THE CITY OF KENT, OHIO
SPECIAL COUNCIL MEETING
WED., NOV. 12, 2008

This special meeting of Kent City Council was called to order by John Fender, Mayor and President of Council on Wed., Nov. 12, 2008 at 7:00 p.m.

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

ALSO PRESENT: **J. FENDER, MAYOR; D. RULLER, CITY MANAGER; J. SILVER, LAW DIRECTOR; J. PEACH, POLICE CHIEF; J. WILLIAMS, FIRE CHIEF; AND L. COPLEY, CLERK OF COUNCIL**

Mayor Fender welcomed those present at this time. He said they would be recognizing three police officers for their heroic deeds. Dave Ruller, City Manager, said this presentation was not planned. He said it is appropriate that on the evening when they are discussing the budget, to do this presentation, as the budget is about people.

Mr. Ruller explained they were honoring three people who have represented the City well, and helps keep it safe. He said that is a fundamental duty of the City. Mr. Ruller said that Jim Peach, Police Chief, wanted to recognize three officers. He said they do not do it a lot, and should recognize the officers more often. He said that when things do not go as planned, they read about it in the newspaper. He said it is good to get airtime for those who do their job well. Mr. Ruller said that all three officers appreciate the honor, but are somewhat embarrassed, which is part of the humility of the force.

Chief Peach said the three officers are to be recognized for exemplary conduct on Oct. 25, during an apartment fire in Silver Meadows where they saved the life of a woman. He introduced Jim Williams, Fire Chief, at this time.

Chief Williams said he was not at the fire, but was told by the firefighters who were that if it were not for the police officers arriving before the firefighters, the outcome would have been fatal. He said they do not like police officers kicking in doors, as the fire may have grown. Chief Williams said in this case, they saved the life of the woman in the apartment. He said it was outstanding performance by these three individuals, and worthy of recognition.

Chief Peach introduced Marty Gillilan, J.P. Gormsen, and Dominic Poe at this time. He said that Officer Gormsen has severed on the force for five years. He said Officer Gillilan has served for eighteen years, and Officer Poe just completed his one-year probation. Chief Peach said these three men have served on the 11:00 p.m. to 7:00 a.m. shift, which is very active, and sees a lot of violence and serious incidents. He said this is an example of the fine performance they do as officers throughout the department. Chief Peach read letters of commendation at this time, and noted these letters would be placed in their personnel files.

Mayor Fender said it is awfully hard to imagine what they went through, adding they appreciate their fine work. He thanked them, on behalf of all citizens; telling them their fine work is appreciated. He said they tend to take the police for granted until they need them.

At this time, the three officers introduced their family members at this time who were in the audience.

MOTION TO AUTHORIZE DRAFT NOS. 08-202, 08-203, 08-204, 08-205, AND 08-206.
Motion made by Mr. Wilson, seconded by Mr. Hawksley, and carried by a voice vote of 8-1, with Ms. Wallach dissenting.

The Mayor asked the Clerk to read Draft No. 08-202 by title only at this time.

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE THE RECALL OF JACK AMRHEIN AS WARD 2 COUNCIL FOR THE CITY OF KENT, OHIO, AND TO SET A DATE 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. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, and Mr. Wilson. Mr. Amrhein abstained. The motion carried by a roll vote of 8-0-1.

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, and Mr. Wilson. Mr. Amrhein abstained and Ms. Wallach dissented. The motion carried by a roll vote of 7-1-1.

2008-195: A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE THE RECALL OF JACK AMRHEIN AS WARD 2 COUNCIL FOR THE CITY OF KENT, OHIO, AND TO SET A DATE THEREFOR, 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. 08-203 by title only at this time.

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE THE RECALL OF HEIDI SHAFFER AS WARD 5 COUNCIL FOR THE CITY OF KENT, OHIO, AND TO SET A DATE 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. Ferrara, Mr. Hawksley, Mr. Kuhar, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, and Mr. DeLeone. Ms. Shaffer abstained. The motion carried by a roll call vote of 8-0-1.

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. Ferrara, Mr. Hawksley, Mr. Kuhar, Mr. Turner, Mr. Wilson, Mr. Amrhein, and Mr. DeLeone. Ms. Shaffer abstained and Ms. Wallach dissented. The motion carried by a roll call vote of 7-1-1.

2008-196: A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE THE RECALL OF HEIDI SHAFFER AS WARD 5 COUNCIL FOR THE CITY OF KENT, OHIO, AND TO SET A DATE THEREFOR, 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. 08-204 by title only at this time.

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE THE RECALL OF TRACY WALLACH AS WARD 6 COUNCIL FOR THE CITY OF KENT, OHIO, AND TO SET A DATE 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. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. Ms. Wallach abstained. The motion carried by a roll call vote of 8-0-1.

MOTION TO ADOPT THE DRAFT ORDINANCE.
Motion made by Mr. Wilson, seconded by Mr. Ferrara.

Mr. Hawksley said there is something seriously wrong with the Charter when they have no discretion according to the Law Director. He said he has no memory of anyone being recalled from Council. Mr. Hawksley said the "so called" petition for recall did not contain evidence that would amount to any grounds for recalling anyone on Council. He said there was no indication of bribery, corruption, or dereliction of duty. He said he is reluctantly going along with this because they are advised that they need to, adding it is a sham. He said they need to change the Charter, sooner rather than later.

Roll call was taken on the motion. Voting aye: Mr. Kuhar, Ms. Shaffer, Mr. Turner, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. Mr. Hawksley dissented and Ms. Wallach abstained. The motion carried by a roll call vote of 7-1-1.

2008-197: A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE THE RECALL OF TRACY WALLACH AS WARD 6 COUNCIL FOR THE CITY OF KENT, OHIO, AND TO SET A DATE THEREFOR, AND DECLARING AN EMERGENCY.

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Linda M. Copley, Clerk of Council John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-205 by title only at this time.

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE THE RECALL OF MICHAEL DeLEONE AS COUNCIL-AT-LARGE FOR THE CITY OF KENT, OHIO, AND TO SET A DATE 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. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. Ferrara, and Mr. Hawksley. Mr. DeLeone abstained. The motion carried by a roll call vote of 8-0-1.

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. Kuhar, Ms. Shaffer, Mr. Turner, Mr. Wilson, Mr. Amrhein, Mr. Ferrara, and Mr. Hawksley. Ms. Wallach dissented and Mr. DeLeone abstained. The motion carried by a roll call vote of 7-1-1.

2008-198: A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE THE RECALL OF MICHAEL DeLEONE AS COUNCIL-AT-LARGE FOR THE CITY OF KENT, OHIO, AND TO SET A DATE THEREFOR, AND DECLARING AN EMERGENCY.

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Linda M. Copley, Clerk of Council John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-206 by title only at this time.

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE THE RECALL OF RICK HAWKSLEY AS COUNCIL-AT-LARGE FOR THE CITY OF KENT, OHIO, AND TO SET A DATE 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: Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Kuhar. Mr. Hawksley abstained. The motion carried by a roll call vote of 8-0-1.

MOTION TO ADOPT THE DRAFT ORDINANCE.
Motion made by Mr. Wilson, seconded by Mr. Ferrara.

Ms. Shaffer said she is doing this with a very heavy heart. She said that everyone sitting at the table has taken their jobs seriously, and are working hard for the benefit of the City. She said they have taken the residents' interests at heart.

Ms. Shaffer said she is doing this because the Charter says so. She said she does not know how to vote against the ordinance. She said they have to get over it, move beyond it, and get on with business. Ms. Shaffer said she does not want this to serve as an obstruction.

Mr. Turner said they are told this is a mandate, and they are required to vote for the ordinances. He asked the Law Director if people do not vote for this if they are setting themselves up for dereliction of duty and could put themselves up for sanctions, and Mr. Silver nodded at this time. Mayor Fender noted that the Law Director could not speak when there was a motion on the floor. Mr. Wilson noted that the Law Director nodded his head in assent at this time.

Roll call was taken on the motion. Voting aye: Ms. Shaffer, Mr. Turner, Ms. Wallach, and Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Kuhar. Mr. Hawksley abstained. The motion carried by a roll call vote of 8-0-1.

2008-199: A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE THE RECALL OF RICK HAWKSLEY AS COUNCIL-AT-LARGE FOR THE CITY OF KENT, OHIO, AND TO SET A DATE THEREFOR, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council	John Fender, Mayor & President of Council

Hearing no further business before this Council, Mayor Fender adjourned this meeting at 7:19 p.m.

Linda M. Copley, Clerk of Council	John Fender, Mayor & President of Council