAR 2008 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." AS AMENDED BY ORDINANCE NO. 2008- 14, PASSED JANUARY 16, 2008, SO AS TO CHANGE THE TITLE OF ADMINISTRATIVE ASSISTANT TO THE CIVIL SERVICE COMMISSION TO CIVIL SERVICE COORDINATOR.

MOTION TO SUSPEND BOTH READINGS.

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

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

2008-50: AN ORDINANCE AMENDING ORDINANCE NO. 2007-110, PASSED NOV. 26, 2007, ENTITLED "AN ORDINANCE ALLOCATING THE NUMBER OF PERSONS WHO MAY BE EMPLOYED BY THE CITY FOR THE YEAR 2008 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." AS AMENDED BY ORDINANCE NO. 2008- 14, PASSED JANUARY 16, 2008, SO AS TO CHANGE THE TITLE OF ADMINISTRATIVE ASSISTANT TO THE CIVIL SERVICE COMMISSION TO CIVIL SERVICE COORDINATOR.

Sheri Chestnutwood, Acting Clerk of Council

Wayne Wilson, President Pro Tem

The President Pro Tem asked the Acting Clerk to read Draft No. 08-51 by title only at this time.

AN ORDINANCE AMENDING SECTION 353.02 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT ENTITLED "PARKING REGULATION AUTHORIZATION."

MOTION TO SUSPEND BOTH READINGS.

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, Ms. Shaffer, Mr. Turner, Ms. Wallach, and Mr. Wilson. Mr. Kuhar abstained. The motion carried by a roll call vote of 8-1.

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. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Ms. Shaffer, Mr. Turner, Ms. Wallach, and Mr. Wilson. Mr. Kuhar abstained. The motion carried by a roll call vote of 8-1.

2008-51: AN ORDINANCE AMENDING SECTION 353.02 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT ENTITLED "PARKING REGULATION AUTHORIZATION."

Sheri Chestnutwood, Acting Clerk of Council

Wayne Wilson, President Pro Tem

The President Pro Tem asked the Acting Clerk to read Draft No. 08-30 by title only at this time.

A RESOLUTION SUPPORTING THE PRESERVATION OF CUSTOMER CHOICE THROUGH OHIO ELECTRIC GOVERNMENTAL AGGREGATION.

MOTION TO SUSPEND BOTH READINGS.

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

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. DeLeone, seconded by Mr. Hawksley.

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.

2008-52: A RESOLUTION SUPPORTING THE PRESERVATION OF CUSTOMER CHOICE THROUGH OHIO ELECTRIC GOVERNMENTAL AGGREGATION.

MOTION TO AUTHORIZE AN EXECUTIVE SESSION ON PENDING LITIGATION PRIOR TO THE ADJOURNMENT OF THE WORK SESSION LATER IN THE EVENING.

Motion made by Mr. Hawksley, 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.

The President Pro Tem adjourned this meeting at 7:12 p.m.

Sheri Chestnutwood, Acting Clerk of Council

Wayne Wilson, President Pro Tem.