

**THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WED., NOVEMBER 19, 2008**

This meeting of Kent City Council was called to order by Wayne Wilson, President Pro Tem, in the absence of John Fender, Mayor & President of Council, on Wed., Nov. 19, 2008 at 7:30 p.m.

PRESENT: MR. AMRHEIN, MR. DELEONE, MR. FERRARA, MR. HAWKSLEY, MR. KUCHAR, 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. Ferrara, seconded by Mr. Hawksley, and carried by a voice vote of 8-0-1, with Mr. Wilson abstaining.

President Pro Tem Wilson called upon Mr. DeLeone for his opening remarks at this time.

Mr. DeLeone had no opening remarks and led those present in the Pledge of Allegiance at this time.

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF OCT. 15, 2008; SPECIAL COUNCIL MEETINGS OF OCT. 27, 2008 AND NOV. 12, 2008; PUBLIC HEARING OF OCT. 15, 2008; AND WORK SESSION OF NOV. 5, 2008.

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

President Pro Tem Wilson called for audience comment at this time. He reminded those wishing to address Council that they must sign up with the Clerk. He asked that they limit their comments to three minutes.

Randy: Randy said he was supposed to be present two weeks earlier for an interview for the Sidewalk Snow Removal Ad Hoc Committee. He said with the excitement of the election (Nov. 4, 2008), he forgot about the interview, and would still like to be considered.

Jim: Jim read two letters that he gave to the Clerk and the Law Director prior to the start of the meeting. His first letter requested complete minutes of the Parks and Recreation Board meetings of 2006, 2007, and 2008. He asked that he receive these from City Council.

Jim's second letter said he previously requested information about Parks and Recreation, and received only partial records. He said he has not received any further answers or communications from the Council or the administrative offices. He said this does not surprise him, given his past history with the City. Jim said he is making another request of Council, as he believes the Parks and Recreation Department is in violation of the Compensation plan for all unclassified and various classified employees. He said they are violating Section 6, Items #1 through #4. He said the Parks and Recreation Department is also in violation of the Ohio Revised Code with respect to wages, and cited sections 4111.01 through 4111.17. Jim asked for a complete investigation of Parks and Recreation by Council, with public follow up and communication as to what was found. He requested Council take charge of this investigation, and remove the Parks and Recreation Board for making any decisions pertaining to any investigation. He said rumors have indicated that some of the present and past board members have received favors from the Parks Department, and if this was true, there would be a biased recommendation on any investigation.

Andrew: Andrew explained he lives on South DePeyester Street. He said he is a Kent State Student, and an Undergraduate Student Senator. He said he applied for the Sidewalk Snow Removal Committee, and as a Student Senator, this is important to him and he will take it seriously.

Eileen: Eileen said the agenda speaks of the purchase of 607-609 Mantua Street. She said the Portage County Auditor's website shows it was purchased for \$103,000 in 1992, and currently has an assessed value of \$162,100 following about \$15,000 in improvements. Eileen said the agenda lists the purchase price of \$330,000, and asked that this be explained.

Following audience comment, President Pro Tem Wilson called upon the Clerk for the written correspondence at this time.

The Clerk reported that petitions were filed on Oct. 20, 2008 by Beth Oswitch, calling for the resignation or recall of Council members Amrhein, Shaffer, Wallach, Hawksley and DeLeone. She said these petitions were forwarded to the Board of Elections for verification of the signatures.

The Clerk reported that an email was received on Oct. 22, 2008 from Vivien Sandlund requesting her name be removed from three recall petitions, and requesting the Clerk to declare the process invalid. She said that this email was forwarded to all members of Council the same day, along with the Clerk's response. The Clerk said that Ms. Sandlund sent an additional email the same day asking if she could come in to remove her own name, and this email, along with the Clerk's response, were forwarded to all members of Council the same day.

The Clerk reported that notification was received on Oct. 27, 2008 from the Board of Elections that the petitions for the three ward Council members had a sufficient number of signatures, but the petitions for the two at-large members were insufficient. She said that all three ward Council members were notified that the petitions were certified on Oct. 27, 2008.

The Clerk reported an email was received from Council John Kuhar on Oct. 27, 2008 with information on Key West, Florida's business licensing. She said that Mr. Kuhar had suggested a simplified version for Kent. This email was forwarded to all members of Council on Oct. 29, 2008.

The Clerk reported that additional signatures for the petitions for the two at-large members were filed by Ms. Oswitch on Oct. 30, 2008. She said that these petitions were forwarded to the Board of Elections for verification of the signatures on the same day.

The Clerk reported that notification was received on Nov. 3, 2008 from the Board of Elections that the petitions for the two at-large members were sufficient. She said that both members were notified that the petitions were certified on the same day.

The Clerk reported that a letter was hand-delivered by Mary Lou Kenneley on Nov. 7, 2008, questioning why the City would give a proclamation to Kent Displays when they are located in the Brimfield-Kent JEDD. She said this letter was distributed to all members of Council on Nov. 12, 2008.

The Clerk reported that a letter was hand-delivered by Mary Lou Kenneley on Nov. 7, 2008 speaking about the job of a dispatcher, and their pay. She said this letter was distributed to all members of Council on Nov. 12, 2008.

The Clerk reported that the agenda packet for the Oct. 23, 2008 Kent Parks and Recreation Board meeting was placed on file in Council's office by Mr. Wilson, Council's liaison, on Nov. 5, 2008.

The Clerk reported that an email was received from Tom Simpson on Nov. 10, 2008, thanking Council for their thoughtfulness and foresight, with respect to authorizing the drilling of a gas well. She said this email was forwarded to all members of Council the same day.

The Clerk reported that Jenny Arthur sent her letter of resignation, effective immediately, from the Planning Commission to the Community Development Department on Nov. 13, 2008. She said this resignation was forwarded to Council's office the same day, and distributed to members of Council prior to the start of this meeting.

The Clerk reported that after the agenda was printed, minutes of the Standing Rock Cemetery October 9, 2008 Board meeting were placed on file by Council's representative, Mr. DeLeone, earlier in the evening, prior to the start of this meeting.

The Clerk reported that two letters were personally delivered by Mary L. Kenneley earlier in the day. She said in Ms. Kenneley's first letter, she suggested the City could donate land to the individual rehabbing the old diner, so it would return to where it began in 1945. The Clerk said in Ms. Kenneley's second letter, she questioned a city employee working as the Main Street Kent Executive Director. Both letters were forwarded to all members of Council.

CITY MANAGER'S REPORT

MOTION TO APPROVE ITEMS #1 THROUGH #8

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

The following items were approved by the aforementioned motion:

- 1) Authorization to make appointments to the Sidewalk Snow Removal Committee
- 2) Authorization of Draft No. 08-220, advancing tax proceeds from the County for 2008.
- 3) Authorization of Draft No. 08-212, Public Defender's Contract for 2009
- 4) Authorization of Draft No. 08-209, extending the OPBA contract
- 5) Authorization of Draft No. 08-210, extending the AFSCME contract.
- 6) Authorization of Draft No. 08-217, extending the General Compensation Plan
- 7) Authorization of Draft Nos. 08-223 and 08-224, approving right-of-way agreements for the Fairchild Avenue bridge project
- 8) Committee time, Community Development, discussion of the City's neighborhood enrichment initiatives.

STANDING COMMITTEE REPORTS

President Pro Tem Wilson said they had balloted for the appointments to the Sidewalk Snow Removal Ad Hoc Committee earlier in the evening. He said those people receiving enough votes are Randy Ruckhotzke, Andrew Fontanarosa, and Dianne M. Centa.

MOTION TO AUTHORIZE DRAFT NO. 08-219 WITH THE APPROPRIATE NAMES INSERTED.

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

President Pro Tem Wilson asked the Clerk to read Draft No. 08-219 by title only at this time.

A RESOLUTION APPOINTING RANDY RUCKHOTZKE, ANDREW FONTANAROSA, DIANNE M. CENTA TO THE SIDEWALK SNOW REMOVAL AD HOC COMMITTEE AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE 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 voice 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 voice vote of 9-0.

2008-200: A RESOLUTION APPOINTING RANDY RUCKHOTZKE, ANDREW FONTANAROSA, DIANNE M. CENTA TO THE SIDEWALK SNOW REMOVAL AD HOC COMMITTEE AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne Wilson, President Pro Tem

COMMUNITY DEVELOPMENT COMMITTEE

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

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 items were approved by the aforementioned motion:

- 1) TO AUTHORIZE CERTIFICATION OF THE REVOLVING LOAN FUND.
- 2) TO AUTHORIZE A RESOLUTION REQUIRING LEEDS SILVER FOR CITY BUILDINGS OVER 5,000 SQUARE FEET.

President Pro Tem Wilson asked the Clerk to read Draft No. 08-176, which stands on first reading, by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE MAIN STREET PROGRAM CONTINUING THE RELATIONSHIP BETWEEN THE CITY, MAIN STREET, AND MARY GILBERT.

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. Ferrara, Mr. Hawksley, Ms. Shaffer, Mr. Turner, Mr. Wilson, and Mr. DeLeone. Mr. Kuhar and Ms. Wallach dissented, while Mr. Amrhein abstained. Suspension failed by a roll call vote of 6-2-1.

MOTION TO APPROVE SECOND READING.

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

Ms. Wallach said she has been with Main Street since its inception, and was on the steering committee that filled out the original application enabling Kent to be accepted as a Main Street community. She said she also joined the Design Committee. Ms. Wallach said that Main Street has made significant contributions to Kent; have held some successful events; promoted a few others, and got new trash cans for the downtown area. She said as a former member, and one has seen Main Street from the inside, she has some concerns.

Ms. Wallach said they saw a power point presentation provided by Main Street at the end of 2007 and in January 2008. She said for the 2008 Goals, they listed one goal for improving the internal and external communication. She said another goal was about further volunteer development; and one goal dealt

with fundraising. Ms. Wallach said that based on her experience within the organization, and in Main Street's own reports, they have shown little or no progress in these areas. She said there continues to be no internal communication between the four separate committees and with the Board. She said there has been little volunteer development, combined with the loss of some previously committed volunteers. She said they have shown limited progress with fundraising. Ms. Wallach said they are about to give them \$160,000 in the form of a City employee, while they are showing limited success in their goals. She said that Council needs to set benchmarks for review at the end of next year to ensure the organization's long term viability.

MOTION TO AMEND TO INCLUDE BENCHMARKS FOR THE 2009 YEAR END REVIEW, INCLUDING AN EFFECTIVE INTERNAL/EXTERNAL COMMUNICATION SYSTEM; A NEW VOLUNTEER DEVELOPMENT PROGRAM MUST BE DESIGNED/IMPLEMENTED IN ACCORDANCE WITH THE HERITAGE OHIO MODEL; AND FUNDRAISING EFFORTS, OTHER THAN THOSE FROM THE BURBICK FOUNDATION, PRODUCING \$50,000.

Motion made by Ms. Wallach, and died for want of a second.

Mr. Kuhar said he cannot support this ordinance. He said he has supported the concept, of Main Street, but has never supported the way Kent has done it. He said he does not support turning a \$20,000 part time employee into an \$80,000 position. He said the organization discourages public employees as directors of Main Street organizations. He said when they asked the president of Main Street Ohio about the average salary, they found they are paying more than twice the annual salary. He said they asked for a one-year extension, and Council gave them a two-year extension. He said if they fail to meet their "so-called" goals, the residents will say it is another amount of money thrown away for nothing. Mr. Kuhar said at \$80,000 plus, it is a waste of taxpayers' money.

Mr. Ferrara said that even if they are paying \$80,000 annually, they still got a \$6 million investment, which is a good return. He said those claims would have validity and carry more weight, if any, when they do not get any return on their investment in future years. He said he cannot understand how people can complain about the cost, when the returns have been significant. He said he cannot discount where the funds are coming from, adding it has proven to be a worthwhile investment. He said when that does not happen, they can review it at that point in time.

Ms. Shaffer said she would support what Ms. Wallach was saying, except she knows that the life of an organization starts with a bang, like the honeymoon phase. She said the second and third years see difficulties. Ms. Shaffer said she followed up with Laura Mazur, who sent a letter to the President of the Main Street Board about her concerns, adding she shares some of those concerns. Ms. Shaffer said she would like some oversight exercised by the City. She said they asked for a report before the second year. Ms. Shaffer said as a body, they can keep a close eye as to what can be done to improve the communication. She said once that happens, people will feel they have a say in the organization. She said the volunteer recruitment and retention will go better. Ms. Shaffer said she felt a goal of \$50,000 is a little high, adding she would like to see them build their capacity, but did not want to put a number on them.

Roll call was taken on the motion. Voting aye: Mr. Ferrara, Mr. Hawksley, Ms. Shaffer, Mr. Turner, Mr. Wilson, and Mr. DeLeone. Mr. Amrhein abstained. The motion carried by a roll vote of 6-2-1.

President Pro Tem Wilson asked the Clerk to read Draft No. 08-207 by title only at this time.

A RESOLUTION CERTIFYING THAT THE CITY'S REVOLVING LOAN PLAN IS CONSISTENT WITH AND SUPPORTIVE OF THE AREA'S ECONOMIC DEVELOPMENT ADJUSTMENT STRATEGY AND IS BEING OPERATED IN ACCORDANCE WITH THE POLICIES AND PROCEDURES CONTAINED IN THE REVOLVING LOAN PLAN AND THAT THE LOAN PORTFOLIO MEETS THE STANDARDS CONTAINED WITHIN SAID PLAN 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. 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. Ferrara, seconded by Mr. Hawksley.

Mr. Kuhar said when this was discussed in Committee, they spoke of having something that allowed them to waive the requirements if it was cost prohibitive.

Mr. Wilson said it was the same ordinance as before. The Clerk reminded them they were discussing the revolving loan fund, not the LEED certification.

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.

2008-201: A RESOLUTION CERTIFYING THAT THE CITY'S REVOLVING LOAN PLAN IS CONSISTENT WITH AND SUPPORTIVE OF THE AREA'S ECONOMIC DEVELOPMENT ADJUSTMENT STRATEGY AND IS BEING OPERATED IN ACCORDANCE WITH THE POLICIES AND PROCEDURES CONTAINED IN THE REVOLVING LOAN PLAN AND THAT THE LOAN PORTFOLIO MEETS THE STANDARDS CONTAINED WITHIN SAID PLAN AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne Wilson, President Pro Tem

President Pro Tem Wilson asked the Clerk to read Draft No. 08-215 by title only at this time.

A RESOLUTION REQUIRING THAT ALL NEW CONSTRUCTION OF CITY BUILDINGS, IN EXCESS OF 5,000 SQUARE FEET, MEET LEED CERTIFICATION AT THE SILVER LEVEL, UNLESS A WAIVER IS GRANTED.

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. 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.

Mr. Kuhar renewed his question about requirements, and the Clerk read directly from the ordinance at this time that spoke of waivers when something is cost prohibitive.

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.

2008-202: A RESOLUTION REQUIRING THAT ALL NEW CONSTRUCTION OF CITY BUILDINGS, IN EXCESS OF 5,000 SQUARE FEET, MEET LEED CERTIFICATION AT THE SILVER LEVEL, UNLESS A WAIVER IS GRANTED.

Linda M. Copley, Clerk of Council

Wayne Wilson, President Pro Tem

FINANCE COMMITTEE

MOTION TO ACCEPT THE WRITTEN REPORT AND RECOMMENDED ACTIONS OF NOV. 5, 2008.

Motion made by Mr. Ferrara, 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) TO ACCEPT THE BIOSENSOR DETECTOR FOR THE FIRE DEPARTMENT
- 2) TO ACCEPT THE THERMAL IMAGING DEVICE FOR THE POLICE DEPARTMENT
- 3) TO AUTHORIZE FURTHER RESEARCH ON THE ISSUE OF INSURANCE FOR RETIREES; WITH THE ADMINISTRATION RETURNING WITH SOLID NUMBERS

MOTION TO APPROVE THE WRITTEN REPORT AND RECOMMENDED ACTIONS OF NOV. 12, 2008.

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

Ms. Wallach asked that they be separated.

MOTION TO APPROVE THE WRITTEN REPORT AND AUTHORIZATION OF THE 2009 BUDGET.

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

Mr. Kuhar said he must reinforce his previous comments. He said there are some things that could be scaled down a little. Mr. Kuhar said he thinks they need a 3% reduction in the budget. He said they could reduce the cost of the safety building which is listed for \$5 million. Mr. Kuhar said if they are going to have capital expenses, they need to shift monies that repair the streets, sidewalks and infrastructure. He suggested economic development monies as there is a stagnant economy for development. He said he cannot support the budget because of those reasons.

The motion carried by a voice vote of 6-2-1, with Ms. Wallach and Mr. Kuhar dissenting. Mr. Wilson abstained.

MOTION TO AUTHORIZE THE AMENDMENTS TO THE 2008 APPROPRIATIONS.

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

President Pro Tem Wilson asked the Clerk to read Draft No. 08-209 by title only at this time.

AN ORDINANCE AUTHORIZING AN EXTENSION OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF KENT AND THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (OPBA), FROM DECEMBER 31, 2008 TO FEBRUARY 28, 2009 OR, AND AT THE DISCRETION OF THE CITY MANAGER, AN ADDITIONAL SIXTY (60) DAYS, FROM FEBRUARY 28, 2009, 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, 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. Ferrara, seconded by Mr. Hawksley.

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.

2008-203: AN ORDINANCE AUTHORIZING AN EXTENSION OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF KENT AND THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (OPBA), FROM DECEMBER 31, 2008 TO FEBRUARY 28, 2009 OR, AND AT THE DISCRETION OF THE CITY MANAGER, AN ADDITIONAL SIXTY (60) DAYS, FROM FEBRUARY 28, 2009, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne Wilson, President Pro Tem

President Pro Tem Wilson asked the Clerk to read Draft No. 08-210 by title only at this time.

AN ORDINANCE AUTHORIZING AN EXTENSION OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF KENT AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), FROM DECEMBER 31, 2008 TO FEBRUARY 28, 2009 OR, AND AT THE DISCRETION OF THE CITY MANAGER, AN ADDITIONAL SIXTY (60) DAYS, FROM FEBRUARY 28, 2009, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

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. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, and Ms. Shaffer. Mr. Wilson abstained. The motion carried by a roll call vote of 8-0-1.

2008-204: AN ORDINANCE AUTHORIZING AN EXTENSION OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF KENT AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), FROM DECEMBER 31, 2008 TO FEBRUARY 28, 2009 OR, AND AT THE DISCRETION OF THE CITY MANAGER, AN ADDITIONAL SIXTY (60) DAYS, FROM FEBRUARY 28, 2009, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne Wilson, President Pro Tem

President Pro Tem Wilson asked the Clerk to read Draft No. 08-211 by title only at this time.

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT AN IN-KIND GRANT OF A BIOSENSOR DETECTOR AND A MINI THERMAL MONOCULAR (MTM), IN A VALUE UP TO \$25,000.00 FROM THE COMMERCIAL DIRECT EQUIPMENT ASSISTANCE PROGRAM (CEDAP) AND THE DEPARTMENT OF HOMELAND SECURITY, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

Motion made by Mr. Kuhar, 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, and Ms. Shaffer. The motion carried by a roll call vote of 8-0. (Mr. Turner was out of the room during the vote).

MOTION TO ADOPT THE DRAFT ORDINANCE.

Motion made by Mr. Ferrara, 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, Mr. Kuhar, and Ms. Shaffer. The motion carried by a roll call vote of 8-0. (Mr. Turner was out of the room during the vote).

2008-205: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT AN IN-KIND GRANT OF A BIOSENSOR DETECTOR AND A MINI THERMAL MONOCULAR (MTM), IN A VALUE UP TO \$25,000.00 FROM THE COMMERCIAL DIRECT EQUIPMENT ASSISTANCE PROGRAM (CEDAP) AND THE DEPARTMENT OF HOMELAND SECURITY, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne Wilson, President Pro Tem

President Pro Tem Wilson asked the Clerk to read Draft No. 08-212 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO CONTRACT, ON BEHALF OF THE CITY OF KENT, WITH THE OFFICE OF THE PUBLIC DEFENDER, PORTAGE COUNTY, FOR THE PROVISION OF LEGAL COUNSEL TO INDIGENT PERSONS CHARGED WITH POTENTIAL PENALTY OF INCARCERATION FOR OFFENSES COMMITTED IN VIOLATION OF THE ORDINANCES OF SAID CITY FOR THE PERIOD JANUARY 1, 2009 THROUGH DECEMBER 31, 2009 AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE 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, and Ms. Wallach. The motion carried by a roll call vote of 8-0. (Mr. Turner was out of the room during the vote).

MOTION TO ADOPT THE DRAFT ORDINANCE.

Motion made by Mr. Ferrara, 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.

2008-206: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO CONTRACT, ON BEHALF OF THE CITY OF KENT, WITH THE OFFICE OF THE PUBLIC DEFENDER, PORTAGE COUNTY, FOR THE PROVISION OF LEGAL COUNSEL TO INDIGENT PERSONS CHARGED WITH POTENTIAL PENALTY OF INCARCERATION FOR OFFENSES COMMITTED IN VIOLATION OF THE ORDINANCES OF SAID CITY FOR THE PERIOD JANUARY 1, 2009 THROUGH DECEMBER 31, 2009 AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne Wilson, President Pro Tem

President Pro Tem Wilson asked the Clerk to read Draft No. 08-217 by title only at this time.

AN ORDINANCE AUTHORIZING THE EXTENSION OF ORDINANCE NO. 2006-61, PASSED MAY 17, 2006, AND AMENDMENTS THEREOF, OF THE GENERAL COMPENSATION PLAN FOR ALL UNCLASSIFIED AND VARIOUS CLASSIFIED EMPLOYEES OF THE CITY OF KENT, EXCEPT THE CITY MANAGER, FROM DECEMBER 31, 2008 TO FEBRUARY 28, 2009 OR, AND AT THE DISCRETION OF THE CITY MANAGER, AN ADDITIONAL SIXTY (60) DAYS, FROM FEBRUARY 28, 2009, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, and Mr. Wilson. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Roll call was taken on the motion. Voting aye: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, and Mr. Wilson. The motion carried by a roll call vote of 9-0.

2008-207: AN ORDINANCE AUTHORIZING THE EXTENSION OF ORDINANCE NO. 2006-61, PASSED MAY 17, 2006, AND AMENDMENTS THEREOF, OF THE GENERAL COMPENSATION PLAN FOR ALL UNCLASSIFIED AND VARIOUS CLASSIFIED EMPLOYEES OF THE CITY OF KENT, EXCEPT THE CITY MANAGER, FROM DECEMBER 31, 2008 TO FEBRUARY 28, 2009 OR, AND AT THE DISCRETION OF THE CITY MANAGER, AN ADDITIONAL SIXTY (60) DAYS, FROM FEBRUARY 28, 2009, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne Wilson, President Pro Tem

President Pro Tem Wilson asked the Clerk to read Draft No. 08-216 by title only at this time.

AN ORDINANCE AMENDING ORDINANCE NO. 2007-109, THE CURRENT APPROPRIATION ORDINANCE, PASSED NOVEMBER 26 2007, AS AMENDED BY ORDINANCE NO. 2008-13, PASSED JANUARY 16, 2008; AS AMENDED BY ORDINANCE NO. 2008-57, PASSED APRIL 16, 2008; AS AMENDED BY ORDINANCE NO. 2008-75, PASSED MAY 21, 2008; AS AMENDED BY ORDINANCE NO. 2008-90, PASSED JUNE 18, 2008; AS AMENDED BY ORDINANCE NO. 2008-115,

PASSED AUGUST 20, 2008; AND AS AMENDED BY ORDINANCE NO. 2008-146, PASSED SEPT. 17, 2008, SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; FUND 102, STREET CONSTRUCTION, MAINTENANCE AND REPAIR; FUND 103, STATE HIGHWAY; FUND 106, PARKS AND RECREATION; FUND 116, INCOME TAX; FUND 128, FIRE AND E.M.S.; FUND 201, WATER AND FUND 204, UTILITY BILLING; AND SO AS TO ADJUST APPROPRIATIONS IN FUND 101, WEST SIDE FIRE 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. 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. Kuhar.

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.

2008-208: AN ORDINANCE AMENDING ORDINANCE NO. 2007-109, THE CURRENT APPROPRIATION ORDINANCE, PASSED NOVEMBER 26 2007, AS AMENDED BY ORDINANCE NO. 2008-13, PASSED JANUARY 16, 2008; AS AMENDED BY ORDINANCE NO. 2008-57, PASSED APRIL 16, 2008; AS AMENDED BY ORDINANCE NO. 2008-75, PASSED MAY 21, 2008; AS AMENDED BY ORDINANCE NO. 2008-90, PASSED JUNE 18, 2008; AS AMENDED BY ORDINANCE NO. 2008-115, PASSED AUGUST 20, 2008; AND AS AMENDED BY ORDINANCE NO. 2008-146, PASSED SEPT. 17, 2008, SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; FUND 102, STREET CONSTRUCTION, MAINTENANCE AND REPAIR; FUND 103, STATE HIGHWAY; FUND 106, PARKS AND RECREATION; FUND 116, INCOME TAX; FUND 128, FIRE AND E.M.S.; FUND 201, WATER AND FUND 204, UTILITY BILLING; AND SO AS TO ADJUST APPROPRIATIONS IN FUND 101, WEST SIDE FIRE AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne Wilson, President Pro Tem

President Pro Tem Wilson asked the Clerk to read Draft No. 08-220 by title only at this time.

A RESOLUTION REQUESTING THE COUNTY AUDITOR TO ADVANCE TAXES FROM THE PROCEEDS OF THE 2008 TAX YEAR COLLECTION PURSUANT TO SECTION 321.34 OF THE OHIO REVISED CODE.

MOTION TO SUSPEND THE THREE READINGS.

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

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.

2008-209: A RESOLUTION REQUESTING THE COUNTY AUDITOR TO ADVANCE TAXES FROM THE PROCEEDS OF THE 2008 TAX YEAR COLLECTION PURSUANT TO SECTION 321.34 OF THE OHIO REVISED CODE.

Linda M. Copley, Clerk of Council

Wayne Wilson, President Pro Tem

HEALTH & SAFETY COMMITTEE

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

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

The following items were approved by the aforementioned motion:

- 1) TO AUTHORIZE THE RECOMMENDED CHANGE TO TWO/TEN HOUR PARKING, WITH TEN HOUR PARKING BY PERMIT FOR \$5.00, FOR TWENTY-NINE SPACES ON GOUGLER AVENUE.
- 2) TO AUTHORIZE AN ADDITIONAL EIGHTEEN SPACES ON E. ERIE STREET FOR TWO/TEN HOUR PARKING, WITH TEN HOUR PARKING BY PERMIT FOR \$15.00.
- 3) TO AUTHORIZE THE RECOMMENDED PARKING CHANGES FOR COLLEGE COURT, NOTIFYING THE RESIDENTS VIA DOOR HANGERS PRIOR TO THE COUNCIL MEETING
- 4) TO AUTHORIZE THREE LICENSES TO OCCUPY FOR THE PHOENIX PROJECT.

President Pro Tem Wilson asked the Clerk to read Draft No. 08-218 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 THE THREE READINGS.

Motion made by Mr. Ferrara, 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.

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. 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.

2008-210: AN ORDINANCE AMENDING SECTION 353.02 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT ENTITLED "PARKING REGULATION AUTHORIZATION."

Linda M. Copley, Clerk of Council

Wayne Wilson, President Pro Tem

STREETS, SIDEWALKS & UTILITIES COMMITTEE

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

Motion made by Mr. DeLeone, seconded by Mr. Ferrara, 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 THE WELL DRILLING BY CJ CUTTER.
- 2) TO AUTHORIZE THE DEDICATION OF RIGHT-OF-WAY ON STONE WATER DRIVE.
- 3) TO AUTHORIZE CONSENT FOR THE REPAIR OF THE BRIDGES ON SR 261 WITH ODOT.

President Pro Tem Wilson asked the Clerk to read Draft No. 08-201 by title only at this time.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION FOR THE REHABILITATION AND REPAIR OF THE STRUCTURE ON SR 261 OVER PLUM CREEK AND THE N&S RAILROAD; PID No. 84872, POR-SR261-1.19, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

Motion made by Mr. Kuhar, 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.

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. 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.

2008-211: A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION FOR THE REHABILITATION AND REPAIR OF THE STRUCTURE ON SR 261 OVER PLUM CREEK AND THE N&S RAILROAD; PID No. 84872, POR-SR261-1.19, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne Wilson, President Pro Tem

President Pro Tem Wilson asked the Clerk to read Draft No. 08-213 by title only at this time.

AN ORDINANCE DIRECTING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE IN 111 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY RICHARD A. LOWENTHAL FOR THE PURPOSE OF CONSTRUCTING THE NEW FAIRCHILD/CRAIN AVENUE BRIDGE, STREET WIDENING, CHANGING THE GRADE, DRIVEWAY, WALK CONSTRUCTION, AND GRADING IN FURTHERANCE OF PUBLIC ROADWAY RECONSTRUCTION OF SR 43, FAIRCHILD AVENUE, CRAIN AVENUE AND NORTH WATER STREET WHICH IS SITUATED ON BOTH SIDES OF THE CUYAHOGA RIVER,

NEAR THE INTERSECTIONS OF FAIRCHILD AVENUE AND SR 43; CRAIN AVENUE AND SR 43; AND THE NEW INTERSECTION NEAR NORTH WATER STREET AND CRAIN AVENUE, IN THE CITY OF KENT, OHIO 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, 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. 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. Hawksley. Mr. Kuhar abstained. The motion carried by a roll call vote of 8-0-1.

2008-212: AN ORDINANCE DIRECTING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE IN 111 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY RICHARD A. LOWENTHAL FOR THE PURPOSE OF CONSTRUCTING THE NEW FAIRCHILD/CRAIN AVENUE BRIDGE, STREET WIDENING, CHANGING THE GRADE, DRIVEWAY, WALK CONSTRUCTION, AND GRADING IN FURTHERANCE OF PUBLIC ROADWAY RECONSTRUCTION OF SR 43, FAIRCHILD AVENUE, CRAIN AVENUE AND NORTH WATER STREET WHICH IS SITUATED ON BOTH SIDES OF THE CUYAHOGA RIVER, NEAR THE INTERSECTIONS OF FAIRCHILD AVENUE AND SR 43; CRAIN AVENUE AND SR 43; AND THE NEW INTERSECTION NEAR NORTH WATER STREET AND CRAIN AVENUE, IN THE CITY OF KENT, OHIO AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne Wilson, President Pro Tem

President Pro Tem Wilson asked the Clerk to read Draft No. 08-214 by title only at this time.

AN ORDINANCE DIRECTING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE A TEMPORARY EASEMENT IN 1,464 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY RICHARD A. LOWENTHAL FOR THE PURPOSE OF CONSTRUCTING THE NEW FAIRCHILD/CRAIN AVENUE BRIDGE, STREET WIDENING, CHANGING THE GRADE, DRIVEWAY, WALK CONSTRUCTION, AND GRADING IN FURTHERANCE OF PUBLIC ROADWAY RECONSTRUCTION OF SR 43, FAIRCHILD AVENUE, CRAIN AVENUE AND NORTH WATER STREET WHICH IS SITUATED ON BOTH SIDES OF THE CUYAHOGA RIVER, NEAR THE INTERSECTIONS OF FAIRCHILD AVENUE AND SR 43; CRAIN AVENUE AND SR 43; AND THE NEW INTERSECTION NEAR NORTH WATER STREET AND CRAIN AVENUE, IN THE CITY OF KENT, OHIO 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. 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. 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. Hawksley, and Ms. Shaffer. Mr. Kuhar abstained. The motion carried by a roll call vote of 8-0-1.

2008-213: AN ORDINANCE DIRECTING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE A TEMPORARY EASEMENT IN 1,464 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY RICHARD A. LOWENTHAL FOR THE PURPOSE OF CONSTRUCTING THE NEW FAIRCHILD/CRAIN AVENUE BRIDGE, STREET WIDENING, CHANGING THE GRADE, DRIVEWAY, WALK CONSTRUCTION, AND GRADING IN FURTHERANCE OF PUBLIC ROADWAY RECONSTRUCTION OF SR 43, FAIRCHILD AVENUE, CRAIN AVENUE AND NORTH WATER STREET WHICH IS SITUATED ON BOTH SIDES OF THE CUYAHOGA RIVER, NEAR THE INTERSECTIONS OF FAIRCHILD AVENUE AND SR 43; CRAIN AVENUE AND SR 43; AND THE NEW INTERSECTION NEAR NORTH WATER STREET AND CRAIN AVENUE, IN THE CITY OF KENT, OHIO AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne Wilson, President Pro Tem

President Pro Tem Wilson asked the Clerk to read Draft No. 08-221 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 9,765 SQUARE FEET OF REAL PROPERTY FROM ROBERT MAYFIELD AND KAY M. MAYFIELD, 100 CRAIN AVENUE, FOR \$163,900.00 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. Hawksley.

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. Ferrara, 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, Mr. Kuhar, Ms. Shaffer, and Mr. Turner. The motion carried by a roll call vote of 9-0.

2008-214: 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 9,765 SQUARE FEET OF REAL PROPERTY FROM ROBERT MAYFIELD AND KAY M. MAYFIELD, 100 CRAIN AVENUE, FOR \$163,900.00 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

Wayne Wilson, President Pro Tem

President Pro Tem Wilson asked the Clerk to read Draft No. 08-222 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 7,102 SQUARE FEET OF REAL PROPERTY FROM KAY M. MAYFIELD (FKA BRICKER), 607-609 NORTH MANTUA, FOR \$330,000.00 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. Ferrara, 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. Ferrara, seconded by Mr. Hawksley.

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

2008-215: 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 7,102 SQUARE FEET OF REAL PROPERTY FROM KAY M. MAYFIELD (FKA BRICKER), 607-609 NORTH MANTUA, FOR \$330,000.00 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

Wayne Wilson, President Pro Tem

President Pro Tem Wilson asked the Clerk to read Draft No. 08-223 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 101 SQUARE FEET OF REAL PROPERTY FROM LARRY R. WRIGHT AND MARY B. WRIGHT, 418 NORTH WATER STREET, FOR \$1,302.00 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. Hawksley.

Roll call was taken on the motion. Voting aye: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, and Mr. Wilson. 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. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley,

Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, and Mr. Wilson. The motion carried by a roll call vote of 9-0.

2008-216: 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 101 SQUARE FEET OF REAL PROPERTY FROM LARRY R. WRIGHT AND MARY B. WRIGHT, 418 NORTH WATER STREET, FOR \$1,302.00 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

Wayne Wilson, President Pro Tem

President Pro Tem Wilson asked the Clerk to read Draft No. 08-224 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 252 SQUARE FEET AND OBTAINING A TEMPORARY EASEMENT OF 1,002 SQUARE FEET OF REAL PROPERTY FROM LARRY R. WRIGHT AND MARY B. WRIGHT, 418 NORTH WATER STREET FOR \$2,437.00 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. 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 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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 8-0.

2008-217: 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 252 SQUARE FEET AND OBTAINING A TEMPORARY EASEMENT OF 1,002 SQUARE FEET OF REAL PROPERTY FROM LARRY R. WRIGHT AND MARY B. WRIGHT, 418 NORTH WATER STREET FOR \$2,437.00 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

Wayne Wilson, President Pro Tem

SPECIAL COMMITTEE REPORTS None

UNFINISHED BUSINESS None

NEW BUSINESS

Mr. Kuhar said it was brought to his discussion that they have a CRA Housing Council that seems to be dead in the water. He said he would like to discuss this in a committee to see how they can revive it, as it seems like a good program.

MOTION TO SCHEDULE DISCUSSION ON THE COMMUNITY REINVESTMENT AREA HOUSING COUNCIL.

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

Mr. Kuhar said this allows for tax rebates on property improvements, and the Council has a lot of unfilled positions. He said few people know about its benefits. Mr. Kuhar said it would be good for the City and its residents to see some improvement in the community.

Ms. Shaffer said it is a tool. She said she understands that not many people have used that tool, and possibly with more publicity, people would take advantage of it. She said they do need discussion, and need to take advantage of their tools and offer them to the residents.

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

MOTION TO ASK THE ADMINISTRATION FOR REPORT ON THE SAVINGS IF THERE WAS A TWO-YEAR WAGE FREEZE, BROKEN DOWN BY ADMINISTRATIVE WAGES, SALARIES AND GENERAL SALARIES.

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

Mr. Turner said someone made a request earlier for information. He asked if it would be appropriate for Council to take some action as it is related to the Parks and Recreation Department.

Mr. Wilson asked the Law Director if most information goes through his office, and Mr. Silver said that was correct. Mr. Turner said the requested information should be made available to them.

Mr. Silver said they will do that. He said they have given Mr. Copley everything they have, adding that they do not have records for some of the information he requested. He said they will see if they missed anything from the previous request.

Mr. Turner said if they were following the proper protocol, and he would not make a motion.

Ms. Wallach said the last time it was presented by Mr. Copley, the Council asked that the matter be reviewed and reported back to them. She asked who was to look at it, as they have not heard anything. Mr. Wilson said it would be sent to the Administration. Mr. Silver said there were complaints about overpaying employees, etc. He said those complaints should start with Budget and Finance, although the Parks and Recreation Department sets those numbers for the most part. He said he was unsure what Ms. Rissland had done. Mr. Wilson said that he believed Mr. Copley was saying that part of the problem was that the Budget & Finance Department was doing the wrong thing.

Ms. Wallach said Mr. Copley was asking to speak, and Mr. Silver commented that part of the agenda was over. He said they can meet with him, and can appoint special auditors, if needed.

Ms. Shaffer said she is going into a different subject, although it does speak to the issue of costs and the city's future. She said they recently received some information on what the University is doing, adding they are putting together an energy conservation master plan, which could be a good idea for Kent to consider. She said they could have a review committee, suggested possibly the Environmental Commission or some council members, to look over the capital plan and see what is coming up. She said they could look at the vehicles they will be replacing in the future, and could plan ahead. She said

they could do better if they put more resources into it, adding they are currently doing it piecemeal.

Ms. Shaffer said the state college she attended have busses running on natural gas, and suggested City vehicles could run on natural gas or solar energy. She said she felt a motion might be premature. Mr. Wilson suggested they ask the Administration to return with a recommendation on creating an energy conservation master plan.

MOTION TO ASK THE ADMINISTRATION TO RETURN WITH A RECOMMENDATION FOR THE CREATION OF AN ENERGY CONSERVATION MASTER PLAN.

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

Mr. Kuhar said over the past few years, he has introduced two things that fit into this idea. He said one is an energy management program, and the other is a plan for the reduction of fuel and energy costs by 20% by 2013. He said they are waiting to see if and how it works.

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

Mr. Kuhar said that with respect to Mr. Copley's complaint, Ms. Wallach had mentioned it was requested previously. He said that although it was turned over to Ms. Rissland for answers, they still need that information from the City Manager, as he is the overseer of those departments. He said that way they can get a good look and decide if these votes are valid or not.

MOTION TO REFER MR. COPLEY'S ISSUES TO THE ADMINISTRATION TO SETTLE THE ISSUES.

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

Mr. Ferrara said it appears they are making a redundant motion for something already in effect. He said if a member is not happy with some information, they can call or send the Manager an email, asking for a status report. He said there is no reason for a second motion, as they have asked them once. He said the Administration has always been responsible about returning with requested information.

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

Mr. Turner said that an audience member brought up an issue about the McKay Bricker property. He asked that someone clarify how they arrived at a figure of \$330,000. Mr. Turner said it was explained to him, and he would like the residents to get a better understanding of how those figures were derived so they have confidence in the integrity of the City's process and how they ended up with that payout.

Mr. Silver said he is not directly involved, but could provide a thumbnail. He said the City and Portage County are contributing a combination of \$5 million to the bridge, while the State and Federal governments are contributing \$10 to \$15 million. Mr. Silver said that ODOT is the overseer of the project. He said they bring in a firm they use to set appraisals for every taking that is done on the project, and have several firms throughout the state on different projects. He said there are set criteria in the federal and state codes as to the value of the properties and the businesses. Mr. Silver said the appraisers go out, and look at comparables to the size of property. He said this is for permanent, partial, temporary or storage area takes. He said they put numbers on all of those, and this was no different. Mr. Silver said they look at the auditor's appraisal, but that is not the "end all." He said the amount represents more than just the property's value. He said there are relocation expenses for a business, as well as relocation money because they lived upstairs. He said they take the size of the living space for the home and find comparables. Mr. Silver said they must pay the difference, adding that is included in the number. Mr. Silver said there is more to it than the value of the property. Mr. Turner said that answered his question, adding that additional information can be obtained from the City.

Mr. Silver said they pay their share, so if they are paying 1/3 of the cost, than they pay 1/3 of the purchase price. He said anything over the appraised value is the City's responsibility.

Mr. Hawksley said they had correspondence from Mr. Kuhar, and it jogged his memory.

MOTION TO ASK THE ADMINISTRATION FOR A BRIEF MEMO REGARDING THE COSTS AND BENEFITS FOR ADOPTING A BUSINESS LICENSE PROGRAM.

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

Mr. Hawksley said he has had discussions with Ms. Rissland and Mr. Ruller. He said the cost of collecting the licenses and running the program would not be worthwhile. He said a short memo about the potential revenue would be helpful.

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

Ms. Wallach asked if something is appraised at \$330,000, if the City pays about \$100,000, and Mr. Silver said that was roughly correct. Ms. Wallach asked if ODOT pays the balance, and Mr. Silver said they do, along with the feds and the County. Mr. Wilson commented that from the presentations they received, he remembered they were only paying 10-20%, with other agencies paying more. Ms. Wallach commented that the City is paying under the assessed value, and Mr. Silver said that was correct.

Mr. Kuhar said with everything happening and things not looking so good in the immediate environment, they have a lot to be thankful for, as a community. He wished everyone a Happy Thanksgiving.

MAYOR'S REPORT None

Hearing no further business before this Council, President Pro Tem Wilson adjourned this meeting at 8:30 p.m.

Linda M. Copley, Clerk of Council

Wayne Wilson, President Pro Tem