

**THE CITY OF KENT, OHIO  
REGULAR COUNCIL MEETING  
WED. SEPTEMBER 17, 2008**

This regular meeting of Kent City Council was called to order at 7:30 p.m. on Wed., September 17, 2008 by John Fender, Mayor & President of Council.

**PRESENT:** MR. DELEONE, MR. FERRARA (arr. @ 7:35 p.m.), 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; AND L. COPLEY, CLERK OF COUNCIL

**ABSENT:** MR. AMRHEIN

The Clerk explained that Mr. Amrhein had an obligation with his full time position at the school, and has asked to be excused.

**MOTION TO EXCUSE MR. AMRHEIN.**

Motion made by Mr. Wilson, seconded by Mr. Hawksley, and carried by a voice vote of 7-0. (Mr. Ferrara had not yet arrived)

Mayor Fender called upon Mr. Wilson for his opening remarks.

Mr. Wilson said he wished to thank the City's safety and service forces for the excellent job done after the windstorm the previous weekend. He said he was listening to the scanner, and received some calls from his constituents about their diligence. He said they were working hard from the moment it hit. Mr. Wilson led a round of applause to show their appreciation for the Police Department, Fire Department and Service Department.

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

**MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF AUGUST 20, 2008 AND THE WORK SESSION OF SEPT. 10, 2008.**

Motion made by Mr. Wilson, seconded by Mr. DeLeone, and carried by a voice vote of 7-0. (Mr. Ferrara had not yet arrived)

Mayor Fender introduced Bob Spring, the Academic Advisor at the Kent State University School of Journalism. Mr. Springer said he was there on behalf of his wife, Barb Hipsman, to introduce students from the class at Kent State. He said they are covering public affairs, and at this time, the students introduced themselves to Council

Mayor Fender called for audience comment at this time. He reminded those wishing to speak that they should sign up with the Clerk of Council and she would call them forward.

**JIM COPLEY, 447 SUNRISE DRIVE, KENT:** Mr. Copley said he is a property owner, taxpayer, citizen, and part time employee at the City's Parks and Recreation Department since his retirement. He said he knows the City is talking about taxes, which does not affect him much as he is retired. He said the City needs to look at where the money is being used by some departments.

Mr. Copley said he requested records from the Parks Department and the Budget & Finance Department regarding the pay of full time and part time employees. Mr. Copley said he has tried three times, adding that each time, he has only received part of the information. He said the Law Director told him he could only give him what they receive from the Parks Department. Mr. Copley said the Parks Department apparently does not have the information. He said if this is the case, they are keeping poor records on the

number of employees, when they worked, and how much they were paid for the last two years. He said it is basic record keeping, adding he would hate to see their other important records.

Mr. Copley said from the records he received, two employees have partial records. Mr. Copley said one employee received \$5500 in salary increases in 2006, termed as salary adjustments and merit adjustments. He said in 2007, another employee received nearly \$6000 in a twelve-month period, also listed as salary and merit adjustments.

Mr. Copley said he has spent a considerable amount of money to get accurate records from the Parks Department and the Budget and Finance Department, but to no avail. He said the information he received was inaccurate and duplicate of other information he already received.

Mr. Copley said he is requesting an audit of the Parks and Recreation Department and the Budget & Finance Department by City Council because neither department can provide information when it is requested. He said he would like to be informed of the progress on this issue, as it goes step by step, and if no action is taken, he will go to the state Ethics Committee, as he has other information he is sure they would like to know. He said he is sure this has ruined his job as a part time employee with the City, adding he hoped they have a justifiable and legitimate reason when they discharge him.

Mayor Fender thanked Mr. Copley, and said they would try and get him information.

**John Thomas:** Mr. Thomas said he has a statement and an attachment that he distributed to the Council members and the Clerk at this time.

Mr. Thomas said he compiled a preliminary list of twenty observations and suggestions. He said it does not specifically look at the budget, appropriations, or personnel ordinances. He said it is looking at capital operations and administrative day-to-day operations. He said they could be investigated for possible savings, adding he prefaced it with a timeline of 2008-2013.

Mr. Thomas said that Council member Turner's comments, if accurately quoted in the newspaper, phrased their dilemma and their debate as coherently and succinctly as he has heard it communicated with extreme clarity. He publicly complimented Mr. Turner for his comments, adding that is what they are striving for, as a community. He said they are in this together.

Mr. Thomas said he is offering them suggestions, adding it is up to them to determine their next course. Mr. Thomas said they have approximately ninety days until their last regular business meeting in mid-December. He said the tax reduction is to occur on January 1, 2009. He suggested they take those ninety days to get as much information and has much intelligence as possible. He said he would not use the word "table", as it always keynotes something negative. He suggested they put off the third and final reading until their regular mid-December 2008 meeting. He said if they do not do that as a majority, he would appeal to them that they wait until they have a business meeting where all nine members can vote and their voice can be heard.

Mr. Thomas said with respect until the potential tax increase. He said they have until Nov. 19 to file something with the Board of Elections if they want a February ballot. He said if they choose the May ballot, they have until Feb. 20, 2009. He said in the first case, it is nine weeks away, and the second case is a few months away. He said this would allow them more time to frame their message and deliberate it, so their community can plaintively understand it.

Mr. Thomas told them what they are facing is difficult and tough. He complimented them for being willing to do that job, adding they all hope for the good of the community that it is done with clarity and intelligence.

**Paul Craven:** Mr. Craven said he had a few questions about the proposed income tax increase. He said there were contradictory articles in the Record Courier, adding that one article says it is a temporary bill, and asked if that was correct.

Mayor Fender said at this point of the meeting, they listen to the audience and do not get into a discussion.

Mr. Craven said that one speaks of it being a five-year temporary bill, but the editorial calls it a ten-year temporary deal. He said it also says it can generate between \$2 to \$2.2 million, adding he would like to suggest they take part of the money and do some work on the city streets. He said he hoped they did not take any of that money and give the administrators raises. He said he knew they would get another raise in 2009, adding that they just one and did not need one in May.

Mayor Fender told Mr. Craven they would make sure they answer his questions.

**Mary Kenneley:** Ms. Kenneley said she was one of the two people who interrupted their last meeting. She said she was not present to apologize for interrupting, as she meant everything she said. She said she still believed they are wrong for putting this ordinance in effect, adding she hoped they would delay voting on the ordinance. She said they have wanted to spend money on this issue.

Ms. Kenneley said she wanted to address the Councilperson who wanted to interrupt her at the last Council meeting. She said to answer that Councilperson's question, she worked at the Police Department and City Hall for thirty-three years. She said she spent thirty-two years in the Police Department and the other year was in the water department.

Ms. Kenneley said the person taking their notes and notifies people of the Council meeting is Linda Copley. She said Ms. Copley has been doing her job for many years, and does a mighty fine job.

Ms. Kenneley thanked Mr. Kuhar and Mr. Turner for voting against the ordinance. She said they have their heads about them, and are thinking about the citizens of Kent. She said the citizens of Kent cannot afford this task and ordinance.

**Glenn Adair:** Mr. Adair said he adamantly disagreed with the reduction to the tax credit for those who work outside of Kent. He said this biased tax does not affect all residents and is unfair. He suggested just taxing people whose last names start with "O" to "Z". He said it is the same thing, as they are picking who will pay. He said if more money is needed, it needs to come from everyone in the city. He agreed with Mr. Kuhar's comments, adding he believes the City's administration has lost the citizens trust. He said it is because of things like the Triangle Condo project with Deerfield resident Jon Epling and his partner, Doug Fuller; the old Kent Hotel, which they will never recover the fines and be strapped with its disposal; and buying up downtown property totaling over \$1.6 million. He said he thought the Blue Ribbon Panel's recommendation was to spend \$1 million per year, and if they follow those guidelines, they are spending too much money.

Mr. Adair questioned why the other party, Kent State, who will have a big gain has not ponied up with any cash. He said they would have a large benefit. He said Kent residents will benefit if they get employees and tax, adding there is a large up-front cost and questioned whether it would work.

Mr. Adair said the respect will need to be regained, and passing the tax adjustment is not a way to get trust and respect. He said it is easy, as it does not have to go on the ballot, adding it is not the best one.

Mr. Adair suggested a bed tax, adding as a college town, it is the way to go. He said it would cost him money, as he has rental units. He said they need to slow down on economic development, back off for a while, take a breath and let the funds catch up. He said they are going out on the edges, which is scary as a citizen in Kent in these economic times.

Mr. Adair said a bed tax could be shared with Franklin Township. He said it should encompass all of those serviced by Kent City Schools. He said they have one million students coming to Kent, using police and fire and do not pay unless they work in Kent. He said it would include the dorms, which have 6000 beds. Mr. Adair said that at least that many live in the City. He said it could be \$ 50 per year, which is

about \$5 per month, and it could be passed on to the students. He said they could raise close to \$1 million.

Mr. Adair said they need to show people they are trying to do something without picking their pockets. He said they could then go to the voters for a .25% "over the board" increase. He said that combined with the bed tax would earn \$2.8 million.

**Eileen Mohr:** Ms. Mohr said she has been before them numerous times, speaking against a decrease in reciprocity. She said there is no reason to restate the reasons, adding others have stated it more eloquently. She said she would let others make the argument.

Ms. Mohr asked that they revisit high school American history, adding in 1767, the British Parliament imposed duties on the colonists. She said they imposed a tax on any imported goods into the colony, and while doing this; they reduced property taxes on their own people. She said they needed to make money to pay for the British soldiers in the colony, and what they did not realize is that this moderate revenue was not offset by increasing the taxes to those struggling. She said they had opposition by the locals and resulting problems.

Ms. Mohr said in 1770, they repealed the act, except for the tea tax. She said they kept that tax because they could. Ms. Mohr said the response was people dressing up, boarding three ships and throwing 14,000 lbs of tea in the harbor.

Ms. Mohr said Lord North said the Port of Boston would be closed on June 1, 1774. She said they decided they needed to do something; otherwise the British would tax them individually, colony by colony. She said that Patrick Henry felt that England was hungry, and he had never seen them devour grapes.

Ms. Mohr said there are parallels between those times in the 1700s and today. She said they have a bloated budget with expenditures that cannot be explained. She said the Council still wants to pluck the grapes, with the first grape being reciprocity; the second grape being an income tax increase in May; and the third grape being the property tax increase. She said they have the power to have a different ending.

**Todd Fisher:** Mr. Fisher explained he lives in Ward 5 and is a freeloader. He said he has addressed Council on several occasions, and it has fallen on dead ears. He said this is the final reading to reduce the reciprocity and it will influence and affect the citizens of Kent. Mr. Fisher said he wished to address the citizens, and Mayor Fender asked him to address the Council.

Mr. Fisher said this is the last hurrah, adding they might as well put their pockets turned out of their jeans. He said it is an easy process, adding it is a big money grab for 60% of the people who work outside of Kent, as there are no good paying jobs in Kent. He said he would love to pay his tax to Kent, as he lives in Kent. He said he enjoys Kent's benefits, but this will motivate him to actively campaign with all of the citizens. He said if the reduction is approved, he would definitely campaign against the second grape (income tax increase). He said it is an easy money grab now and asked that they enjoy it. He said the tax would not pass when it goes to the voters, and if it happens once, they will keep going to the cookie jar and their pocketbooks. He said once they have the taste of free, easy money, which is the cowardly way, they will keep coming back. He said he opposes the reduction of the reciprocity.

**Beth Oswitch:** Ms. Oswitch said with respect to the snow removal committee, she wanted to remind those on Council they will have an issue with the insurance company covering them if they change an act of God. She said her agent told her if she shovels and someone gets hurt, she is not covered.

Ms. Oswitch said that contrary to what a lot of what has been said in the paper by Council members, the tax credit reduction is not subject to a referendum according to Mr. Silver. She said that for those who thought the citizens have a say, there is nothing they can do. She said she is asking they send this to the voters to decide.

Ms. Oswitch said they hear on the news nightly how people can save, with websites for coupons, ways to save gas, home bills and utilities. She said that people cannot afford bi extravagant trips, and cannot afford Disney or any local amusement parks. She said the foreclosures are in the paper, adding it is sad as many of their neighborhoods are losing their homes. She said that talk radio talks about hardships and cutbacks. She suggested they stop in at the local elementary schools, to see how many get free breakfasts, adding these are their neighborhoods that are desperate and making sure their children are being fed.

Ms. Oswitch said she listened to a show on NPR, where a financial advisor and an economist said they might see a turnaround in 2010. She said they are asking the same people to give more, when it is clear that people are struggling. She said they have been told there is a structural deficit, but every year, for the last seven years, they have ended under budget and added money to the reserves. She said they are not having a structural deficit if they are adding to their savings.

Ms. Oswitch said it would be easier to change their vote. She suggested they let it happen by the voters, rather than to negatively affect Kent with more foreclosures, and decisions between food, medical, and real estate purchases. She suggested they let the developers show them the money, instead of taking more money.

**Carrie Gavriloff:** Ms. Gavriloff said the vote on reduction was a choice with significant consequences. She said it would affect more than 60% of those residents who will also be voting on the income tax increase. She said there is an inability to place this on the ballot as a referendum, although they were told it was possible previously. She said foreclosures are high, and they have many vacant homes. She said many work outside of the City, adding some are by choice and others cannot find a job in Kent. She said some people are working second jobs. Ms. Gavriloff said she is neither a tattoo owner nor a barmaid, so it is hard to make a living in downtown Kent. She said that those people who contribute by paying property tax are called "freeloaders" by a member of Council and a few Chamber members. She said she spends more money in Stow and Akron because they have places to shop. She asked where the residents will live after the vote, and asked Council if they wanted rental properties.

Ms. Gavriloff said that tonight is the \$600,000 affirmative vote with a \$2 million consequence.

**Todd Abell, East Williams Street:** Mr. Abell said Mr. Fender was his principal for many years at Davey. He said he has lived in Kent for fourteen years, adding he lives in Ward 5. He said he wanted to ask what they are doing to do when families react to an increase in the income tax. He said he has spoke with many of them privately, adding they will continue to see the prosperous citizens of Kent leave.

Mr. Abel said that Stow has lower income and property taxes. He said he teaches at Kimpton, adding that Munroe Falls is a great place to live. He asked what would keep the citizens of Kent in Kent, and why should they not move to Twinsburg, Hudson, Stow, or Medina.

Mr. Abell said he likes living Kent and grew up in Kent. He questioned why he would not build in Franklin Township. He said he is fortunate to have a good education and belong to a good church, but questioned why he would not leave. He said he is just one guy. He said they are not letting citizens of Kent decide on the taxes, reminding them they are representing the citizens. He said if they vote to increase the taxes, they would have to turn their backs on them.

Mr. Abell said he wants to stay in Kent, adding he does not want his home to become another rental. Mr. Abell said that most of the homes in his neighborhood are rentals, with only two homes where the mom and dad live together. He said the neighborhood has changed completely, and the property taxes are higher in Kent than other communities. He said the income tax is the same. He urged them to think about keeping it the same. He said if it would be interesting to see how they vote, adding the citizens need to respond. He asked who was going to represent them. Mr. Abell said they are very smart people, and they need to consider the families.

John Bard: Mr. Bard said he was at a football game between the Stanton seven grade team, who beat Southeast. He said his son, a fourth generation Kentite, played in the game. He said most kids leave Kent when they are old enough, adding what they are doing is why they walk away.

Mr. Bard said he could remember going to Ferrara's Sparkle Market every Sunday for a newspaper, one-half gallon of milk, and a loaf of bread. He said there was no Sunday Record Courier and the Beacon Journal sold quick, as many did not want the Plain Dealer. He said they are turning Kent upside down.

Mr. Bard said he does not kayak, and attended the meeting. He said only one person spoke about it and that person lived in Cuyahoga Falls. He said it will be paid by grants and people like him. He said it is the same with the industrial park. Mr. Bard said he does not like the parking on the Main Street Bridge, and never liked it. He said they used eminent domain for a parking lot, and now they do not have enough parking, they are using the b ridge.

Mr. Bard said the Phoenix Project will add one hundred more cars, and asked if they would park on the new Crain Ave. Bridge. He said they are building a twenty million dollar bridge, started by the neighborhood. He said it was not him, as he did not live on Crain Avenue.

Mr. Bard said they need money, and are going after about 65% of the town. He said his street looks like a quilt, but they are fixing Summit Street by Kent State. He asked what they contribute, adding there are no property taxes.

Mr. Bard said a good number of people who work for the city live outside of the city. He said that those who work outside are picking up the tax. Mr. Bard said they bring the police in for Halloween, a non-City sponsored event, and authorize spending money to feed them. He said they are not feeding people in Kent and are taking more away from them. He concluded that it is wrong.

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

The Clerk reported that a carbon copy of an email sent to the Record Courier from Council member Shaffer regarding the reporting of the August 20, 2008 meeting was received on August 21, 2008, and forwarded to all members of Council the following day.

The Clerk reported that a letter was received from the Ohio EPA on August 22, 2008, with concerns about the construction of the Hike & Bike trail, near the Water Reclamation Plant. She said a response to this letter was received from the Law Director the same day. The Clerk reported that both letters were forwarded to the Mayor and all members of Council by the City Manager on August 22, 2008. The Clerk reported that a carbon copy of a letter sent by John Idone, Parks and Recreation Director, to the Ohio EPA, was received on August 23, 2008, and forwarded to the Mayor and all members of Council previously. She said that on August 28, 2008, a carbon copy of a letter from the Ohio EPA to Gene Roberts, Service Director, was received acknowledging the City for their prompt response to the issue, and stating that the violations cited in the previous letter had been resolved. The Clerk said that this letter was forwarded to all members of Council and the Mayor.

The Clerk said an email was received on August 23, 2008 from Andrew Lombardo, Right Dimensions, with a copy of a letter sent from his attorney to Mr. Silver. She said this email was forwarded to all members of Council and the Mayor on August 24, 2008.

The Clerk reported that a carbon copy of an email sent to Council member Amrhein from Elisabeth Jones was received on August 22, 2008, speaking against a proposed income tax increase and a proposed property tax. She said this email was forwarded to all members of Council on August 24, 2008.

The Clerk reported that a letter was received on August 26, 2008 from William Anderson, Chair of the Kent Planning Commission, inviting Council's Land Use Committee to their meeting on September 16, 2008 for a joint meeting. She said the letter explained that the purpose of this meeting is to initiate a general discussion on current and future land use patterns in Kent.

The Clerk reported that an email was received from Laura Mazur on August 27, 2008 speaking against the demolition of buildings for the proposed Sheetz gas station. She said this email was forwarded to all members of Council on the same day. The Clerk reported that a similar email was received from Ms. Mazur on Sept. 8, 2008 and was forwarded to all members of Council the same day.

The Clerk reported that a letter was hand delivered on August 28, 2008 from Beth Schoonover, asking Council and the Planning Commission to consider the issue of the Sheetz gas station carefully, as any decision made could make a strong statement to the residents of Kent.

The Clerk reported that an email was received from Council member Kuhar on August 28, 2008 with his thoughts on the proposed Sheetz gas station. She said this email was forwarded to all members of Council on August 29, 2008.

The Clerk reported that the agenda packet from the August 21, 2008 Parks and Recreation Board meeting were placed on file by Council's representative, Mr. Wilson, on Sept. 3, 2008.

The Clerk reported that an email was received from Elizabeth Culotta on Sept. 7, 2008 urging Council members to support an alternative plan for the proposed Sheetz station. She said this email was forwarded to all members of Council on Sept. 8, 2008.

The Clerk reported that four Fiscal Officer's Certificates were placed on file on Sept. 8, 2008 by the Director of Budget & Finance for the anticipated issuance of notes.

The Clerk reported that the Audit Report for the 2007 year was received from the Auditor of State on Sept. 10, 2008 and is on file in the Council office.

The Clerk reported that the minutes were placed on file on Sept. 10, 2008 from Council's liaison, Mr. DeLeone, from the August 14, 2008 Standing Rock Cemetery Board meeting.

The Clerk reported that an email was received from the Planning Commission on Sept. 11, 2008, with some zoning and land use issues. This was sent in preparation of their meeting on Sept. 16, 2008, when Council has been invited to join them.

After the agenda was printed, the Clerk reported that from William T. Hoover, apologizing for terminology he used at the Sept. 3 meeting regarding the reduction in the tax credit, and asking that his statement be retracted from the record.

The Clerk reported a letter was received from Liz Robinson asking that the City not just have one trash hauler.

The Clerk reported that all members received an email on Friday, Sept. 12, 2008 from Barb Rissland, Director of Budget and Finance, with answers to the Record Courier responding to questions about the tax increase. This was forwarded to all members on Sept. 13, 2008.

The Clerk reported that an email was received on Sept. 16, 2008 from Carlo Veltri speaking against the reduction to the City's tax credit. This email was forwarded to all members of Council on Sept. 17, 2008.

The Clerk reported that a letter was received on Sept. 16, 2008 from Maryjayne Stone speaking against the Sheetz station and its proposed location. Ms. Stone also urged Council to keep the Johnson building intact as it is a cornerstone for the West River Neighborhood.

Hearing no further written correspondence, Mayor Fender called for the City Manager's report.

#### **MOTION TO APPROVE ITEMS #1 THROUGH #4**

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

was out of the room).

The aforementioned motion approved the following items:

Authorization to accept a donation in memory of Frank Stalnaker (Draft No. 08-140).

- 1) Authorization to accept a donation from the Boy Scout Troop #251 (Draft No. 08 –141).
- 2) To authorize an amendment to the appropriation ordinance to transfer funds to pay for the purchase and demolition of property from Right Dimensions (Draft No. 08-171)
- 3) To authorize draft resolutions for the approval of right-of-way agreements for the new bridge (Draft Nos. 08-159 through Draft No. 08-168)

**MOTION TO RECESS INTO EXECUTIVE SESSION FOR FIVE ITEMS OF PENDING LITIGATION.**

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

Roll call was taken on the motion. Voting aye: Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, Ms. Wallach, Mr. Wilson, and Mr. DeLeone. Mr. Turner was out of the room during the vote. The motion carried by a roll call vote of 7-0.

**STANDING COMMITTEE REPORTS**

**COMMUNITY DEVELOPMENT COMMITTEE**

**MOTION TO APPROVE THE WRITTEN REPORT OF SEPT. 3, 2008 AND THE RECOMMENDED ACTION, AUTHORIZATION OF THE BLIGHT STUDY UPDATE.**

Motion made by Mr. Hawksley, seconded by Mr. Ferrara, and carried by a voice vote of 7-0. Mr. Turner was out of the room during the vote.

**MOTION TO APPROVE THE WRITTEN REPORT OF SEPT. 10, 2008, AND THE RECOMMENDED ACTION, AUTHORIZATION OF THE TOOL LOAN PROGRAM.**

Motion made by Mr. Hawksley, seconded by Mr. Ferrara, and carried by a voice vote of 7-0. Mr. Turner was out of the room during the vote.

The Mayor asked the Clerk to read Draft No. 08-169 by title only at this time.

**AN ORDINANCE DETERMINING THAT THE DOWNTOWN URBAN RENEWAL PLAN AREA IS A BLIGHTED AREA WITHIN THE MEANING OF REVISED CODE SECTION 1728.01 AND SECTION 1.08.**

**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, 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 Mr. Ferrara.

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

**2008-134: AN ORDINANCE DETERMINING THAT THE DOWNTOWN URBAN RENEWAL PLAN AREA IS A BLIGHTED AREA WITHIN THE MEANING OF REVISED CODE SECTION 1728.01 AND SECTION 1.08.**

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council

## **FINANCE COMMITTEE**

### **MOTION TO APPROVE THE WRITTEN REPORT OF SEPT. 3, 2008.**

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

### **MOTION TO APPROVE RECOMMENDED ACTIONS 1, 2, AND 4 OF THE SEPT. 3, 2008 MEETING.**

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

THE FOLLOWING ITEMS WERE APPROVED BY THE AFOREMENTIONED MOTION:

- 1) TO AUTHORIZE THE ADMINISTRATIVE RECOMMENDATION ON THE CITY'S NOTES.
- 2) TO AUTHORIZE THE RECLASSIFICATION AND RENAMING OF THE PLANS ADMIN. POSITION
- 3) TO AUTHORIZE A SHORT-TERM LEASE WITH LINCOLN BARRINGER FOR "THE BARN" LOCATED AT 200 S. DEPEYSTER STREET

### **MOTION TO AUTHORIZE RECOMMENDED ACTION #3, PLACING A .25% INCOME TAX INCREASE ON THE MAY 2009 BALLOT.**

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

### **MOTION TO APPROVE RECOMMENDED ACTION #3, AMENDING IT TO HAVE THE TAX ISSUE APPEAR ON THE NOV. 2009 BALLOT.**

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

Mr. Wilson said they have not done a good job getting the word out, and they need to give it more time.

Mr. Kuhar said he is opposed to tax increases, but would support pushing their issue to the November 2009 balance. He said he hoped the City would take other steps to prove the City is worthy of a tax increase. He said if they cannot do that, he would support citizens who would oppose it at ballot time.

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

### **MOTION TO APPROVE THE WRITTEN REPORT AND RECOMMENDED ACTION OF SEPT. 10, 2008.**

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

The aforementioned motion approved the following action:

- 1) TO AUTHORIZE THE LAW DIRECTOR AND THE PARLIAMENTARIAN TO BRING BACK AN AMENDMENT TO THE DRAFT ORDINANCE FOR THE TAX CREDIT THAT WILL ALLOW FOR ALL BUT 0.5% TO BE CREDITED.

### **MOTION TO AMEND DRAFT NO. 08-108 TO INCLUDE THE LANGUAGE DRAFTED BY THE LAW DIRECTOR.**

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

Ms. Wallach said she wanted to make a motion to temporarily table this issue until December. Mr. Wilson suggested they wait until after the amendment, and Mayor Fender agreed. Ms. Wallach asked what the amendment included, and Mr. Wilson said it was to allow all taxes paid elsewhere except for .5%, as was discussed the previous week.

Mr. Turner asked if a vote for the amendment would be a vote for passage, and Mr. Wilson said the vote would only be for the amendment.

Mr. Kuhar said he would not support this or anything that supports reciprocity. He said to humor this with some other language is the same issue, which is the wrong issue.

Mr. Turner said he would support it as it reduces the tax if it is passed. He said his concern is the ability to limit some of the exposure of people affected. He said he would not support the change to reciprocity, but would vote for the limit to change.

The amendment carried by a voice vote of 7-1, with Mr. Kuhar dissenting.

**MOTION TO TABLE DRAFT NO. 08-108 UNTIL DECEMBER.**

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

Ms. Wallach said they need to educate the people more, and need more new material. She said they need to show what they are doing and what they will do. She said they need to let them know the City is working on different ways to increase the revenue for Kent.

Mr. Kuhar said he would do anything to slow it down or stop it. He said that they could possibly listen to those who have called, written or showed up. He said if they do not pass reciprocity and the City falls on their noise, it is what the residents asked for.

Ms. Shaffer said she was inclined to support the amendment, adding she would like an opportunity to have more discussion. She said she scheduled a ward meeting previously, and then found out it was after the vote. She said she would like an opportunity to talk to the people, as the citizens need to see more wins in Kent. She said there is some evidence they are improving the City and increasing the tax base. She said the people need to see the positive vision, and once they do, many will get behind them and make a temporary investment in Kent for its stability. She said a big push is vital for Kent, and they cannot afford to not do it at this time. She said they have to do it, otherwise the City will deteriorate and spiral down, and she is not willing to live in a community like that.

Mr. Wilson asked why they decided on December, adding they could make the effective date January 2010. Ms. Wallach said she postponed it to December, adding if they get more support, do their education and let the people know, they may be read at that time.

The motion resulted in a tie, with Mr. Turner, Ms. Wallach, Ms. Shaffer, and Mr. Kuhar supporting the motion. Mr. Hawksley, Mr. DeLeone, Mr. Wilson and Mr. Ferrara dissented. Mayor Fender voted against the motion, breaking the tie at this time.

The Mayor asked the Clerk to read Draft No. 08-108, as amended, by title only at this time.

**AN ORDINANCE AMENDING SECTION 118.18 OF THE CITY OF KENT CODIFIED ORDINANCES ENTITLED "RECIPROCITY", AND RENAMING SAID SECTION TO "TAX CREDIT", EFFECTIVE JANUARY 1, 2009.**

**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. Hawksley, Ms. Shaffer, Ms. Wallach, Mr. Wilson, Mr. DeLeone, and Mr. Ferrara. Mr. Kuhar and Mr. Turner dissented. The motion carried by a roll call vote of 6-2.

**2008-135: AN ORDINANCE AMENDING SECTION 118.18 OF THE CITY OF KENT CODIFIED ORDINANCES ENTITLED "RECIPROCITY", AND RENAMING SAID SECTION TO "TAX CREDIT", EFFECTIVE JANUARY 1, 2009.**

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft NO. 08-140 by title only at this time.

**AN ORDINANCE ACCEPTING A DONATION OF \$25.00 FROM PETER & LOIS ORLANDO AND \$40.00 FROM VARIOUS CITY OF KENT EMPLOYEES FOR A TOTAL AMOUNT OF \$65.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT IN MEMORY OF FRANK STALNAKER 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. DeLeone, Mr. Ferrara, and Mr. Hawksley. 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. DeLeone, Mr. Ferrara, and Mr. Hawksley. The motion carried by a roll call vote of

**2008-136: AN ORDINANCE ACCEPTING A DONATION OF \$25.00 FROM PETER & LOIS ORLANDO AND \$40.00 FROM VARIOUS CITY OF KENT EMPLOYEES FOR A TOTAL AMOUNT OF \$65.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT IN MEMORY OF FRANK STALNAKER AND DECLARING AN EMERGENCY.**

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-141 by title only at this time.

**AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$250.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT FROM THE BOY SCOUT TROOP #251 FOR MATERIALS FOR BIKE RACKS AS PART OF AN EAGLE SCOUT PROJECT 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: Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, and Mr. Kuhar. 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. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, and Mr. Kuhar. The motion carried by a roll call vote of 8-0.

**2008-137: AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$250.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT FROM THE BOY SCOUT TROOP #251 FOR MATERIALS FOR BIKE RACKS AS PART OF AN EAGLE SCOUT PROJECT AND DECLARING AN EMERGENCY.**

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-142 by title only at this time.

**AN ORDINANCE AMENDING THE GENERAL COMPENSATION PLAN FOR ALL UNCLASSIFIED AND VARIOUS CLASSIFIED EMPLOYEES OF THE CITY OF KENT, EXCEPT THE CITY MANAGER, FROM JANUARY 1, 2006 THROUGH DECEMBER 31, 2008 AS ADOPTED BY ORDINANCE 2006-61, PASSED MAY 17, 2006; AS AMENDED BY ORDINANCE NO. 2006-74, PASSED JUNE 14, 2006; AS AMENDED BY ORDINANCE NO. 2006-128, PASSED NOVEMBER 15, 2006; AS AMENDED BY ORDINANCE NO. 2007-33, PASSED APRIL 18, 2007; AS AMENDED BY ORDINANCE NO. 2008-15, PASSED JANUARY 16, 2008; AND AS FURTHER AMENDED BY ORDINANCE NO. 2008-49, PASSED FEBRUARY 27, 2008; SO AS TO CHANGE THE NAME OF THE PLANS ADMINISTRATOR TO GRANTS & NEIGHBORHOOD PROGRAMS ADMINISTRATOR AND DECREASING THE PAY OF THE POSITION TO PAY CLASSIFICATION III, PROFESSIONAL, 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. Turner, Ms. Wallach, Mr. Wilson, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, 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. Ferrara.

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

**2008-138: AN ORDINANCE AMENDING THE GENERAL COMPENSATION PLAN FOR ALL UNCLASSIFIED AND VARIOUS CLASSIFIED EMPLOYEES OF THE CITY OF KENT, EXCEPT THE CITY MANAGER, FROM JANUARY 1, 2006 THROUGH DECEMBER 31, 2008 AS ADOPTED BY ORDINANCE 2006-61, PASSED MAY 17, 2006; AS AMENDED BY ORDINANCE NO. 2006-74, PASSED JUNE 14, 2006; AS AMENDED BY ORDINANCE NO. 2006-128, PASSED NOVEMBER 15, 2006; AS AMENDED BY ORDINANCE NO. 2007-33, PASSED APRIL 18, 2007; AS AMENDED BY ORDINANCE NO. 2008-15, PASSED JANUARY 16, 2008; AND AS FURTHER AMENDED BY ORDINANCE NO. 2008-49, PASSED FEBRUARY 27, 2008; SO AS TO CHANGE THE NAME OF THE PLANS ADMINISTRATOR TO GRANTS & NEIGHBORHOOD PROGRAMS ADMINISTRATOR AND DECREASING THE PAY OF THE POSITION TO PAY CLASSIFICATION III, PROFESSIONAL, AND DECLARING AN EMERGENCY.**

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-143 by title only.

**AN ORDINANCE AMENDING ORDINANCE NO. 2007-110, PASSED NOV. 26, 2007, ENTITLED "AN ORDINANCE ALLOCATING THE NUMBER OF PERSONS WHO MAY BE EMPLOYED BY THE CITY FOR THE YEAR 2008 WITH RESPECT TO EACH POSITION, TITLE AND WORK CLASSIFICATION RECOGNIZED BY THE CITY, DESIGNATING THE TREATMENT OF SUCH POSITIONS AS FULL OR PART-TIME POSITIONS AND DESIGNATING THE FUND OR FUNDS FROM WHICH EACH SUCH POSITION SHALL BE PAID." AS AMENDED BY ORDINANCE NO. 2008- 14, PASSED JANUARY 16, 2008, AND AS FURTHER AMENDED BY ORDINANCE 2008-50, PASSED FEB. 27, 2008, SO AS TO CHANGE THE NAME OF THE PLANS ADMINISTRATOR TO GRANTS & NEIGHBORHOOD PROGRAMS ADMINISTRATOR, 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. DeLeone, Mr. Ferrara, Mr. Hawksley, 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. Kuhar.

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

**2008-139: AN ORDINANCE AMENDING ORDINANCE NO. 2007-110, PASSED NOV. 26, 2007, ENTITLED "AN ORDINANCE ALLOCATING THE NUMBER OF PERSONS WHO MAY BE EMPLOYED BY THE CITY FOR THE YEAR 2008 WITH RESPECT TO EACH POSITION, TITLE AND WORK CLASSIFICATION RECOGNIZED BY THE CITY, DESIGNATING THE TREATMENT OF SUCH POSITIONS AS FULL OR PART-TIME POSITIONS AND DESIGNATING THE FUND OR FUNDS FROM WHICH EACH SUCH POSITION SHALL BE PAID." AS AMENDED BY ORDINANCE NO. 2008- 14, PASSED JANUARY 16, 2008, AND AS FURTHER AMENDED BY ORDINANCE 2008-50, PASSED FEB. 27, 2008, SO AS TO CHANGE THE NAME OF THE PLANS ADMINISTRATOR TO GRANTS & NEIGHBORHOOD PROGRAMS ADMINISTRATOR, AND DECLARING AN EMERGENCY.**

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08 -145 by title only at this time.

**AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$290,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF RENOVATING THE CITY'S ADMINISTRATIVE OFFICE BUILDING AND RECONSTRUCTING AND EXPANDING THE RELATED PARKING FACILITIES, AND DECLARING AN EMERGENCY.**

**MOTION TO SUSPEND THE THREE READINGS.**

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

Roll call was taken on the motion. Voting aye: Mr. Wilson, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, 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. Hawksley.

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

**2008-140: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$290,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF RENOVATING THE CITY'S ADMINISTRATIVE OFFICE BUILDING AND RECONSTRUCTING AND EXPANDING THE RELATED PARKING FACILITIES, AND DECLARING AN EMERGENCY.**

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-146 by title only at this time.

**AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$2,915,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF RENOVATING AND EXPANDING THE CITY'S MAIN FIRE STATION, INCLUDING ACQUISITION OF NECESSARY REAL ESTATE, 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. Hawksley, 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. 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 8-0.

**2008-141: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$2,915,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF RENOVATING AND EXPANDING THE CITY'S MAIN FIRE STATION, INCLUDING ACQUISITION OF NECESSARY REAL ESTATE, AND DECLARING AN EMERGENCY.**

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft NO. 08-147 by title only.

**AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$420,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE THE FUNDS NECESSARY TO REDEEM THE OUTSTANDING PRINCIPAL AMOUNT OF THE CITY'S SEWER SYSTEM IMPROVEMENT REFUNDING BONDS, SERIES 1992 ON DECEMBER 1, 2002, WHICH WERE ISSUED TO ADVANCE REFUND THE OUTSTANDING PRINCIPAL AMOUNT OF THE CITY'S SEWER SYSTEM MORTGAGE REVENUE BONDS, SERIES 1985 AND SEWER SYSTEM MORTGAGE REVENUE BONDS, SERIES 1986, BOTH OF WHICH WERE ISSUED TO PAY A PORTION OF THE COSTS OF IMPROVING THE CITY'S SEWERAGE SYSTEM, 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. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, 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 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, and Mr. DeLeone. The motion carried by a roll call vote of 8-0.

**2008-142: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$420,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE THE FUNDS NECESSARY TO REDEEM THE OUTSTANDING PRINCIPAL AMOUNT OF THE CITY'S SEWER SYSTEM IMPROVEMENT REFUNDING BONDS, SERIES 1992 ON DECEMBER 1, 2002, WHICH WERE ISSUED TO ADVANCE REFUND THE OUTSTANDING PRINCIPAL AMOUNT OF THE CITY'S SEWER SYSTEM MORTGAGE REVENUE BONDS, SERIES 1985 AND SEWER SYSTEM MORTGAGE REVENUE BONDS, SERIES 1986, BOTH OF WHICH WERE ISSUED TO PAY A PORTION OF THE COSTS OF IMPROVING THE CITY'S SEWERAGE SYSTEM, AND DECLARING AN EMERGENCY.**

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-148 by title only at this time.

**AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$915,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF REPLACING, UPGRADING AND EXTENDING SANITARY SEWER TRUNK LINES, 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. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, 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. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. DeLeone, and Mr. Ferrara. The motion carried by a roll call vote of 8-0.

**2008-143: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$915,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF REPLACING, UPGRADING AND EXTENDING SANITARY SEWER TRUNK LINES, AND DECLARING AN EMERGENCY.**

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-149 by title only at this time.

**RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.**

**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. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. DeLeone, Mr. Ferrara, and Mr. Hawksley. 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. Ferrara.

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

**2008-144: RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.**

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council

**MOTION TO AMEND DRAFT NO. 08-170 AUTHORIZING THE EFFECTIVE DATE TO BE JANUARY 1, 2010.**

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

The Mayor asked the Clerk to read Draft No. 08-170 by title only at this time.

**A RESOLUTION DECLARING THE NECESSITY OF AN ELECTION ON THE QUESTION OF APPROVING THE PASSAGE OF AN ORDINANCE TO AMEND SECTION 181.03 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT, OHIO TO IMPOSE, FOR A PERIOD OF FIVE YEARS BEGINNING JANUARY 1, 2010 AN ADDITIONAL ONE-QUARTER OF ONE PERCENT (.25%) PER ANNUM INCOME TAX IN EXCESS OF THE TWO PERCENT (2%) PER ANNUM TAX RATE THAT IS CURRENTLY IMPOSED UPON VARIOUS ITEMS OF INCOME ENUMERATED IN THE EXISTING ORDINANCE, SPECIFYING THAT THE NET PROCEEDS OF SUCH ADDITIONAL INCOME TAX SHALL BE USED TO PAY COSTS OF GENERAL MUNICIPAL OPERATIONS, MAINTENANCE, NEW EQUIPMENT, EXTENSION AND ENLARGEMENT OF MUNICIPAL SERVICES AND FACILITIES AND CAPITAL IMPROVEMENTS OF THE CITY AND FOR ALL OTHER LAWFUL PURPOSES AND INCLUDING DEBT SERVICE ON OBLIGATIONS ISSUED TO FINANCE SUCH ACTIVITIES, 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. DeLeone, Mr. Ferrara, and Mr. Hawksley. Mr. Kuhar dissented. The motion carried by a roll call vote of 7-1.

**MOTION TO ADOPT THE DRAFT ORDINANCE.**

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

Mr. Kuhar said this is a mistake, especially with the reciprocity issue. He said earlier in the evening, when talked about website information with the Manager, money was an issue. He said it would be a waste of \$10,000 to \$15,000 to place this on the ballot. He said his feelings are this did not have a snowball's chance of passing, adding they were putting a tax on the ballot that was doomed to fail. He said they have not done their jobs right as Council people and he would not support it.

Mr. Hawksley said he is very pleased they amended this to the November ballot, adding it will give time for them to develop an agreement for the downtown. He said people would see their progress. Mr. Hawksley said he believes in the people of Kent, and with the Council and staff having the opportunity to show them the big picture and details, he believed they would support the tax.

Mr. Turner said his issue is that this goes to the voters. He said he would not support this if it were in May, adding they need to express to the citizens what there agenda is and what they need to do to move it

forward. He said his big concern is that the reciprocity could damage the time frame. He said with the voters having an opportunity to have a voice, he could support it.

Mr. Ferrara said he was opposed to the income tax, but was not opposed to putting it on the ballot, letting the people decide.

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

**2008-145: A RESOLUTION DECLARING THE NECESSITY OF AN ELECTION ON THE QUESTION OF APPROVING THE PASSAGE OF AN ORDINANCE TO AMEND SECTION 181.03 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT, OHIO TO IMPOSE, FOR A PERIOD OF FIVE YEARS BEGINNING [OCTOBER 1, 2009][JANUARY 1, 2010] AN ADDITIONAL ONE-QUARTER OF ONE PERCENT (.25%) PER ANNUM INCOME TAX IN EXCESS OF THE TWO PERCENT (2%) PER ANNUM TAX RATE THAT IS CURRENTLY IMPOSED UPON VARIOUS ITEMS OF INCOME ENUMERATED IN THE EXISTING ORDINANCE, SPECIFYING THAT THE NET PROCEEDS OF SUCH ADDITIONAL INCOME TAX SHALL BE USED TO PAY COSTS OF GENERAL MUNICIPAL OPERATIONS, MAINTENANCE, NEW EQUIPMENT, EXTENSION AND ENLARGEMENT OF MUNICIPAL SERVICES AND FACILITIES AND CAPITAL IMPROVEMENTS OF THE CITY AND FOR ALL OTHER LAWFUL PURPOSES AND INCLUDING DEBT SERVICE ON OBLIGATIONS ISSUED TO FINANCE SUCH ACTIVITIES, AND DECLARING AN EMERGENCY.**

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-171 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; AND AS AMENDED BY ORDINANCE NO. 2008-115, PASSED AUGUST 20, 2008, SO TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL, 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. Turner, Ms. Wallach, Mr. Wilson, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, and Ms. Shaffer. The motion carried by a roll call vote of

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

**2008-146: 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; AND AS AMENDED BY ORDINANCE NO. 2008-115, PASSED AUGUST 20, 2008, SO TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL, AND DECLARING AN EMERGENCY.**

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council

Ms. Wallach said she wanted to return to the reciprocity issue, adding it was to have a five-year sunset provision. She said this was not included in the draft ordinance.

**MOTION TO RECONSIDER DRAFT NO. 08-108.**

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

Mr. Kuhar said the sunset clause is nice, but he would still vote against the motion.

At this time, Mayor Fender asked the Clerk to reread Draft No. 08-108 by title only.

The Mayor asked the Clerk to read Draft No. 08-108, as amended, by title only at this time.

**MOTION TO AMEND TO INCLUDE THE SUNSET CLAUSE OF FIVE YEARS.**

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

**AN ORDINANCE AMENDING SECTION 118.18 OF THE CITY OF KENT CODIFIED ORDINANCES ENTITLED "RECIPROCITY", AND RENAMING SAID SECTION TO "TAX CREDIT", EFFECTIVE JANUARY 1, 2009.**

**MOTION TO ADOPT THE DRAFT ORDINANCE.**

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

Mr. Turner said he was a little lost, and asked if they were adding the sunset provision to the reciprocity issue, and Mayor Fender said that was correct. Mr. Hawksley said they authorized it in committee, but it did not make it to the ordinance.

Mr. Kuhar said the next vote would be to approve a decrease to reciprocity, with a sunset clause.

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

**2008-135: AN ORDINANCE AMENDING SECTION 118.18 OF THE CITY OF KENT CODIFIED ORDINANCES ENTITLED "RECIPROCITY", AND RENAMING SAID SECTION TO "TAX CREDIT", EFFECTIVE JANUARY 1, 2009.**

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council

At this time, Mayor Fender called for a five-minute recess. He recessed this meeting at 8:47 p.m.

Following the recess, Mayor Fender reconvened this meeting at 8:53 p.m.

**STREETS, SIDEWALKS, AND UTILITIES COMMITTEE**

**MOTION TO APPROVE THE WRITTEN REPORT OF SEPTEMBER 3, 2008 AND THE RECOMMENDED ACTIONS.**

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

The aforementioned motion approved the following actions:

- 1) TO AUTHORIZE AN APPLICATION FOR OPWC FUNDS FOR THE SR 59 SIGNALIZATION PROJECT
- 2) TO AUTHORIZE A NINE-MEMBER COMMITTEE TO REVIEW AND RETURN WITH RECOMMENDATIONS ON SIDEWALK SNOW REMOVAL

The Mayor asked the Clerk to read Draft No. 08-144 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. Ferrara, seconded by Mr. DeLeone.

Roll call was taken on the motion. Voting aye: Ms. Wallach, Mr. Wilson, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, 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. DeLeone, seconded by Mr. Hawksley.

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

**2008-147: 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.**

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-150 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 CONSISTING OF 147 SQUARE FEET OF REAL PROPERTY FROM SCOTT A. HERSHISER, 421 NORTH WATER FOR \$375.00 FOR PURPOSES OF RIGHT-OF-WAY ACQUISITION FOR THE CONSTRUCTION OF THE NEW CRAIN AVENUE/FAIRCHILD AVENUE BRIDGE 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. Wilson, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, 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. Hawksley.

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

**2008-148: 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 CONSISTING OF 147 SQUARE FEET OF REAL PROPERTY FROM SCOTT A. HERSHISER, 421 NORTH WATER FOR \$375.00 FOR PURPOSES OF RIGHT-OF-WAY ACQUISITION FOR THE CONSTRUCTION OF THE NEW CRAIN AVENUE/FAIRCHILD AVENUE BRIDGE AND DECLARING AN EMERGENCY.**

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-151 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 475 SQUARE FEET AND OBTAINING A TEMPORARY EASEMENT OF 3,288 SQUARE FEET OF REAL PROPERTY FROM BRANDY GABRIEL, 518 NORTH WATER STREET FOR \$4,075.00 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. DeLeone, Mr. Ferrara, Mr. Hawksley, Ms. Shaffer, Mr. Turner, Ms. Wallach, and Mr. Wilson. Mr. Kuhar abstained. The motion carried by a roll call vote of 7-0-1.

**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. Hawksley, Ms. Shaffer, Mr. Turner, Ms. Wallach, and Mr. Wilson. Mr. Kuhar abstained. The motion carried by a roll call vote of 7-0-1.

**2008-149: 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 475 SQUARE FEET AND OBTAINING A TEMPORARY EASEMENT OF 3,288 SQUARE FEET OF REAL PROPERTY FROM BRANDY GABRIEL, 518 NORTH WATER STREET FOR \$4,075.00 FOR PURPOSES OF RIGHT-OF-WAY ACQUISITION, AND THE CONSTRUCTION OF THE NEW CRAIN AVENUE/FAIRCHILD AVENUE BRIDGE PROJECT AND DECLARING AN EMERGENCY.**

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-152 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 TWO (2) TEMPORARY EASEMENTS, ONE CONSISTING OF 462 SQUARE FEET AND ONE CONSISTING OF 3,273 SQUARE FEET FOR A TOTAL OF 3,735 SQUARE FEET; AND A PERPETUAL EASEMENT OF 4,995 SQUARE FEET OF REAL PROPERTY FROM SCOTT A. HERSHISER, 425 GOUGLER AVENUE FOR \$26,813.00 FOR PURPOSES OF RIGHT-OF-WAY ACQUISITION FOR THE CONSTRUCTION OF THE NEW CRAIN AVENUE/FAIRCHILD AVENUE BRIDGE 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. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, 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 Mr. Ferrara.

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

**2008-150: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT WITH THE CITY OF KENT, OHIO, OBTAINING TWO (2) TEMPORARY EASEMENTS, ONE CONSISTING OF 462 SQUARE FEET AND ONE CONSISTING OF 3,273 SQUARE FEET FOR A TOTAL OF 3,735 SQUARE FEET; AND A PERPETUAL EASEMENT OF 4,995 SQUARE FEET OF REAL PROPERTY FROM SCOTT A. HERSHISER, 425 GOUGLER AVENUE FOR \$26,813.00 FOR PURPOSES OF RIGHT-OF-WAY ACQUISITION FOR THE CONSTRUCTION OF THE NEW CRAIN AVENUE/FAIRCHILD AVENUE BRIDGE AND DECLARING AN EMERGENCY.**

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-153 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 10,124 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY CURTISS W. RUCKMAN 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. DeLeone, seconded by Mr. Ferrara.

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

**2008-151: AN ORDINANCE DIRECTING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE IN 10,124 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY CURTISS W. RUCKMAN 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.**

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft NO. 08-154 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 6,680 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY LLOYD E. ATKINSON 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. 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. DeLeone, Mr. Ferrara, and Mr. Hawksley. 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. DeLeone, Mr. Ferrara, and Mr. Hawksley. The motion carried by a roll call vote of 8-0.

**2008-152: AN ORDINANCE DIRECTING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE IN 6,680 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY LLOYD E. ATKINSON 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.**

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-155 by title only at this time.

**AN ORDINANCE DIRECTING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE A TEMPORARY EASEMENT IN 1,709 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY PATRICK E. FLANINGAN 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. Wilson, seconded by Mr. Ferrara.

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

Mr. Kuhar noted that some are worded differently, and if this was about eminent domain. Mr. Silver said that was correct.

**MOTION TO ADOPT THE DRAFT ORDINANCE.**

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. DeLeone, Mr. Ferrara, and Mr. Hawksley. Mr. Kuhar abstained. The motion carried by a roll call vote of 7-0-1.

**2008-153: AN ORDINANCE DIRECTING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE A TEMPORARY EASEMENT IN 1,709 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY PATRICK E. FLANINGAN 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.**

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-156 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 79 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY PATRICK E. FLANINGAN 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. DeLeone, seconded by Mr. Ferrara.

Roll call was taken on the motion. Voting aye: Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, 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. DeLeone, seconded by Mr. Ferrara.

Roll call was taken on the motion. Voting aye: Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, and Ms. Shaffer. Mr. Kuhar abstained. The motion carried by a roll call vote of 7-0-1.

**2008-154: AN ORDINANCE DIRECTING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE IN 79 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY PATRICK E. FLANINGAN 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.**

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-157 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 7,133 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY TERRY MORMILE (PANCHO VILLA, INC.) 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. DeLeone, seconded by Mr. Ferrara.

Roll call was taken on the motion. Voting aye: Ms. Wallach, Mr. Wilson, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, 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. DeLeone, seconded by Mr. Ferrara.

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

**2008-155: AN ORDINANCE DIRECTING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE IN 7,133 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY TERRY MORMILE (PANCHO VILLA, INC.) 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.**

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-158 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 2,878 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY CURTISS W. RUCKMAN 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. DeLeone, seconded by Mr. Ferrara.

Roll call was taken on the motion. Voting aye: Mr. Wilson, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, 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. Hawksley.

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

**2008-156: AN ORDINANCE DIRECTING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE IN 2,878 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY CURTISS W. RUCKMAN 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**

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-159 by title only at this time.

**A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE IN 7,102 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY KAY M. MAYFIELD (FKA BRICKER) 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. 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 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. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, and Mr. Wilson. The motion carried by a roll call vote of 8-0.

**2008-157: A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE IN 7,102 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY KAY M. MAYFIELD (FKA BRICKER) 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.**

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-160 by title only at this time.

**A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE IN 9,765 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY ROBERT MAYFIELD AND KAY M. MAYFIELD 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. DeLeone, seconded by Mr. Ferrara.

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

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

**2008-158: A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE IN 9,765 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY ROBERT MAYFIELD AND KAY M. MAYFIELD 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.**

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-161 by title only at this time.

**A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE A PERPETUAL EASEMENT IN 443 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY STAR OF THE WEST MILLING COMPANY OF OHIO 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. DeLeone, seconded by Mr. Kuhar.

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

**2008-159: A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE A PERPETUAL EASEMENT IN 443 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY STAR OF THE WEST MILLING COMPANY OF OHIO 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.**

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-162 by title only at this time.

**A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE A TEMPORARY EASEMENT IN 1,729 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY STAR OF THE WEST MILLING COMPANY OF OHIO 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. 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. DeLeone, Mr. Ferrara, and Mr. Hawksley. 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. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. DeLeone, Mr. Ferrara, and Mr. Hawksley. The motion carried by a roll call vote of 8-0.

**2008-160: A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE A TEMPORARY EASEMENT IN 1,729 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY STAR OF THE WEST MILLING COMPANY OF OHIO 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.**

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft NO. 08-163 by title only at this time.

**A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE A TEMPORARY EASEMENT IN 1,449 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. DeLeone, seconded by Mr. Ferrara.

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

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

**2008-161: A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE A TEMPORARY EASEMENT IN 1,449 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.**

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-164 by title only at this time.

**A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE A TEMPORARY EASEMENT IN 1,002 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY LARRY R. WRIGHT AND MARY B. WRIGHT 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. DeLeone, seconded by Mr. Ferrara.

Roll call was taken on the motion. Voting aye: Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, 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. DeLeone, seconded by Mr. Hawksley.

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

**2008-162: A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE A TEMPORARY EASEMENT IN 1,002 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY LARRY R. WRIGHT AND MARY B. WRIGHT 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.**

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft NO. 08-165 by title only at this time.

**A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE A TEMPORARY EASEMENT IN 101 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY LARRY R. WRIGHT AND MARY B. WRIGHT 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. DeLeone, seconded by Mr. Ferrara.

Roll call was taken on the motion. Voting aye: Ms. Wallach, Mr. Wilson, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, 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. DeLeone, seconded by Mr. Hawksley.

Roll call was taken on the motion. Voting aye: Ms. Wallach, Mr. Wilson, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Ms. Shaffer, and Mr. Turner. Mr. Kuhar abstained. The motion carried by a roll call vote of 7-0-1.

**2008-163: A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE A TEMPORARY EASEMENT IN 101 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY LARRY R. WRIGHT AND MARY B. WRIGHT 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.**

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-166 by title only at this time.

**A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE IN 252 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY LARRY R. WRIGHT AND MARY B. WRIGHT 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. DeLeone, seconded by Mr. Hawksley.

Roll call was taken on the motion. Voting aye: Mr. Wilson, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, 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. Hawksley.

Roll call was taken on the motion. Voting aye: Mr. Wilson, 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 7-0-1.

**2008-164: A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE IN 252 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY LARRY R. WRIGHT AND MARY B. WRIGHT 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.**

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-167 by title only at this time.

**A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE IN 1,115 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY TIMOTHY E. CROCK AND MARY JANE CROCK 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. 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, 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. Hawksley.

Roll call was taken on the motion. Voting aye: Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Ms. Shaffer, Mr. Turner, Ms. Wallach, and Mr. Wilson. Mr. Kuhar abstained. The motion carried by a roll call vote of 7-0-1.

**2008-165: A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE IN 1,115 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY TIMOTHY E. CROCK AND MARY JANE CROCK 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.**

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-168 by title only at this time.

**A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE A TEMPORARY EASEMENT IN 4,773 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY TIMOTHY E. CROCK AND MARY JANE CROCK 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. DeLeone, seconded by Mr. Ferrara.

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

Roll call was taken on the motion. Voting aye: Mr. Ferrara, Mr. Hawksley, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, and Mr. DeLeone. Mr. Kuhar abstained. The motion carried by a roll call vote of 7-0-1.

**2008-166: A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE A TEMPORARY EASEMENT IN 4,773 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY TIMOTHY E. CROCK AND MARY JANE CROCK 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.**

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council

The Mayor asked the Clerk to read draft No. 08-172 by title only at this time.

**AN ORDINANCE RENAMING SECTION 933 OF THE KENT CODIFIED ORDINANCES ENTITLED "GARBAGE" TO "CITYWIDE REFUSE SERVICE" AND AMENDING THE SAME TO CREATE A SINGLE TRASH HAULER IN THE CITY FOR SINGLE UNIT RESIDENTIAL PROPERTIES TO BE HIRED BY BID AND GOVERNING ALL TRASH HAULERS WITHIN THE CITY, 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. Hawksley, Ms. Shaffer, Mr. Turner, Mr. Wilson, Mr. DeLeone, and Mr. Ferrara. Mr. Kuhar and Ms. Wallach dissented. The motion failed by a roll call vote of 6-2.

**MOTION TO ADOPT THE FIRST READING.**

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

Ms. Wallach said she wanted clarification. She said the draft ordinance says they are going to bid it out, and implement the program, and Mr. Hawksley said that was correct. Ms. Wallach said a lot of people in Kent are unaware of what the City is doing. She said she would like to step back, educate the citizens of

Kent, and after they are well educated through the paper, Council members, or the Tree City Bulletin, they can then proceed. She said she would not support the motion at this time.

Mr. Wilson said that he felt the same thing when he read it. He said he called the City Manager, who explained the only purpose at this point is to get bids. He said they cannot solicit bids without changing the language. Mr. Wilson said people in his ward want to know how much it will cost, and he does not know, as they need to obtain the bids. He said they would not enter into a contract with a company until Council reviews the information.

Ms. Wallach asked if they can get bids, and share the information with their constituents, and Mr. Wilson said that was correct. He said the residents have asked him if it was cheaper, and he is unable to answer that question.

Mr. Kuhar said they received a detailed list from Mr. Roberts on the proposed cost and savings. He said it appears they are deciding they want city trash hauling before they get the bids. He said he is opposed to the one company system, adding it is against democracy and free enterprise, and takes away the right to select their own hauler. He said they could resolve the problems by designating single trash days or using dumpsters. He said they could reduce a little truck traffic, but by making rental properties commercial properties, they are excluding them. He said only two or three small neighborhoods would see a change in truck traffic, adding they would still have about the same amount of trucks. He said they could solve their trash problems with one-day hauling, and giving the citizens the right to choose. He said he is opposed to everything about single-trash hauling.

Mr. Ferrara said the ordinance does not take effect until July 1, adding they have time to educate the people as suggested.

Ms. Shaffer said that it is definitely worth exploring, adding it improves the appearance of Kent and keeps it from deteriorating more.

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

The Mayor asked the Clerk to read Draft No. 08-173 by title only at this time.

**AN ORDINANCE AMENDING SECTION 935.99 OF THE CITY OF KENT CODIFIED ORDINANCE TO REFLECT A CHANGE IN CODE SECTION NUMBERS CHANGING (933.08 TO 933.26) NECESSITATED BY THE RESTRUCTURING OF CHAPTER 933 AND DECLARING AN EMERGENCY.**

**MOTION TO SUSPEND THE THREE READINGS.**

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

The Clerk suggested they might want to approve first reading only, as this draft ordinance is a companion to the previous one they just approved for first reading. She said it has no effect if it passes without the previous draft.

**MOTION TO APPROVE FIRST READING.**

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

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

Mr. Kuhar asked what the ordinance was about, and the Clerk explained it is in the recycling chapter of the Codified Ordinances, and makes reference to Chapter 933. She said since they are renaming Chapter 933, they have to find sections in the entire Codified Ordinances and change them accordingly. She said the numbering changed, requiring the companion ordinance to change also.

**SPECIAL COMMITTEE REPORTS** - None

**UNFINISHED BUSINESS** - None

### **NEW BUSINESS**

Mr. Wilson said that everyone received a memo from the City Manager who has officially moved into his new home in Kent. He said that according to the Manager's contract, they owe him the moving expenses. He said they took the lowest of the bids.

#### **MOTION TO APPROVE THE REIMBURSEMENT TO THE CITY MANAGER FOR HIS MOVING EXPENSES AS SUBMITTED.**

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

#### **MOTION TO ISSUE EIGHT PARKING PASSES TO ST. PATRICK'S SCHOOL ON PORTAGE STREET AGAIN.**

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

Mr. Kuhar said they have worked on changing the structure of the parking. He said that the plea from the church was that the spaces were too expensive at \$15 apiece. He said they were given parking spots. He said since that time, they changed the structure, and they are now only \$ 5 per month. He said that they have people paying to park on that street for ten hours and overnight. He said they are willing to make that sacrifice. Mr. Kuhar said they are saying they should give away eight spaces that used to be \$15 and are now \$5. He said everyone should pay his or her own parking.

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

Mr. Wilson said he wanted to challenge all of Council. He said they voted to change the reciprocity back so everyone would pay .5%. He said those making a \$50,000 income would be paying \$250 additional. He said he is challenging Council to donate \$250 apiece, after Jan. 1, with exception of Mr. Ferrara who will be already paying. He said for those not affected, he is proposing a donation of \$250 apiece so they show they believe the need is present.

He challenged the newspaper to report every time someone donates from Council.

Ms. Wallach said she does not make \$50,000, adding she will, however, donate .5% of her income.

Ms. Shaffer agreed, adding her finance works outside of Kent and will pay a substantial amount. Ms. Wallach said it was the same with her husband also. Ms. Shaffer said she would also donate .5% of her personal income.

Ms. Wallach said they discussed alternate ways to raise revenue from retired persons, adding one was to see if they can exclude people below a certain income and that is not permitted by law. She said she wished to expand that volunteer donation to those seniors who make above a certain amount to see if they would be willing to donate.

Mr. Kuhar said he already pays income tax on his income taxable to Kent, adding it is not a whole lot. He commented that he has nothing to say.

Mr. Hawksley said they had a meeting with the Planning Commission the previous night and spoke for more than ninety minutes on the issue of boarding houses.

#### **MOTION TO ASK THE ADMINISTRATION, TO REPORT AS EARLY AS POSSIBLE, ON THE POTENTIAL OF A MORATORIUM ON NEW BOARDING HOUSES IN KENT.**

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

Mr. Hawksley said he knows there are a lot of legal parameters about moratoriums. He said Mr. Locke brought up a lot of ideas they could do. He said this would allow a period of time, nine months to one year, to address the issue, adding it would be welcome.

Mr. Kuhar said it is a good idea, adding he is unsure if they would do it that way. He suggested they might change the zoning in those areas, eliminating future boarding houses. He noted that is up to the Law Director.

Mr. Hawksley said the intent of the motion is to look at their laws and regulations during the moratorium period.

Mr. Kuhar said he would support the motion.

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

**MOTION TO REVIEW MR. THOMAS' LIST OF SUGGESTION, PLACING THEM IN COMMITTEE.**

Motion made by Ms. Wallach.

Mayor Fender noted that would be in the Finance Committee. Mr. Wilson agreed, adding he needed to have a chance to digest it, adding he has not read the information. He suggested they might make referrals during the next meeting.

The motion carried for want of a second.

**MOTION TO AUTHORIZE THE ADMINISTRATION TO RESEARCH AND ADDRESS THE ISSUES ABOUT THE PARKS AND RECREATION DEPARTMENT.**

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

Mr. Kuhar said when someone has this type of accurate information; they have a responsibility to find out if those comments have any merit. He said there might be logical reasons, adding they owe it to the citizens to answer those questions.

Mr. Ferrara asked if this came under the purview of the Parks and Recreation Board. Mr. Wilson said as Council's liaison, he would be informing them of this discussion the following night at 5:00 p.m. during their meeting. He said he hoped the Clerk would have the minutes together at that point so he could present the exact information brought forth by Mr. Copley.

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

**MOTION TO REFER TO COMMITTEE LEGISLATION WITHIN THE CITY TO PROHIBIT HANDHELD PHONES WHILE DRIVING.**

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

Mr. Kuhar said it seems like some people do not have the capabilities to do two things at once. He said he was unsure how many accidents occurred because people were yelling at someone on the cell phone, trying to text someone, or going under the speed limit due to the intensity of their phone conversation. He said there was someone killed the previous week because of someone texting. Mr. Kuhar said they need to look into this with 20,000 students and 20,000 residents.

Ms. Shaffer said she would like to do more research before she was willing to vote on the issue.

Ms. Wallach said research has been done, and they have equated talking on a cell phone to driving under the influence. Ms. Shaffer said her research was about how other communities handle it.

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

Mr. Kuhar said his next issue might get some static. He said as Council members, they need to look legitimate and as though they are on the up and up.

**MOTION TO REFER TO COMMITTEE A POLICY ELIMINATING THE APPEARANCE OF IMPROPRIETY.**

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

Mr. Kuhar said if they belong to an organization, outside of Council, there are times when things occur that they must vote on as a Council member. He said they may not be a legal conflict of interest, but could be a moral conflict of interest. He said that it may be legal, but gives the appearance of an impropriety. He said they should excuse themselves from the vote.

Mr. Wilson said they tried a Conflict of Interest Committee years ago, and it was shot down. He said their first case was going to end up in court, as the committee was going to hear a case that was already covered under the state code. He said if the case was heard, the person because of it could sue them. He said it sounds like the road Mr. Kuhar is heading down, adding it is up to the individual person to decide if they have a conflict.

Mr. Turner said he felt that Council can set a policy on the propriety or impropriety of someone's relationship. He said they could set rules and guidelines regarding the appearance of such relationships. He said he belongs to some groups, and the Law Director has said to be careful so they are not giving the appearance that the organization is benefitting. He said it is reasonable to have that discussion about the parameters.

Ms. Shaffer said she did not know where the boundaries would be, adding it would be a case-by-case situation. She said it is up to an individual's conscious. She said if the community thinks there is an impropriety, they will call Council on it, and she felt they might overreach. She said she sometimes goes to a Main Street meeting, as some of them are members. She said this would mean they would not vote on those issues. She told Mr. Turner this would probably put him out of a lot of votes.

Mr. Turner said he has spoken with the Law Director regarding his relationship on certain organizations. He said there have been times the Law Director suggested he not be involved from an appearance sake. He said they could decide what they want to do. He said they should have some type of appearance.

Mr. DeLeone said Mr. Turner just hit it on the head. He said if they think they have a conflict, they need to ask the Law Director, as that is his job. He said he does not see the need for another committee.

Mr. Kuhar said he wished to reclarify what he is asking. He said if they go to the Law Director, it is a conflict if someone receives cash. He said that moral and ethical issues could be perceived as a conflict by the residents. He said if he is the chair of a board for a religious group that comes to Council for funding, although he is not getting money, it is a moral conflict of interest to vote on the issue.

The motion failed by a hand count of 2-6, with all but Mr. Turner and Mr. Kuhar dissenting.

Mr. Kuhar said he was going to bring up a motion to look into their website situation with the City, as the fastest way to pay a water bill is to use the drop off box. He said he spoke with the Manager earlier in the day, and he is working to get them into this century with the website. He said they would be able to pay fines, get forms, and pay their water bill through the Internet. He said they could possibly link local businesses together also. He said that for a progressive city, a slot in the payment box does not quite "get it". He said by the end of the year, they would be a different city.

**MOTION TO RECESS THIS MEETING FOR THE PREVIOUSLY AUTHORIZED EXECUTIVE SESSION.**

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

Mayor Fender recessed this meeting at 9:50 p.m.

Following Executive Session, Mayor Fender reconvened this meeting at 10:15 p.m.

**MOTION TO AUTHORIZE A SETTLEMENT WITH MR. DEAN FOR SOME OF THE ITEMS IN THE BAR FOR THE CRAIN AVENUE BRIDGE PROJECT.**

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

**MOTION TO AUTHORIZE THE INSURANCE COMPANY TO SETTLE THE CASE ENTITLED RUFO V. KENT.**

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

**MOTION TO AUTHORIZE THE SETTLEMENT OF FARRIS DISPOSAL'S LAWSUIT BY ALLOWING ANOTHER THREE-YEAR CONTRACT EXTENSION.**

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

**MOTION TO ADJOURN THIS MEETING.**

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

Hearing no further business before this Council, Mayor Fender adjourned this meeting at 10:16 p.m.

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Linda M. Copley, Clerk of Council

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John Fender, Mayor & President of Council