

**THE CITY OF KENT, OHIO  
REGULAR COUNCIL MEETING  
WED., MARCH 12, 2008**

This regular meeting of Kent City Council was called to order at 7:30 p.m. on Wed., March 12, 2008 by Wayne Wilson, President Pro Tem, in the absence of John Fender, Mayor & President of Council.

**PRESENT:** MR. AMRHEIN, MR. DELEONE, MR. FERRARA (ARR. @ 7:33 p.m.), MR. HAWKSLEY, MR. KUHAR, MS. SHAFFER, MR. TURNER, MS. WALLACH, AND MR. WILSON

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

**ABSENT:** J. FENDER, MAYOR

**MOTION TO EXCUSE MAYOR FENDER**

Motion made by Mr. Hawksley, seconded by Mr. Turner, and carried by a voice vote of 7-0-1, with Mr. Wilson abstaining.

Mr. DeLeone led those present in the Pledge of Allegiance.

**MOTION TO APPROVE THE MINUTES OF THE COUNCIL WORK SESSION OF MARCH 5, 2008 AND THE PUBLIC HEARING OF MARCH 5, 2008.**

Motion made by Mr. DeLeone, seconded by Mr. Hawksley, and carried by a voice vote of 7-0-1.

At this time, Mr. Wilson called forward Dr. V. Edwin Bixenstine. He explained that Dr. Bixenstine had recently retired from the Civil Service Commission after serving eighteen years. On behalf of Mayor Fender, President Pro Tem Wilson presented Dr. Bixenstine with a proclamation commending him on his service, and declaring March 12, 2008 as V. Edwin Bixenstine Day.

Dr. Bixenstine explained he was at a loss for words, which was unusual for him. He said they all know he has written a few cowboy books, and has been asked why he would do that, as it seemed out of character. Dr. Bixenstine explained when they take all of his surfaces away and strip his identities, he is a cowboy. He said they all know cowboys are humble, and he was tempted to kick the dirt, and say "Aw shucks." Dr. Bixenstine said he was pleased and honored by the recognition. He introduced his wife, Anita, at this time.

Mr. Wilson called for audience comment at this time.

**John Bard, 435 Francis:** Mr. Bard said he saw an article in the newspaper that they purchased an ATV to plow the downtown sidewalks, adding he saw one plowing the Main Street bridge-converted parking deck. He suggested if they want to spend \$6000, the businesses should be pay for it. He said that the Main Street program or the Chamber should be eating the cost, and not the citizens. Mr. Bard said as he came to the meeting, many sidewalks are not clear, including sidewalks near lots owned by the City. He said, however, that Mrs. Myers, who lives on the corner of Lincoln and College Streets, had shoveled her sidewalk at the age of eighty.

Following audience comment, Mr. Wilson called upon the Clerk to present the written correspondence.

The Clerk reported that emails were received from Greg Vilks, Kent Hotel, LLC on February 22, 2008. These emails were forwarded to Council the same day.

The Clerk reported that an email was sent to Council member Turner on Mar. 3, 2008 from Carl Picelle regarding the proposal to waive parking regulations on Mar. 17, 2008. She said that email was at the Committee meeting of Mar. 5, 2008 on this topic.

The Clerk reported that a letter was received on March 5, 2008 from several downtown business owners speaking against the request to waive parking restrictions. She said the letter was distributed to all members of Council on Mar. 5, 2008.

The Clerk reported that an email was received on March 6, 2008 from Mike Beder resigning from the Parking Action

Committee immediately. She said the email was forwarded to all members of Council.

The Clerk reported that the agenda packet for the Feb. 21, 2008 Parks and Recreation Board meeting were placed on file by Council's representative, Wayne Wilson, on March 5, 2008.

The Clerk reported that after the agenda was printed, the Annual Report for 2007 was received from the Kent Police Department and is on file in Council's office and available on the City's website.

The Clerk reported that Mr. DeLeone, Council's representative to the Cemetery Board, placed the Feb. 14, 2008 minutes on file prior to the start of this meeting.

**MOTION TO ACCEPT MR. BEDER'S RESIGNATION, SENDING HIM A LETTER OF THANKS.**

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

Hearing no further written correspondence, Mr. Wilson called for the City Manager's report.

**MOTION TO APPROVE ITEMS #1 THROUGH #10 WITH THE REMOVAL OF #3**

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

***Mr. Hawksley suggested they separate #10.***

The motion was for the approval of Items #1-#2, and #4-9. The motion carried by a voice vote of 8-0-1, with Mr. Wilson abstaining.

The following items were approved by the aforementioned motion:

- 1) Approval of a Special Council meeting and work session on March 26 to approve a grant for the ODNR and to provide staff with guidance on Council's expectations for a strategic planning retreat.
- 2) Authorization to schedule a public hearing for text amendments to the Zoning Code
- 4) Agenda time, Finance Committee, to discuss possible uses for the NOPEC refund
- 5) Agenda time, Finance Committee, review/approval of staff recommendations for the Downtown Promotions Grant
- 6) Agenda time, Finance Committee, review recommendations of the Tax Incentive Review Council
- 7) Agenda time, Finance Committee, tax abatement request for Jeff Joseph Toyota.
- 8) Agenda time, Streets, Sidewalks & Utilities Committee, staff update on the Crain/Fairchild Ave. Bridge project
- 9) Agenda time, Community Development Committee, to provide Council with an update on the Great Atlantic & Western Technology & Entrepreneur Center

**MOTION TO REFER THE EXTERIOR MAINTENANCE CODE DISCUSSION TO THE COMMUNITY DEVELOPMENT COMMITTEE, INVITING THE PARTICIPATION OF THE UNDERGRADUATE STUDENT SENATE, TO BE HELD IN A WORK SESSION.**

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

Ms. Shaffer said this is an important issue. She said that the residents, homeowners, property owners, and tenants are all very interested. Ms. Shaffer said they need to give this its due process.

Mr. Kuhar said he thought they already had an exterior maintenance code. He said he would like to be more familiar with that before they adopt a new one, adding it may be the same thing.

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

Mr. Ruller said the storm over the weekend was one of the top ten storms in the City's history. He said he appreciated everyone's patience while they cleared the road. Mr. Ruller said he personally wanted to thank everyone who helped clear the streets and worked for the continuation of emergency functions. He said their crews worked around the clock. He said his hat is off to them, and he would like to offer a great deal of thanks. Mr. Ruller said that he heard from many people who were quick to point out how good the streets were as compared to some of the neighboring communities. He said he was glad to say their main roads were in good shape. Mr. Ruller said that they did not have all of their salt delivered, but what they had lasted, thanks to the rationing that had been in effect.

## STANDING COMMITTEE REPORTS

At this time, balloting was held for the vacancies on the Board of Zoning Appeals and the Planning Commission. Following tabulation of the ballots by the Law Director, Mr. Wilson announced that **Elizabeth Howard** would be appointed to the Board of Zoning Appeals and **Jennifer Arthur** would be appointed to the Planning Commission.

### **MOTION TO AUTHORIZE DRAFT NOS 08-54 AND 08-55, FOR JENNIFER ARTHUR FOR THE PLANNING COMMISSION AND ELIZABETH HOWARD FOR THE BOARD OF ZONING APPEALS.**

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

Mr. Wilson asked the Clerk to read Draft No. 08-54 by title only at this time.

### **A RESOLUTION APPOINTING JENNIFER ARTHUR TO THE PLANNING COMMISSION, 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. 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. Hawksley, seconded by Mr. Turner.

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.

### **2008-53: A RESOLUTION APPOINTING JENNIFER ARTHUR TO THE PLANNING COMMISSION, AND DECLARING AN EMERGENCY.**

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Linda M. Copley, Clerk of Council

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Wayne Wilson, President Pro Tem

The Mayor asked the Clerk to read Draft No. 08-55 by title only at this time.

### **A RESOLUTION APPOINTING ELIZABETH HOWARD TO THE BOARD OF ZONING APPEALS, 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. 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. Ferrara.

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.

### **2008-54: A RESOLUTION APPOINTING ELIZABETH HOWARD TO THE BOARD OF ZONING APPEALS, AND DECLARING AN EMERGENCY.**

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**COMMUNITY DEVELOPMENT COMMITTEE**

**MOTION TO APPROVE THE WRITTEN REPORT AND RECOMMENDED ACTIONS OF MARCH 5, 2008.**

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

The following actions were approved by the aforementioned motion:

- 1) A PRESENTATION WAS GIVEN BY SUMMA/ROBINSON ON THEIR PROJECT
- 2) TO AUTHORIZE THE CDBG ALLOCATIONS AND THE TWO RECOMMENDED POLICY CHANGES
- 3) TO AUTHORIZE CHANGES TO THE CITY'S INCUBATOR POLICY AS PRESENTED

**FINANCE COMMITTEE**

**MOTION TO APPROVE THE WRITTEN REPORT AND RECOMMENDED ACTIONS OF MARCH 5, 2008.**

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

The following actions were approved by the aforementioned motion:

- 1) TO AUTHORIZE FURTHER INFORMATION, INCLUDING A COMPLETE COST BENEFIT ANALYSIS ABOUT RITA.
- 2) INFORMATION WAS PRESENTED ON THE OHIO EXCELLENCE IMPROVEMENT PROCESS

**HEALTH & SAFETY COMMITTEE**

**MOTION TO APPROVE THE WRITTEN REPORT AND RECOMMENDED ACTION OF MARCH 5, 2008.**

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

Mr. Ferrara said he would vote against the motion. He said the staff worked with the downtown businesses to find a good compromise in terms of meeting everyone's needs. He said their downtown is about business. He said that while some of the businesses are bars, if they look around, they will find food and families enjoying the food.

Mr. Ferrara said it is short sighted to turn down the request to waive parking. He said they ask people to volunteer for committees, but continue to reject their recommendations. Mr. Ferrara said this would come back to haunt them. He said if the Council does not want to follow recommendations, they should disband the committee. He said that waiving the two-hour parking restriction was a good idea.

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

The following actions were approved by the aforementioned motion:

- 1) TO DENY THE REQUEST TO WAIVE THE TWO-HOUR PARKING RESTRICTION ON MAR. 17.

**LAND USE COMMITTEE**

**MOTION TO APPROVE THE AGRICULTURAL DISTRICT REQUEST.**

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

**STREETS, SIDEWALKS & UTILITIES COMMITTEE**

**MOTION TO APPROVE THE WRITTEN REPORT OF MARCH 5, 2008, WHERE A PRESENTATION WAS RECEIVED ON NOPEC WITH NO RECOMMENDED ACTION.**

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

**SPECIAL COMMITTEE REPORTS** None

**UNFINISHED BUSINESS** None

**NEW BUSINESS**

**MOTION TO REFER TO THE ADMINISTRATION THE POSSIBILITY THAT ALL PUBLIC EMPLOYEES WHO HAVE DIRECT CONTACT WITH THE PUBLIC, WEAR PICTURE ID BADGES.**

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

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

Ms. Shaffer said that Mr. Bard had a point about the sidewalks in Kent. She said she tried to walk her dog, and although it is several days since the snow storm, it was quite difficult. She suggested they put their heads together, and maybe solicit contributions from the Environmental Commission, so they can find a strategy of how to encourage residents and property owners to shovel in a timely way. She said that she understood they cannot do it the day of a storm, but it is a safety issue. She acknowledged that many are unable to shovel, so they need to find a way to recruit volunteers, and suggested they could get people needing to do community service to assist those needing extra help. She said this is definitely an important issue for their community, especially since they are trying to be more pedestrian friendly.

Mr. Hawksley said he appreciates that the streets are clear and dry, adding that people like him, who are pedestrians, have to walk in the street. He explained that all of the snow ends up on the sidewalks, especially at the intersections, and they now have ice bergs blocking the intersections. He said where people have made paths across the tundra is thick with ice. He said they need to find a way through moral persuasion. He said the Tree City Bulletin tells people they need to shovel their sidewalks. He said if they cannot do that, they need to reduce the speed limit to three miles per hour until the streets are clear. He said it is not safe to walk in the streets.

Mr. Amrhein agreed, adding that as a teacher, he sees students walking in the streets on foggy days. He said he fears that someone will be injured. Mr. Amrhein said that Ms. Shaffer and Mr. Hawksley have merit to their comments.

Mr. Kuhar said he wanted to commend the Street Department for an excellent job. He said while he was out of town, he saw on the news how other communities looked. He said he is glad to see that the Parks Dept. uses an ATV, and glad they purchased a new one. He said they cannot do all of the sidewalks, but he will mention, again, that they have some areas, such as South Water and Main St., where the snow plows push the snow on the sidewalks. He said once it hits the sidewalks and the temperature is twenty degrees, it is hard to shovel. He said they need some program, at least during the heavy snows, to get those sidewalks that are close to the roads. He said it is physically hard to move the snow, adding he tried to clear it with his snow blower, and it would not move.

Mr. Turner said he shared a lot of their same concerns, but after they get past the point of wanting to do it, it will become a question of the mechanism. He said it cannot be done with volunteers. He said it must be an official program, with a mechanism that allows the sidewalks to be cleaned. He said the issue, first and foremost, is how they prioritize the strips or areas to be cleaned, adding it did not see it being possible. Mr. Turner suggested they needed to look at the cost for the City, in total, because once they start down that road, that is where they will head. Mr. Turner said they will need an enforcement mechanism.

Mr. Kuhar said he thought the Supreme Court ruled they cannot force people to clear their sidewalks, and Mr. Silver said he was unsure if that was their ruling. Mr. Kuhar said if someone is capable of shoveling their sidewalk, it is one thing, but if they are not capable, it is another story.

**MAYOR'S REPORT**

President Pro Tem Wilson explained that when he first came on Council, he complained about stray cats. He said Council put him in charge of a committee to review the issue. He suggested to those with concerns about the sidewalks that they talk about setting up a subcommittee, and return to Council with a proposal of how to study the issue. He suggested they needed to come up with a feasible, financial way to do it.

Hearing no further business before this Council, President Pro Tem Wilson adjourned this meeting at 7:59 p.m.

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Linda M. Copley, Clerk of Council

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Wayne Wilson, President Pro Tem