

**THE CITY OF KENT, OHIO
REGULAR COUNCIL
WED. MAY 21, 2008**

This regular meeting of Kent City Council was called to order by John Fender, Mayor & President of Council on Wed., May 21, 2008 at 7:30 p.m.

PRESENT: MR. AMRHEIN, MR. DELEONE, MR. FERRARA, 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

ABSENT: MR. HAWKSLEY

MOTION TO EXCUSE MR. HAWKSLEY

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

Ms. Wallach asked why Mr. Hawksley was being excused, and Mr. Wilson said he called and asked to be excused. He told Ms. Wallach they do not have to give a reason for being excused.

The motion carried by a voice vote of 8-0.

Mayor Fender called upon Mr. Kuhar for opening remarks at this time. Mr. Kuhar said he believes in supporting local Kent businesses. He said he recently had the opportunity to eat at the Mediterranean Café, which used to be a hot dog shop. He said they had good food of good quality, and encouraged everyone to try it.

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

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF APRIL 16, 2008.

Motion made by Mr. Kuhar, seconded by Mr. Ferrara, and carried by a voice vote of 8-0.

MOTION TO APPROVE THE MINUTES OF THE PUBLIC HEARING OF APRIL 16, 2008.

Motion made by Mr. Kuhar, seconded by Mr. Ferrara, and carried by a voice vote of 8-0.

MOTION TO APPROVE THE MINUTES OF THE WORK SESSIONS OF APRIL 16, 2008, APRIL 23, 2008, AND MAY 7, 2008.

Motion made by Mr. Kuhar, seconded by Mr. Ferrara, and carried by a voice vote of 8-0.

MOTION TO APPROVE THE JOINT MEETING WITH FRANKLIN TOWNSHIP ON MAY 7, 2008.

Motion made by Mr. Kuhar, seconded by Mr. Ferrara, and carried by a voice vote of 8-0.

Mayor Fender 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.

Hearing no audience comment, Mayor Fender called upon the Clerk for the written correspondence at this time.

The Clerk reported that a letter was received from the Standing Rock Cemetery Clerk-Treasurer, Jean Chrest, on April 17, 2008, with the proposed agenda for the annual joint meeting, which was held on May 7, 2008.

The Clerk reported that emails were received on April 23, 2008 from Council members Hawksley, Shaffer, and Ferrara with their thoughts on Council's strategic planning process. She said these emails were forwarded to all members of Council that same day.

The Clerk reported that an email was received from Adam Patterson on April 21, 2008, advising he has been elected to serve as the Undergraduate Student Government's Director of Community Affairs. She said that this email was previously forwarded to all members of Council.

The Clerk said that carbon copies of emails were received from Greg Vilks, Kent Hotel, LLC that had been sent to various City employees and Council between April 25, 2008 and May 15, 2008. She said these emails were previously forwarded to all members of Council.

The Clerk said that the minutes of the March 13, 2008 and April 10, 2008 Standing Rock Cemetery Trustees meetings were placed on file by Council's representative, Mike DeLeone, on Wed., May 7, 2008.

The Clerk said a letter was received from Dave E. Williams, attorney for EQK/Plum Creek Apartments, requesting Council grant a variance to Chapters 1111 and 1119 of the Kent Codified Ordinances, allowing an extension until April 30, 2009. The letter further requests this be scheduled for discussion at the earliest possible date. She said this letter was distributed to all members of Council on May 7, 2008.

The Clerk said the minutes of the May 15, 2008 agenda packet from the Park Board were placed on file by Council's representative, Mr. Wilson, on Wed., May 14, 2008.

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

MOTION TO APPROVE ITEMS #1 THROUGH #9.

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

The following items were approved by the aforementioned motion:

- 1) Authorization of Draft No. 08-85, a donation of a police radar unit by the Ohio Dept. of Safety
- 2) Authorization of Draft Nos. 08-88 and 08-89, Adopt-A-Spot donations
- 3) Authorization of Draft Nos. 0877-08-84, right-of-way agreements, Fairchild Ave. bridge
- 4) Committee time, June 4, 2008, update from staff on strategic planning
- 5) Finance Committee, June, Amendment to Annual Appropriations Ordinance
- 6) Finance Committee, June, review Blue Ribbon Panel's recommendations
- 7) Finance Committee, June, review of City's business relocation policy
- 8) Finance Committee, June, update on progress of City/County Public Safety building study
- 9) Finance Committee, June, review tax levy schedule for recreation

STANDING COMMITTEE REPORTS

Mayor Fender announced the results of the balloting for the vacancies on various boards and commissions at this time.

Richard Bissler
Brian Gray
Eric Zemljic
Bob Mayfield

P.A.R.T.A
FAIR HOUSING BOARD/HOUSING BOARD OF APPEALS
BOARD OF BUILDING APPEALS
PARKING ACTION COMMITTEE

MOTION TO AUTHORIZE DRAFT NOS. 08-70 THROUGH 08-73 WITH THE APPROPRIATE NAMES INSERTED.

Motion made by Mr. Wilson, seconded by Mr. Amrhein, and carried by a voice vote of 8-0.

The Mayor asked the Clerk to read Draft No. 08-70 by title only:

A RESOLUTION APPOINTING RICK BISSLER TO THE PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY 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. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, and Mr. Amrhein. The motion carried by a roll call vote of 8-0.

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. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, and Mr. Amrhein. The motion carried by a roll call vote of 8-0.

2008-65: A RESOLUTION APPOINTING RICHARD BISSLER TO THE PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-71 by title only at this time.

A RESOLUTION APPOINTING BRIAN GRAY TO THE FAIR HOUSING BOARD/HOUSING APPEALS BOARD AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Mr. Ferrara, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, and Mr. DeLeone. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Roll call was taken on the motion. Voting aye: Mr. Ferrara, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, and Mr. DeLeone. The motion carried by a roll call vote of 8-0.

2008-66: A RESOLUTION APPOINTING BRIAN GRAY TO THE FAIR HOUSING BOARD/HOUSING APPEALS BOARD AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-72 by title only at this time.

A RESOLUTION APPOINTING ERIC ZEMLJIC TO THE BOARD OF BUILDING APPEALS AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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Roll call was taken on the motion. Voting aye: 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 8-0.

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. 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 8-0.

2008-67: A RESOLUTION APPOINTING ERIC ZEMLJIC TO THE BOARD OF BUILDING APPEALS AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-73 by title only at this time.

A RESOLUTION APPOINTING BOB MAYFIELD TO THE PARKING ACTION COMMITTEE AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

Motion made by Mr. DeLeone, 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, and Mr. Kuhar. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Roll call was taken on the motion. Voting aye: Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Kuhar. The motion carried by a roll call vote of 8-0.

2008-68: A RESOLUTION APPOINTING BOB MAYFIELD TO THE PARKING ACTION COMMITTEE AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

COMMUNITY DEVELOPMENT COMMITTEE

MOTION TO APPROVE THE FIRST RECOMMENDED ACTION, WHICH WAS AN UPDATE OF THE MAIN STREET PROGRAM.

Motion made by Mr. Turner, seconded by Mr. DeLeone, and carried by a voice vote of 8-0.

MOTION TO AUTHORIZE TO MATCH THE BURBICK FOUNDATION'S DONATION OF \$15,000 TO HIRE A FIRM TO DEVELOP DESIGN GUIDELINES.

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

Ms. Wallach said she will not support this donation, adding it is an unnecessary expense as there is already a group of people committed to produce a similar product, in the same amount of time, or less. She said they are missing a fantastic opportunity to build the bonding between the business community and Main Street.

Mr. Kuhar said he respects Mr. Burbick's reasoning for doing this, and did not wish to offend him by voting against the motion. He said it is a great contribution to the town, but he agreed with Ms. Wallach. He said this is something that should be handled locally by local people who are around their buildings. He said the money is a smaller part of the issue.

Ms. Shaffer said she did not feel she had enough information to make a wise choice. She said she wanted to support Mr. Burbick and Main Street, but was concerned they will miss that opportunity for community development, which is so important for Main Street. She said she did not understand what goes into

developing design guidelines and whether an expert is needed. She said she would support the motion if she knew there would be more public involvement by merchants and Main Street, not just a design person doing the work. She said this should be a team process.

Mr. Ferrara said he can understand the issue of community input and all, but Main Street has looked into the situation. He said Main Street supports the project, adding he is unsure where the misunderstanding came in that they were left out. He noted they are working hand-in-hand with Mr. Burbick on this process.

The motion carried by a hand vote of 5-3, with Mr. Kuhar, Ms. Shaffer, and Ms. Wallach dissenting.

MOTION TO APPROVE THE WRITTEN REPORT OF MAY 14, 2008.

Motion made by Mr. Turner, seconded by Mr. Wilson, and carried by a voice vote of 8-0.

The Mayor asked the Clerk to read Draft No. 08-74 by title only at this time.

AN ORDINANCE APPROVING A REQUEST FOR ASSISTANCE FOR FISCAL YEAR 2008 UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, INCLUDING THE FIVE YEAR CONSOLIDATED DEVELOPMENT PLAN OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF FUNDS RELATED THERETO AS AMENDED, INCLUDING THE FY2008 ANNUAL ACTION PLAN AND AUTHORIZING THE EXECUTION AND FILING OF THE FIVE YEAR CONSOLIDATED DEVELOPMENT PLAN AND FY2008 ANNUAL ACTION PLAN, INCLUDING RELATED CERTIFICATIONS, AND UPON AWARDING OF THE GRANT, AUTHORIZING APPROPRIATION OF FUNDS THEREFOR 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. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, and Ms. Shaffer. The motion carried by a roll call vote of 8-0.

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. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, and Ms. Shaffer. The motion carried by a roll call vote of 8-0.

2008-69: AN ORDINANCE APPROVING A REQUEST FOR ASSISTANCE FOR FISCAL YEAR 2008 UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, INCLUDING THE FIVE YEAR CONSOLIDATED DEVELOPMENT PLAN OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF FUNDS RELATED THERETO AS AMENDED, INCLUDING THE FY2008 ANNUAL ACTION PLAN AND AUTHORIZING THE EXECUTION AND FILING OF THE FIVE YEAR CONSOLIDATED DEVELOPMENT PLAN AND FY2008 ANNUAL ACTION PLAN, INCLUDING RELATED CERTIFICATIONS, AND UPON AWARDING OF THE GRANT, AUTHORIZING APPROPRIATION OF FUNDS THEREFOR AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

FINANCE COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF MAY 7, 2008 AND THE RECOMMENDED ACTIONS.

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

The following items were approved by the aforementioned motion:

- 1) TO AUTHORIZE THE CELEBRATE KENT! FUNDING AS RECOMMENDED BY THE ADMINISTRATION.
- 2) TO AUTHORIZE THE LEASE OF THE SUMMIT STREET INCUBATOR SPACE.
- 3) TO AUTHORIZE THE TAX ABATEMENT APPLICATION FOR DON JOSEPH TOYOTA
- 4) TO RECEIVE AN UPDATE ON THE CITY'S FINANCES.

MOTION TO APPROVE THE WRITTEN REPORT OF MAY 14, 2008 AND THE RECOMMENDED ACTIONS.

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

The following items were approved by the aforementioned motion:

- 1) INTRODUCTION TO FAIRMOUNT GROUP; NO ACTION NEEDED
- 2) TO AUTHORIZE THE ADMINISTRATION TO DECIDE IF AND WHEN A CITIZENS INVOLVEMENT COMMITTEE IS NEEDED ON THE DOWNTOWN REDEVELOPMENT AND DECIDE HOW THEY WILL INTERACT
- 3) TO REPROGRAM THE PAVING MONIES AS PRESENTED BY THE ADMINISTRATION.

The Mayor asked the Clerk to read Draft No. 08-75 by title only at this time.

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SUBMIT ON BEHALF OF THE CITY OF KENT, AN APPLICATION FOR OHIO PUBLIC WORKS COMMISSION (OPWC) FINANCING FOR ROUND 23 AND FURTHER AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, IN THE EVENT THE APPLICATION IS APPROVED, TO AGREE TO PARTICIPATE IN FUNDING OF ITS LOCAL SHARE FOR THE SUBJECT OPWC PROJECT 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: 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 8-0.

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. 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 8-0.

2008-70: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SUBMIT ON BEHALF OF THE CITY OF KENT, AN APPLICATION FOR OHIO PUBLIC WORKS COMMISSION (OPWC) FINANCING FOR ROUND 23 AND FURTHER AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, IN THE EVENT THE APPLICATION IS APPROVED, TO AGREE TO PARTICIPATE IN FUNDING OF ITS LOCAL SHARE FOR THE SUBJECT OPWC PROJECT AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-85 by title only at this time.

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT A DONATION OF A MPH PHYTHON III RADAR UNIT VALUED AT \$1,800.00, AWARDED BY THE OHIO DEPARTMENT OF SAFETY 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. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer, Mr. Turner, and Ms. Wallach. The motion carried by a roll call vote of 8-0.

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, and Ms. Wallach. The motion carried by a roll call vote of 8-0.

2008-71: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT A DONATION OF A MPH PHYTHON III RADAR UNIT VALUED AT \$1,800.00, AWARDED BY THE OHIO DEPARTMENT OF SAFETY AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-87 by title only at this time.

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH DON JOSEPH, INC. PROVIDING FOR A PROJECT AND REAL PROPERTY TAX EXEMPTION PURSUANT TO THE OHIO COMMUNITY REINVESTMENT AREA PROGRAM 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. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, and Mr. Wilson. The motion carried by a roll call vote of 8-0.

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. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, and Mr. Wilson. The motion carried by a roll call vote of 8-0.

2008-72: AN ORDINANCE AUTHORIZING AN AGREEMENT WITH DON JOSEPH, INC. PROVIDING FOR A PROJECT AND REAL PROPERTY TAX EXEMPTION PURSUANT TO THE OHIO COMMUNITY REINVESTMENT AREA PROGRAM AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-88 by title only at this time.

AN ORDINANCE ACCEPTING DONATIONS TO THE CITY OF KENT ADOPT-A-SPOT FROM DORIS BROWN, CUTLER REAL ESTATE; STAR OF THE WEST MILLING COMPANY; HOME SAVINGS

BANK; PORTAGE COUNTY MASTER GARDNER'S; HOMEMAID PLUS; KENT AREA CHAMBER OF COMMERCE; BOWERS LAWCARE; KIWANIS CLUB OF KENT; FIRST ENERGY CORP.; AND YOUNG & ASSOCIATES, INC. FOR \$250.00 EACH TOTALING \$2,500.00 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, Ms. Wallach, Mr. Wilson, and Mr. Amrhein. The motion carried by a roll call vote of 8-0.

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. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, and Mr. Amrhein. The motion carried by a roll call vote of 8-0.

2008-73: AN ORDINANCE ACCEPTING DONATIONS TO THE CITY OF KENT ADOPT-A-SPOT FROM DORIS BROWN, CUTLER REAL ESTATE; STAR OF THE WEST MILLING COMPANY; HOME SAVINGS BANK; PORTAGE COUNTY MASTER GARDNER'S; HOMEMAID PLUS; KENT AREA CHAMBER OF COMMERCE; BOWERS LAWCARE; KIWANIS CLUB OF KENT; FIRST ENERGY CORP.; AND YOUNG & ASSOCIATES, INC. FOR \$250.00 EACH TOTALING \$2,500.00 AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-89 by title only at this time.

AN ORDINANCE ACCEPTING AN UNSOLICITED GRANT DONATION TO THE CITY OF KENT ADOPT-A-SPOT FROM THE HENRY V. & FRANCES W. CHRISTENSON FOUNDATION IN THE AMOUNT OF \$1,000.00 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. Ferrara, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, and Mr. DeLeone. The motion carried by a roll call vote of 8-0.

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. Ferrara, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, and Mr. DeLeone. The motion carried by a roll call vote of 8-0.

2008-74: AN ORDINANCE ACCEPTING AN UNSOLICITED GRANT DONATION TO THE CITY OF KENT ADOPT-A-SPOT FROM THE HENRY V. & FRANCES W. CHRISTENSON FOUNDATION IN THE AMOUNT OF \$1,000.00 AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-90 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 AND ORDINANCE NO. 2008-57, PASSED APRIL 16, 2008 SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; FUND 102, STREET CONSTRUCTION, MAINTENANCE AND REPAIR; FUND 201, WATER; FUND 202, SEWER; FUND 208, STORM WATER DRAINAGE; AND FUND 301, CAPITAL PROJECTS; AND SO AS TO ADJUST TRANSFERS INVOLVING FUND 102, STREET CONSTRUCTION, MAINTENANCE AND REPAIR; FUND 116, INCOME TAX; AND FUND 301, CAPITAL PROJECTS 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, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The motion carried by a roll call vote of 8-0.

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. 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 8-0.

2008-75: 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 AND ORDINANCE NO. 2008-57, PASSED APRIL 16, 2008 SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; FUND 102, STREET CONSTRUCTION, MAINTENANCE AND REPAIR; FUND 201, WATER; FUND 202, SEWER; FUND 208, STORM WATER DRAINAGE; AND FUND 301, CAPITAL PROJECTS; AND SO AS TO ADJUST TRANSFERS INVOLVING FUND 102, STREET CONSTRUCTION, MAINTENANCE AND REPAIR; FUND 116, INCOME TAX; AND FUND 301, CAPITAL PROJECTS AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-91 by title only at this time.

AN ORDINANCE AMENDING THE LAND LEASE AGREEMENT ENTERED INTO WITH GTE MOBILNET ON SEPTEMBER 1, 1995, WHICH WAS AMENDED ON APRIL 5, 2000, MODIFYING THE LENGTH OF THE LEASE, CLARIFYING THE ALLOCATIONS OF RENTS FROM NEW "TENANTS" ON THE TOWER, AND GIVING THE CITY THE OPTION TO TAKE THE TOWER IN THE FUTURE, 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: Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Kuhar. The motion carried by a roll call vote of 8-00

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Roll call was taken on the motion. Voting aye: Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Kuhar. The motion carried by a roll call vote of 8-0.

2008-76: AN ORDINANCE AMENDING THE LAND LEASE AGREEMENT ENTERED INTO WITH GTE MOBILNET ON SEPTEMBER 1, 1995, WHICH WAS AMENDED ON APRIL 5, 2000, MODIFYING THE LENGTH OF THE LEASE, CLARIFYING THE ALLOCATIONS OF RENTS FROM NEW "TENANTS" ON THE TOWER, AND GIVING THE CITY THE OPTION TO TAKE THE TOWER IN THE FUTURE, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-93 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LEASE AGREEMENT WITH JAMAL UDDIN dba R.U. GEAR FOR PROPERTY LOCATED AT 211 EAST SUMMIT STREET, KENT, OHIO 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. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, and Ms. Shaffer. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Roll call was taken on the motion. Voting aye: Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, and Ms. Shaffer. The motion carried by a roll call vote of 8-0.

**2008-77: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LEASE AGREEMENT WITH JAMAL UDDIN dba R.U. GEAR FOR PROPERTY LOCATED AT 211 EAST SUMMIT STREET, KENT, OHIO AND DECLARING AN EMERGENCY.
LAND USE COMMITTEE**

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

MOTION TO APPROVE THE WRITTEN REPORT OF MAY 7, 2008 AND THE RECOMMENDED ACTIONS.

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

Ms. Wallach asked that they separate the three actions at this time.

MOTION TO AUTHORIZE THE FIRST ACTION, APPROVING THE SUBDIVISION VARIANCE FOR SIDEWALKS.

Motion made by Mr. Ferrara, seconded by Mr. Kuhar, and carried by a voice vote of 8-0.

MOTION TO AUTHORIZE THE SECOND ACTION, APPROVING THE SUBDIVISION VARIANCE FOR GRADING.

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

MOTION TO AMEND TO INCLUDE THAT THE EROSION FACTOR MUST BE TAKEN CARE OF TO THE STAFF'S SATISFACTION BEFORE RELEASE OF THE BOND.

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

Ms. Wallach said she looked at the property, adding it is very steep and a heavy rain will wash it all away. She

said it needs to be taken care of before the bond is removed.

Ms. Shaffer agreed, adding it sounds like a reasonable thing to expect.

Mr. Kuhar said he thought Mr. Williams, their attorney, said they were planning on doing that anyway, and he was okay with that as a condition.

Mr. Wilson said he is voting against the amendment, as he plans to vote against the grading variance. He said he still does not think they should be given a variance on grading.

The motion carried by a hand vote of 6-2, with Mr. Wilson and Mr. Ferrara dissenting.

Mayor Fender called for comments on the motion, as amended, at this time.

Mr. Kuhar said they have already hashed this around quite a bit. He said a lot of them want to see a natural landscape with trees, rather than a baseball field.

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

MOTION TO DENY THE SANITARY SEWER VARIANCE.

Motion made by Mr. Ferrara, seconded by Mr. Wilson, and carried by a hand vote of 5-3, with Mr. Turner, Mr. DeLeone, and Mr. Kuhar dissenting.

MOTION TO APPROVE THE PLANNING COMMISSION'S RECOMMENDATION TO ALLOW LIMITED RESIDENTIAL IN INDUSTRIAL AREAS.

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

The Mayor asked the Clerk to read Draft No. 08-66 by title only at this time.

AN ORDINANCE AMENDING SECTIONS 1151, 1153 AND 1155 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT, ENTITLED RESPECTIVELY: L-I, LIGHT-INDUSTRIAL DISTRICT; I-R, INDUSTRIAL RESEARCH AND OFFICE DISTRICT; AND I, INDUSTRIAL DISTRICT, SO AS TO ADD THE LIMITED RESIDENTIAL ACCESSORY USE TO SAID DISTRICTS.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: 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 8-0.

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. 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 8-0.

2008-78: AN ORDINANCE AMENDING SECTIONS 1151, 1153 AND 1155 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT, ENTITLED RESPECTIVELY: L-I, LIGHT-INDUSTRIAL DISTRICT; I-R, INDUSTRIAL RESEARCH AND OFFICE DISTRICT; AND I, INDUSTRIAL DISTRICT, SO AS TO ADD THE LIMITED RESIDENTIAL ACCESSORY USE TO SAID DISTRICTS.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

STREETS, SIDEWALKS & UTILITIES COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF MAY 7, 2008 AND THE FIRST RECOMMENDED ACTION, WHICH WAS RECEIVING AN UPDATE ON THE CRAIN/FAIRCHILD AVE. BRIDGE.

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

MOTION TO APPROVE THE SECONDED RECOMMENDED ACTION, TO AUTHORIZE THE CITY TO EXERCISE THE OPTION TO PURCHASE THE THREE (3) RICCIARDI PROPERTIES.

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

Mr. Kuhar said that given the fact the price is \$100,000 more than the appraised value, he cannot support the motion. He said with the current market, they are probably paying more than \$100,000 in excess of the appraised value. He said they still have until the end of the year to exercise their option, and it is of no advantage to the taxpayers to use their money to make this expenditure. He said there is no loss if they do not do it now, adding they still have a lock on the property. Mr. Kuhar said there is development agreement in place, and this is an unwise leverage of their funds.

The motion carried by a voice vote of 6-2, with Mr. Kuhar and Ms. Wallach dissenting.

The Mayor asked the Clerk to read Draft No. 08-76 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 620 SQUARE FEET OF REAL PROPERTY FROM DALE R. HENDERSON, 447 FAIRCHILD, FOR \$495.00 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. 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, and Ms. Wallach. The motion carried by a roll call vote of 8-0.

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. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer, Mr. Turner, and Ms. Wallach. The motion carried by a roll call vote of 8-0.

2008-79: 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 620 SQUARE FEET OF REAL PROPERTY FROM DALE R. HENDERSON, 447 FAIRCHILD, FOR \$495.00 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

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-77 by title only at this time.

AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A PURCHASE AGREEMENT WITH THE CITY OF KENT, OHIO, BUYING AN INTEREST IN

48 SQUARE FEET; OBTAINING TWO (2) TEMPORARY EASEMENTS, ONE CONSISTING OF 992 SQUARE FEET AND ONE CONSISTING OF 13 SQUARE FEET FOR A TOTAL OF 1,053 SQUARE FEET OF REAL PROPERTY FROM KENT DOWNTOWN COMMUNITY URBAN REDEVELOPMENT CORP., 300 ROCKWELL STREET, FOR \$1,310.00 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. DeLeone, seconded by Mr. Kuhar.

Roll call was taken on the motion. Voting aye: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, and Mr. Wilson. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Roll call was taken on the motion. Voting aye: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, and Mr. Wilson. The motion carried by a roll call vote of 8-0.

2008-80: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A PURCHASE AGREEMENT WITH THE CITY OF KENT, OHIO, BUYING AN INTEREST IN 48 SQUARE FEET; OBTAINING TWO (2) TEMPORARY EASEMENTS, ONE CONSISTING OF 992 SQUARE FEET AND ONE CONSISTING OF 13 SQUARE FEET FOR A TOTAL OF 1,053 SQUARE FEET OF REAL PROPERTY FROM KENT DOWNTOWN COMMUNITY URBAN REDEVELOPMENT CORP., 300 ROCKWELL STREET, FOR \$1,310.00 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

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-78 by title only at this time.

AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A PURCHASE AGREEMENT WITH THE CITY OF KENT, OHIO, BUYING AN INTEREST IN 6,683 SQUARE FEET OF REAL PROPERTY FROM KENT DOWNTOWN COMMUNITY URBAN REDEVELOPMENT CORP., PARCEL #170302000013, FOR \$34,580.00 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. DeLeone, seconded by Mr. Kuhar,

Roll call was taken on the motion. Voting aye: Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, and Mr. Amrhein. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Roll call was taken on the motion. Voting aye: Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, and Mr. Amrhein. The motion carried by a roll call vote of 8-0.

2008-81: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A PURCHASE AGREEMENT WITH THE CITY OF KENT, OHIO, BUYING AN INTEREST

IN 6,683 SQUARE FEET OF REAL PROPERTY FROM KENT DOWNTOWN COMMUNITY URBAN REDEVELOPMENT CORP., PARCEL #170302000013, FOR \$34,580.00 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

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-79 by title only at this time.

AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A PURCHASE AGREEMENT WITH THE CITY OF KENT, OHIO, BUYING AN INTEREST IN 9,898 SQUARE FEET OF REAL PROPERTY FROM CHARLES W. FRANKHOUSER, 501 GOUGLER, FOR \$201,000.00 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. DeLeone, seconded by Mr. Wilson.

Roll call was taken on the motion. Voting aye: Mr. Ferrara, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, and Mr. DeLeone. The motion carried by a roll call vote of 8-0.

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. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, and Mr. DeLeone. The motion carried by a roll call vote of 8-0.

2008-82: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A PURCHASE AGREEMENT WITH THE CITY OF KENT, OHIO, BUYING AN INTEREST IN 9,898 SQUARE FEET OF REAL PROPERTY FROM CHARLES W. FRANKHOUSER, 501 GOUGLER, FOR \$201,000.00 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

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-80 by title only at this time.

AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A PURCHASE AGREEMENT WITH THE CITY OF KENT, OHIO, BUYING AN INTEREST IN 14,194 SQUARE FEET OF REAL PROPERTY FROM SALVATORE E. CALI, 707 NORTH MANTUA, FOR \$284,570.00 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. DeLeone, 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, and Mr. Ferrara. The motion carried by a roll call vote of 8-0.

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. 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 8-0.

2008-83: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A PURCHASE AGREEMENT WITH THE CITY OF KENT, OHIO, BUYING AN INTEREST IN 14,194 SQUARE FEET OF REAL PROPERTY FROM SALVATORE E. CALI, 707 NORTH MANTUA, FOR \$284,570.00 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

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-81 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 403 SQUARE FEET OF REAL PROPERTY FROM R. VONSTEIN, 123 CRAIN AVENUE, FOR \$300.00 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. DeLeone.

Roll call was taken on the motion. Voting aye: Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Kuhar. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Roll call was taken on the motion. Voting aye: Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Kuhar. The motion carried by a roll call vote of 8-0.

2008-84: 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 403 SQUARE FEET OF REAL PROPERTY FROM R. VONSTEIN, 123 CRAIN AVENUE, FOR \$300.00 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

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-82 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 IN 831 SQUARE FEET OF REAL PROPERTY FROM SHERYL L. CARPENTER, 141 LAKE STREET FOR \$850.00 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. DeLeone.

Roll call was taken on the motion. Voting aye: Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, and Ms. Shaffer. The motion carried by a roll call vote of 8-0.

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. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, and Ms. Shaffer. The motion carried by a roll call vote of 8-0.

2008-85: 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 IN 831 SQUARE FEET OF REAL PROPERTY FROM SHERYL L. CARPENTER, 141 LAKE STREET FOR \$850.00 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

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-83 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 1,854 SQUARE FEET; AND A PERPETUAL EASEMENT OF 642 SQUARE FEET OF REAL PROPERTY FROM BRADY'S LEAP PARTNERS, 315 GOUGLER FOR \$6,143.00 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. 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. Kuhar, Ms. Shaffer, and Mr. Turner. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Roll call was taken on the motion. Voting aye: 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 8-0.

2008-86: 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 1,854 SQUARE FEET; AND A PERPETUAL EASEMENT OF 642 SQUARE FEET OF REAL PROPERTY FROM BRADY'S LEAP PARTNERS, 315 GOUGLER FOR \$6,143.00 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

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-84 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 5,709 SQUARE FEET; AND A PERPETUAL EASEMENT OF 3,042 SQUARE FEET OF REAL PROPERTY FROM KENT DOWNTOWN COMMUNITY URBAN REDEVELOPMENT CORP., FAIRCHILD AVENUE FOR \$22,595.00 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. DeLeone.

Roll call was taken on the motion. Voting aye: Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer, Mr. Turner, and Ms. Wallach. The motion carried by a roll call vote of 8-0.

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. Kuhar, Ms. Shaffer, Mr. Turner, and Ms. Wallach. The motion carried by a roll call vote of 8-0.

2008-87: 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 5,709 SQUARE FEET; AND A PERPETUAL EASEMENT OF 3,042 SQUARE FEET OF REAL PROPERTY FROM KENT DOWNTOWN COMMUNITY URBAN REDEVELOPMENT CORP., FAIRCHILD AVENUE FOR \$22,595.00 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

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-86 by title only at this time.

AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF OVERBROOK DRIVE, BRENTWOOD DRIVE, LAUREL DRIVE AND CHELTON DRIVE, BETWEEN CERTAIN TERMINI, BY THE CONSTRUCTION OF STORM SEWERS, CATCH BASINS, DRIVEWAY APPROACHES, ROADSIDE DITCHES AND ROOF DRAIN PIPES (LATERAL), TOGETHER WITH THE NECESSARY APPURTENANCES THERETO AND RELATED RESTORATION, SEEDING AND MULCHING, AND REPLACEMENT OF EXISTING DRIVEWAY APPROACHES, AS NECESSARY, AND RELATED IMPROVEMENTS, 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. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, and Mr. Wilson. The motion carried by a roll call vote of 8-0.

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. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, and Mr. Wilson. The motion carried by a roll call vote of 8-0.

2008-88: AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF OVERBROOK DRIVE, BRENTWOOD DRIVE, LAUREL DRIVE AND CHELTON DRIVE, BETWEEN CERTAIN TERMINI, BY THE CONSTRUCTION OF STORM SEWERS, CATCH BASINS, DRIVEWAY APPROACHES, ROADSIDE DITCHES AND ROOF DRAIN PIPES (LATERAL), TOGETHER WITH THE NECESSARY APPURTENANCES THERETO AND RELATED RESTORATION, SEEDING AND MULCHING, AND REPLACEMENT OF EXISTING DRIVEWAY APPROACHES, AS NECESSARY, AND RELATED IMPROVEMENTS, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-92 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXERCISE THE OPTION TO PURCHASE THE PROPERTIES KNOWN AS 200 S. DEPEYSTER STREET, 205 S. WATER STREET AND 126 ERIE STREET, ALL IN KENT, PORTAGE COUNTY, OHIO FROM JOSEPHINE AND ROSARIO RICCIARDI FOR \$827,000.00 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. DeLeone, Mr. Ferrara, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, and Mr. Amrhein. The motion carried by a roll call vote of 7-1, with Mr. Kuhar dissenting.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Roll call was taken on the motion. Voting aye: Mr. DeLeone, Mr. Ferrara, Ms. Shaffer, Mr. Turner, Mr. Wilson, and Mr. Amrhein. Ms. Wallach and Mr. Kuhar dissented. The motion carried by a roll call vote of 6-2.

2008-89: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXERCISE THE OPTION TO PURCHASE THE PROPERTIES KNOWN AS 200 S. DEPEYSTER STREET, 205 S. WATER STREET AND 126 ERIE STREET, ALL IN KENT, PORTAGE COUNTY, OHIO FROM JOSEPHINE AND ROSARIO RICCIARDI FOR \$827,000.00 AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

SPECIAL COMMITTEE REPORTS None

UNFINISHED BUSINESS None

NEW BUSINESS

Mr. Kuhar said they have had issues raised regarding winter snow removal, and have received a lot of information. He suggested they look at some type of compromise where the City takes care of the sidewalks that are close to the City streets. He said he would like to see how they take aggressive action on private snow plow drivers who block the sidewalks.

MOTION TO HAVE DISCUSSION ON CLEARING SIDEWALKS CLOSE TO CITY STREETS AND TO DISCUSS ACTION FOR THOSE PRIVATE SNOW PLOW DRIVERS WHO BLOCK SIDEWALKS.

Motion made by Mr. Kuhar, seconded by Ms. Wallach, and carried by a voice vote of 7-1, with Mr. Ferrara dissenting.

Mr. Ferrara said he sent all members of Council and the administration an email about getting together either on the second or fourth Wednesday of June to visit Spicer Village and talk to Phil Maynard, the principal behind the project. He said it is similar to what they plan to do in Kent, and he felt it would be useful for them to talk to Mr. Maynard and some of the other people affiliated with the Akron Park Alliance. He suggested feedback in terms of availability as they would like to nail down a date. He suggested the fourth Wednesday.

Mr. Wilson asked if it would be in the evening, and Mr. Ferrara said it would be whenever it works for Council. Mr. Amrhein said he was not available the fourth Wednesday in June. Mr. Kuhar asked Mr. Ferrara if he was buying dinner, and Mr. Ferrara offered him a \$1.00 pizza from a pizza shop close to the site.

Mr. Ferrara said he would send everyone an email, and asked that they reply to him with their available times.

Mr. Silver said if five people agree to go, they need to post notice of the meeting, suspend their rules regarding meetings outside of City limits, and have someone take minutes.

Ms. Shaffer asked if they still had to do that, even if they invite a reporter, and Mr. Ferrara commented they have nothing to hide.

Mr. Silver said they will need to post this, and arrange for someone to take minutes. He said they need to figure out if they want staff there, also. Mayor Fender said his understanding is that Mr. Ferrara will email them; they will respond; and the date will be posted. Mr. Ferrara said it is up to staff whether they want to go.

Mr. Ferrara said he recently went through a City process for a zoning amendment, and realized when he had to pay for it that they do not have online payment capabilities. He said one cannot even use their credit card. He suggested they need to get into the 19th century, at least.

MOTION TO REFER THE ISSUE OF ONLINE PAYMENTS AND USAGE OF CREDIT CARDS TO THE FINANCE DISCUSSION.

MOTION MADE BY Mr. Ferrara, seconded by Mr. Kuhar.

Mr. Wilson asked if this included their water bills, and Mr. Ferrara said it included everything.

Mr. Kuhar said he would support the motion. He said he was trying to round up some accounts today to see what people owe, and they were struggling to calculate a final bill that ended on April 1 and had not yet been mailed. He said they obviously do not have enough help, and suggested that some of the electronic gadgets could move things along quicker.

The motion carried by a voice vote of 8-0.

Ms. Shaffer said she would like to revisit the idea of more funding for the Folk Festival, Who's Your Momma Festival, and the community dinners. She said in some cases, people did not get one half of what they were requesting, and she would like to have a discussion in Committee on that issue.

Mayor Fender asked if she wanted to refer this to the committee or the Administration, and Ms. Shaffer said they need to have this reviewed by the Administration, and brought forward for the committee discussion.

MOTION TO REFER TO THE ADMINISTRATION ADDITIONAL FUNDING FOR THE FOLK FESTIVAL, WHO'S YOUR MOMMA FESTIVAL, AND THE COMMUNITY DINNERS.

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

Mr. Wilson said he would vote again the motion, as he would like to see them review the Blue Ribbon Panel recommendations, shoring up their funding before making any changes. He said the money is in their unencumbered funds. He said it is not like they cannot find the money, but if they use it for this, it will be unavailable for something else. He suggested they do the Blue Ribbon Panel discussion before getting involved in this issue.

Mr. Kuhar said he appreciated all of the organizations, but would vote against the motion. He said as he reviewed their administrative costs, he noticed there is quite a bit of money in those non profits. He said they have a good ability to raise money. Mr. Kuhar said they should donate something, as it is happening in Kent, but he is unsure where they should draw the line for funding all non profit organizations in Portage County.

Ms. Shaffer said it is an important economic development issue, adding these events bring people to Kent and foster community within Kent. She said she is willing to put it off, but would like to see it come back for a vote in the next few months.

Ms. Wallach asked if she met this year's funding or for 2009, and Ms. Shaffer said she wanted them to receive more for this year.

The motion resulted in a tie, with Mr. Ferrara, Mr. Wilson, Mr. Kuhar, and Mr. DeLeone dissenting. Mayor Fender voted to refer the issue to the Administration.

Ms. Wallach said she would like to respond to some comments Mr. Ferrara made regarding the design guidelines. She said she needs to work on her debating skills. Ms. Wallach said Mr. Ferrara commented that the Main Street organization supported buying the guidelines. Ms. Wallach said she is on the design subcommittee, adding that the reason they wanted to buy them was because after almost one year, the group working on them had nothing done. She said the leadership was not there. Ms. Wallach said when she found out they were buying the guidelines, she did research and looked at how other cities did it. She said others have found it a useful tool in building community with the business district. She said she assembled a different group who were committed to developing guidelines in the same or in a lesser amount of time. She said they were so frustrated by what had not happened, the committee was not willing to look at options.

Mr. Turner said he would like Council to start looking at how they are dealing with absentee landlords, as it relates to subsidized properties in the community. Mr. Turner said he has talked to Mr. Wilson about some of the issues in Ward 3. He said they just recently had a situation with a house fire, that seems to have been of suspicious nature. He said those individuals who may have been involved reside in a subsidized property. Mr. Turner said at this same time, they had another property that may or may not have spontaneously combusted. He said they have someone breaking in houses, while people are at work. Mr. Turner said that when they are doing things dealing with public dollars, the landlords should be required to make sure the conditions are enforceable, and should have a mechanism to enforce them. He said the inspectors can ensure that those people living on the property are listed in the contract. He said when he went to West Lafayette a few weeks earlier, they showed him an affidavit that puts those responsibilities on the property owners. He said it is indicated that they are required to check the properties periodically. He said the issues have been detrimental to the community. Mr. Turner said West Lafayette will be sending him information, and he said they, as a group, govern the city and should be thinking along those lines. He said these properties are diminishing the quality of life. He said they need a mechanism from a governance standpoint that deals with these issues, of burning, stealing and other things people do that do not have other things to occupy their time. He said they should look at it and start ensuring their rules are followed. He said the inspector does not address issues of absentee landlords. He said they need to be aware of the diminishing quality of life, and he is hopeful that they will revisit this issue.

Ms. Shaffer said she might wish to consider some of his comments when and if they talk about licensing rental properties. She said that she would like to consider the issue of the affidavit.

Mr. Kuhar asked if the people offering the subsidies are the ones who are supported to be checking, and Mr. Turner said he did not disagree. He said it is, unfortunately, an additional responsibility. He told Mr. Kuhar he could be right, and if not, it is something they can address.

Mr. Wilson said they had a meeting in the South End, and Mark from PMHA attended. He said that Mark told them if anyone was violating the law, they would check on it if it was reported to them.

Mr. Turner said they do not have the resources to do that, adding the complainant has to sign an affidavit. Mr. Wilson said he was just going by what Mark had said, and Mr. Turner said he called PMHA.

Mr. Amrhein said he has been getting complaints about unlicensed rentals, adding they need to look at it. He said he cannot go home without at least one message about it.

Mr. Wilson asked if this would not be coming back when they discussed the maintenance code, and Mr. Ruller said that was correct. He said they have had a full agenda, and have been unable to fit the issue in.

Mr. Ferrara reminded them that the City Manager's contract is coming up in June, and asked if they should appoint someone to have that discussion and suggested they may need an executive session. Mr. Wilson told him to turn in his evaluation, and they will discuss the contract. Mr. Ferrara asked if they prefer to wait until the evaluations are done, and Mr. Fender said they will do it after they complete the evaluations. Mr. Wilson said as soon as they get all evaluations together, they will be having that discussion.

Mayor Fender said they have two or three members who have not turned in their forms. He said he will compile the forms with Mr. Wilson, and then they will have an executive session to discuss their employees.

Mr. DeLeone commented it was so much clearer when they had a Policy & Procedures Committee.

MOTION TO ADJOURN THIS MEETING.

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

Hearing no further business before this Council, Mayor Fender adjourned this meeting at 8:30 p.m.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council