

**THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WED., JANUARY 16, 2008**

This regular meeting of Kent City Council was called to order by John Fender, Mayor and President of Council, on Wed., January 16, 2008, at 7:30 p.m. Mayor Fender welcomed those present.

PRESENT: MR. AMRHEIN, MR. DELEONE, MR. FERRARA, MR. HAWKSLEY, MR. KUCHAR, MS. SHAFFER, MS. WALLACH, AND MR. WILSON

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

Mayor Fender called upon Mr. Amrhein for his opening remarks at this time.

Mr. Amrhein explained this was his first time for giving opening remarks. He said that over the last few weeks, he and the other two members have been given a tour of city facilities, meeting with the various managers and department heads. Mr. Amrhein said he is extremely impressed. He said that what they heard and have seen is valuable, and they are fortunate to have the people they have at the helm.

Mr. Amrhein asked Boy Scout Troop 257 to join him, as he led the Pledge of Allegiance. After the Pledge, the Boy Scouts were introduced to Council

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF JANUARY 2, 2008; THE POLICY & PROCEDURES COMMITTEE MEETING OF JANUARY 2, 2008; AND THE COUNCIL WORK SESSION OF JANUARY 9, 2008.

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

Mayor Fender called for audience communications at this time. He reminded those wishing to speak to sign up with the Clerk of Council who would call them forward.

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

The Clerk reported that an email was received from Gregg Vilck, Kent Hotel, LLC, was received on Friday, January 4, 2008. She said Mr. Vilck expressed his displeasure that a comment he submitted was not posted on the Kent 360 blog and requested Council discuss the web site/blog policies, procedures, and operating statement at their next Council meeting. She said Mr. Vilck further asked Council to determine if the authority and position, and/or the administration has violated any civil rights. The Clerk said this email was forwarded to all members on January 4, 2008. She explained that although this email was sent on Jan. 3, due to an outage of the City's server, it was not accessible until January 4, 2008. The Clerk said another email was received earlier in the day from Mr. Vilck advising that as of this day, his comments still had not been posted.

The Clerk reported that a letter was received on Friday, January 4, 2008 from Pamela D. West, owner of property in the Drainage Area Q Phase IV project, asking for solutions on how to pay for her assessment. She said this letter was forwarded to the Engineering Division for a response on the processes available to her for deferring the assessment due to the exceptions outlined in Chapter 925 of the Codified Ordinances.

The Clerk reported that an email was received on January 7, 2008 from Christopher Ross, advising he has moved out of Kent and is no longer able to serve on the Housing Appeals Board.

MOTION TO ACCEPT MR. ROSS' RESIGNATION, AND TO SEND HIM A LETTER OF THANKS.

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

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

MOTION TO APPROVE ITEMS #1 THROUGH #7.

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

The following items were approved by the aforementioned motion:

- 1) Authorization for annual CDBG public hearing, Feb. 6, 2008, at 7:00 p.m.
- 2) Agenda time, Community Development, Amendment to the City's Thoroughfare Plan
- 3) Agenda time, Community Development, Proposed changes to City's storm water management ordinance
- 4) Agenda time, Streets, Sidewalks & Utilities Committee, Commissioner Chuck Keiper, NOPEC issues
- 5) Authorization of draft ordinance, donation from Mrs. Joan Eshler
- 6) Authorization of draft ordinance to allow acceptance of in-kind grant for hazardous chemical detection equipment.
- 7) Authorization, of draft ordinance, agreement between ODOT and City, Hike and Bike Trail grant

Mr. Ruller said that the tour with new Council members was a lot of fun, and he appreciated Mr. Amrhein's comments. He said the City is a complicated organization, with a few production plants for the services that are provided. He said he always enjoys visiting those plants, and the tour reminded him of how much they actually do in Kent.

STANDING COMMITTEE REPORTS

At this time, balloting for vacancies on the various boards and commissions was completed and tallied. Mayor Fender announced the winners as follows:

- 1) **Planning Commission:** John Thomas
- 2) **Shade Tree Commission:** James Jewell, Debbie Miller
- 3) **Storm Water District Review and Appeals Board:** Elisabeth Wilmott
- 4) **Civil Service Commission:** Ron Heineking
- 5) **Parks and Recreation Board:** Bob Wolf
- 6) **Income Tax Board of Review:** Denise Mote
- 7) **Parking Action Committee:** Howard Boyle
- 8) **Board of Health:** Pamela Freeman

MOTION TO AUTHORIZE DRAFT NOS. 08-04 THROUGH 08-11, INSERTING THE NAMES.

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

The Mayor asked the Clerk to read Draft No. 08-04 by title only at this time.

A RESOLUTION APPOINTING JOHN THOMAS TO THE PLANNING COMMISSION, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE

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

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

2008-02: A RESOLUTION APPOINTING JOHN THOMAS TO THE PLANNING COMMISSION, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-05 by title only at this time.

A RESOLUTION APPOINTING JAMES JEWELL AND DEBBIE MILLER TO THE SHADE TREE COMMISSION, AND

DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE

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

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

2008-03: A RESOLUTION APPOINTING JAMES JEWELL AND DEBBIE MILLER TO THE SHADE TREE COMMISSION, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-06 by title only at this time.

A RESOLUTION APPOINTING ELISABETH WILMOTT TO THE STORM WATER DISTRICT REVIEW AND APPEALS BOARD, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE

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

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

2008-04: A RESOLUTION APPOINTING ELISABETH WILMOTT TO THE STORM WATER DISTRICT REVIEW AND APPEALS BOARD, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-07 by title only at this time.

A RESOLUTION APPOINTING RON HEINEKING TO THE CIVIL SERVICE COMMISSION, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

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

2008-05: A RESOLUTION APPOINTING RON HEINEKING TO THE CIVIL SERVICE COMMISSION, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

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

A RESOLUTION APPOINTING ROBERT WOLF TO THE PARKS AND RECREATION BOARD, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Ms. Shaffer, Ms. Wallach, Mr. Wilson, Mr. Amrhein, 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. Wilson.

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

2008-06: A RESOLUTION APPOINTING ROBERT WOLF TO THE PARKS AND RECREATION BOARD, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-09 by title only at this time.

A RESOLUTION APPOINTING DENISE MOTE TO THE INCOME TAX BOARD OF REVIEW, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE

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

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

2008-07: A RESOLUTION APPOINTING DENISE MOTE TO THE INCOME TAX BOARD OF REVIEW, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-10 by title only at this time.

A RESOLUTION APPOINTING HOWARD BOYLE TO THE PARKING ACTION COMMITTEE AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE

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

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

2008-08: A RESOLUTION APPOINTING HOWARD BOYLE TO THE PARKING ACTION COMMITTEE AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-11 by title only at this time.

A RESOLUTION APPOINTING PAMELA FREEMAN TO THE BOARD OF HEALTH AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

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

2008-09: A RESOLUTION APPOINTING PAMELA FREEMAN TO THE BOARD OF HEALTH AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

COMMUNITY DEVELOPMENT COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT AND RECOMMENDED ACTIONS OF JANUARY 9, 2008.

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

The following actions were approved by the aforementioned motion:

- A) TO AUTHORIZE THE MOU WITH TALLMADGE
- B) TO AUTHORIZE THE STAFF TO WORK WITH THE ENVIRONMENTAL COMMISSION ON GREEN BUILDING
- C) PRESENTATION BY MAIN STREET KENT, NO ACTION NEEDED
- D) TO REFER THE ISSUE OF THE RFQS TO THE ADMINISTRATION TO DEVELOP A COMMITTEE FOR REVIEW, WITH THE COMMITTEE MAKING THE RECOMMENDATIONS.

The Mayor asked the Clerk to read Draft No. 08-12 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CITY OF TALLMADGE AND CITY OF KENT JEDD AREA "C" TAX AGREEMENT, 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, Ms. Wallach, Mr. Wilson, and Mr. Amrhein. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE

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

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

2008-10: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CITY OF TALLMADGE AND CITY OF KENT JEDD AREA "C" TAX AGREEMENT, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

FINANCE COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT AND THE EIGHT RECOMMENDATIONS OF JAN. 9, 2008.

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

MR. KUHAR REQUESTED SEPARATION OF THE SECOND ITEM, DEALING WITH THE CODE ENFORCEMENT OFFICER.

MOTION TO APPROVE THE WRITTEN REPORT AND ALL RECOMMENDED ACTIONS, EXCEPT THE SECOND ITEM.

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

The following actions were approved by the aforementioned motion:

- A) TO ASK THE ADMINISTRATION TO FORWARD COMPARABLES FOR THE UPGRADE OF THE CIVIL SERVICE COMMISSION, ALONG WITH A RECOMMENDATION
- C) TO AUTHORIZE THE PLANS ADMINISTRATOR BECOMING A CLASSIFIED POSITION
- D) TO AUTHORIZE THE NAME CHANGE OF ECONOMIC DEVELOPMENT COORDINATOR, TO ECONOMIC DEVELOPMENT DIRECTOR, MAKING THE POSITION UNCLASSIFIED
- E) TO APPROVE THE PART TIME SENIOR ENGINEER, ELIMINATING THE FULL TIME DESIGN ENGINEER.
- F) TO AUTHORIZE, FOR THE SAKE OF CLASSIFICATION, AN UPGRADE TO THE POSITION OF TAX COMMISSIONER, IF THE POSITION IS TO BE FILLED, SUBSEQUENT TO DISCUSSION ABOUT JOINING THE REGIONAL INCOME TAX AUTHORITY.
- G) TO AUTHORIZE THE RIGHT-OF-WAY ACQUISITIONS FOR THE FAIRCHILD AVENUE BRIDGE PROJECT

H) TO AUTHORIZE THE AMATS PREAPPLICATION LETTER OF INTENT

I) TO AUTHORIZE THE AMENDMENT TO THE 2008 APPROPRIATIONS

MOTION TO APPROVE ITEM #B, UPGRADING THE CODE ENFORCEMENT OFFICER BY ONE LEVEL OF PAY

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

Mr. Kuhar said he is looking at the position of Code Enforcement Officer. He supported it being a full time position, but did not feel the qualifications and/or requirements needed to fill the position warrant \$30 per hour. Mr. Kuhar said if this were a building official or building inspector who needed more training, he could support it. Mr. Kuhar said this job is "way overpaid." He said there are a lot of people in Kent who would be willing to work for \$18 to \$20 per hour. He said the last person hired had no experience, but received his certification while in the position. He said he would oppose it for that reason.

Mr. Hawksley said he would support the motion. He said that given the size of City departments, he is assuming the position will be cross trained to do other jobs. He said the person will be confronted by angry people, and they needed an experienced person in the position.

Ms. Shaffer said they needed to pass this position, as they need someone who will hit the ground running, and is not trained on the job. She said the position must interface with the public successfully, and must be highly qualified. She said this position is very important to the community.

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

The Mayor asked the Clerk to read Draft No. 08-02 by title only at this time.

AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$400.00 TO THE CITY OF KENT FIRE DEPARTMENT PARAMEDICS FROM MRS. JOAN ESHLER IN APPRECIATION FOR THE ASSISTANCE WITH HER HUSBAND 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, Ms. Wallach, Mr. Wilson, Mr. Amrhein and Mr. DeLeone. 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. DeLeone.

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

2008-11: AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$400.00 TO THE CITY OF KENT FIRE DEPARTMENT PARAMEDICS FROM MRS. JOHN ESHLER IN APPRECIATION FOR THE ASSISTANCE WITH HER HUSBAND AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-03 by title only at this time.

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT AN IN-KIND GRANT OF A CHEMICAL DETECTION KIT FOR HAZMAT PURPOSES, IN A VALUE UP TO \$35,000.00 FROM THE COMMERCIAL DIRECT EQUIPMENT ASSISTANCE PROGRAM (CEDAP) 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, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE

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

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

2008-12: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT AN IN-KIND GRANT OF A CHEMICAL DETECTION KIT FOR HAZMAT PURPOSES, IN A VALUE UP TO \$35,000.00 FROM THE COMMERCIAL DIRECT EQUIPMENT ASSISTANCE PROGRAM (CEDAP) AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-14 by title only at this time.

AN ORDINANCE AMENDING ORDINANCE NO. 2007-109, THE CURRENT APPROPRIATION ORDINANCE, PASSED NOVEMBER 26, 2007, SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; FUND 102, STREET, CONSTRUCTION, MAINTENANCE & REPAIR; FUND 116, INCOME TAX; FUND 126, COMMUNITY DEVELOPMENT BLOCK GRANT; AND FUND 201, WATER; AND SO AS TO ADJUST TRANSFERS INVOLVING FUND 116, INCOME TAX; FUND 124, INCOME TAX SAFETY; AND FUND 128, FIRE AND E.M.S., 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. Kuhar, Ms. Shaffer, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara and Mr. Hawksley. 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. DeLeone.

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

2008-13: AN ORDINANCE AMENDING ORDINANCE NO. 2007-109, THE CURRENT APPROPRIATION ORDINANCE, PASSED NOVEMBER 26, 2007, SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; FUND 102, STREET, CONSTRUCTION, MAINTENANCE & REPAIR; FUND 116, INCOME TAX; FUND 126, COMMUNITY DEVELOPMENT BLOCK GRANT; AND FUND 201, WATER; AND SO AS TO ADJUST TRANSFERS INVOLVING FUND 116, INCOME TAX; FUND 124, INCOME TAX SAFETY; AND FUND 128, FIRE AND E.M.S., AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-15 by title only at this time.

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." SO AS TO ADD A PART TIME POSITION OF

SENIOR ENGINEER; REMOVE A FULL TIME POSITION OF DESIGN ENGINEER; CHANGE THE TITLE FROM ECONOMIC DEVELOPMENT COORDINATOR TO ECONOMIC DEVELOPMENT DIRECTOR, MAKING THE SAME AN UNCLASSIFIED POSITION; AND CLASSIFYING THE POSITION OF PLANS ADMINISTRATOR, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

2008-14: 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." SO AS TO ADD A PART TIME POSITION OF SENIOR ENGINEER; REMOVE A FULL TIME POSITION OF DESIGN ENGINEER; CHANGE THE TITLE FROM ECONOMIC DEVELOPMENT COORDINATOR TO ECONOMIC DEVELOPMENT DIRECTOR, MAKING THE SAME AN UNCLASSIFIED POSITION; AND CLASSIFYING THE POSITION OF PLANS ADMINISTRATOR, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-16 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; AND AS FURTHER AMENDED BY ORDINANCE NO. 2007-33, PASSED APRIL 18, 2007 SO AS TO UPGRADE THE PAY OF THE CODE ENFORCEMENT OFFICER, MAKING IT A FULL TIME POSITION; REMOVING THE POSITION OF DESIGN ENGINEER; CHANGING THE NAME OF THE ECONOMIC DEVELOPMENT COORDINATOR TO ECONOMIC DEVELOPMENT DIRECTOR; AND CREATING THE POSITION OF A PART TIME SENIOR ENGINEER; 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. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, and Ms. Shaffer. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE

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

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

2008-15: 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; AND AS FURTHER AMENDED BY ORDINANCE NO. 2007-33, PASSED APRIL 18, 2007 SO AS TO UPGRADE THE PAY OF THE CODE ENFORCEMENT OFFICER, MAKING IT A FULL TIME POSITION; REMOVING THE POSITION OF DESIGN ENGINEER; CHANGING THE NAME OF THE ECONOMIC DEVELOPMENT COORDINATOR TO ECONOMIC DEVELOPMENT DIRECTOR; AND CREATING THE POSITION OF A PART TIME SENIOR ENGINEER; AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-17 by title only at this time.

A RESOLUTION ALLOWING THE CITY MANAGER, OR HIS DESIGNEE, TO PRE-APPLY FOR CONGESTION MITIGATION/AIR QUALITY PROGRAM (CMAQ) FUNDS AND TRANSPORTATION ENHANCEMENT PROGRAM FUNDS PROGRAMMED BY THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) TO ADDRESS TRAFFIC CONGESTION PROBLEMS ON SUMMIT STREET AND TO COMPLETE A LINK IN THE PORTAGE HIKE & BIKE TRAIL NEAR TANNERY PARK, 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. Wilson, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, and Ms. Wallach. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE

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

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

2008-16: A RESOLUTION ALLOWING THE CITY MANAGER, OR HIS DESIGNEE, TO PRE-APPLY FOR CONGESTION MITIGATION/AIR QUALITY PROGRAM (CMAQ) FUNDS AND TRANSPORTATION ENHANCEMENT PROGRAM FUNDS PROGRAMMED BY THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) TO ADDRESS TRAFFIC CONGESTION PROBLEMS ON SUMMIT STREET AND TO COMPLETE A LINK IN THE PORTAGE HIKE & BIKE TRAIL NEAR TANNERY PARK, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-18 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF KENT AND THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE PURPOSE OF CONSTRUCTING A HIKE & BIKE TRAIL AND ACCEPTING GRANT FUNDS IN AN AMOUNT UP TO \$728,000 WITH THE CITY MATCHING FUNDS OF UP TO \$272,000, 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. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, Ms. Wallach, and Mr. Wilson. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE

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

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

2008-17: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF KENT AND THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE PURPOSE OF CONSTRUCTING A HIKE & BIKE TRAIL AND ACCEPTING GRANT FUNDS IN AN AMOUNT UP TO \$728,000 WITH THE CITY MATCHING FUNDS OF UP TO \$272,000, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-19 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 1,323 SQUARE FEET OF REAL PROPERTY FROM JASON RAMSEY FOR \$1,130.00 FOR PURPOSES OF RIGHT-OF-WAY ACQUISITION FOR THE NEW CONSTRUCTION OF THE CRAIN AVENUE/FAIRCHILD AVENUE BRIDGE 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, Ms. Wallach, Mr. Wilson, and Mr. Amrhein. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE

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

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

2008-18: 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 1,323 SQUARE FEET OF REAL PROPERTY FROM JASON RAMSEY FOR \$1,130.00 FOR PURPOSES OF RIGHT-OF-WAY ACQUISITION FOR THE NEW CONSTRUCTION OF THE CRAIN AVENUE/FAIRCHILD AVENUE BRIDGE AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-20 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 626 SQUARE FEET OF REAL PROPERTY FROM KAREN A. SHAW FOR \$625.00 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. Wilson, seconded by Mr. DeLeone.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE

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

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

2008-19: 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 626 SQUARE FEET OF REAL PROPERTY FROM KAREN A. SHAW FOR \$625.00 FOR PURPOSES OF RIGHT-OF-WAY ACQUISITION FOR THE CONSTRUCTION OF THE NEW CRAIN AVENUE/FAIRCHILD AVENUE BRIDGE AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-21 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 718 SQUARE FEET OF REAL PROPERTY FROM KAREN A. SHAW FOR \$790.00 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. Wilson, seconded by Mr. DeLeone.

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

MOTION TO ADOPT THE DRAFT ORDINANCE

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

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

2008-20: 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 718 SQUARE FEET OF REAL PROPERTY FROM KAREN A. SHAW FOR \$790.00 FOR PURPOSES OF RIGHT-OF-WAY ACQUISITION FOR THE CONSTRUCTION OF THE NEW CRAIN AVENUE/FAIRCHILD AVENUE BRIDGE AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-22 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 651 SQUARE FEET OF REAL PROPERTY FROM TIMOTHY J. SURGEN FOR \$675.00 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. Wilson, seconded by Mr. DeLeone.

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

2008-21: 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 651 SQUARE FEET OF REAL PROPERTY FROM TIMOTHY J. SURGEN FOR \$675.00 FOR PURPOSES OF RIGHT-OF-WAY ACQUISITION FOR THE CONSTRUCTION OF THE NEW CRAIN AVENUE/FAIRCHILD AVENUE BRIDGE AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-23 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 698 SQUARE FEET OF REAL PROPERTY FROM ANNE M. HOPKINS FOR \$2,242.00 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. Wilson, seconded by Mr. DeLeone.

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

2008-22: 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 698 SQUARE FEET OF REAL PROPERTY FROM ANNE M. HOPKINS FOR \$2,242.00 FOR PURPOSES OF RIGHT-OF-WAY ACQUISITION FOR THE CONSTRUCTION OF THE NEW CRAIN AVENUE/FAIRCHILD AVENUE BRIDGE AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-24 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 578 SQUARE FEET OF REAL PROPERTY FROM SUSAN AND JOHN K. LACY FOR \$300.00 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. Wilson, seconded by Mr. DeLeone.

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

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

2008-23: 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 578 SQUARE FEET OF REAL PROPERTY FROM SUSAN AND JOHN K. LACY FOR \$300.00 FOR PURPOSES OF RIGHT-OF-WAY ACQUISITION FOR THE CONSTRUCTION OF THE NEW CRAIN AVENUE/FAIRCHILD AVENUE BRIDGE AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-25 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 990 SQUARE FEET OF REAL PROPERTY FROM MARGARET LONGENBERGER FOR \$842.00 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. Wilson, seconded by Mr. DeLeone.

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

MOTION TO ADOPT THE DRAFT ORDINANCE

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

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

2008-24: 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 990 SQUARE FEET OF REAL PROPERTY FROM MARGARET LONGENBERGER FOR \$842.00 FOR PURPOSES OF RIGHT-OF-WAY ACQUISITION FOR THE CONSTRUCTION OF THE NEW CRAIN AVENUE/FAIRCHILD AVENUE BRIDGE AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-26 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 1,165 SQUARE FEET OF REAL PROPERTY FROM SUSAN AND JOHN K. LACY FOR \$600.00 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. Wilson, seconded by Mr. DeLeone.

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

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

2008-25: 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 1,165 SQUARE FEET OF REAL PROPERTY FROM SUSAN AND JOHN K. LACY FOR \$600.00 FOR PURPOSES OF RIGHT-OF-WAY ACQUISITION FOR THE CONSTRUCTION OF THE NEW CRAIN AVENUE/FAIRCHILD AVENUE BRIDGE AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

HEALTH & SAFETY COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF JAN. 9, 2008.

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

The following action was approved by the aforementioned motion.

- A) TO RENEW THE FIVE-YEAR LEASE, AS ORIGINALLY RECOMMENDED BY THE ADMINISTRATION, WITH KENT SCHOOLS, WITH THE UNDERSTANDING THAT WHEN WEST RIVER PLACE REACHES FULL OCCUPANCY, THEY WILL RETURN TO THEM FOR DISCUSSIONS ON PAYMENT OF THE PROPERTY.

The Mayor asked the Clerk to read Draft No. 08-13 by title only at this time.

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT WITH KENT CITY SCHOOL BOARD OF EDUCATION FOR THE LEASE OF THIRTY-FOUR (34) PARKING SPACES ON NORTH MANTUA STREET.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Wallach, and Mr. Wilson. Ms. Shaffer and Mr. Amrhein abstained. The motion carried by a roll call vote of 6-0.

MOTION TO ADOPT THE DRAFT ORDINANCE

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

MOTION TO AMEND THE DRAFT ORDINANCE TO REDUCE THE NUMBER OF SPACES FROM THIRTY-FOUR TO TWENTY SPACES, ADDING SPACES AS NECESSARY.

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

Ms. Wallach said this was one of the original choices they were given, as recommended by the Community Development Department. She said they have heard that the lot is not presently being utilized, and this would give them the option to add spaces as necessary. Ms. Wallach said that any reduction would be a good one.

Mr. Kuhar said that as long as they can do that, he would agree. He said he was in full agreement with the administration, especially after hearing some of the reasons for utilizing the lot. Mr. Kuhar said this would be a good compromise, providing some of the spaces, while saving money.

Mr. Hawksley said that from what he heard, there were times when there are funerals and they lose a lot of parking spaces. He said he is not comfortable with reducing the number and would oppose the amendment.

Mr. Ferrara said he would also vote against the amendment. He said they still need to plow the whole lot, and cannot plow twenty out of thirty-four spaces. He said this will help the West River Place acquire new businesses. Mr. Ferrara said the essence of the lot is to promote economic development, adding they need spaces for that reason.

Ms. Wallach said they can increase the number, as needed, adding that thirty-four spaces does not fill up the lot, and the City is still plowing the whole lot. She said this would allow a reduction in the overall cost.

Mr. Kuhar said it is a good thought to provide all of that parking for the West River Place, but in the Parking Action Committee, they heard a representative say they do not use it, as they do not like the lot. He said it is a Catch-22 situation. He said if they like the lot, and use it, the City can increase the number of spaces.

Ms. Wallach asked if they can move to defer this for further study, and Mayor Fender said they already have an amendment. He asked the Clerk to restate the amendment at this time, and she did so.

The amendment failed, by a hand count of 3-3-2. Mr. Wilson, Mr. Kuhar and Ms. Wallach supported the motion, while Mr. DeLeone, Mr. Hawksley, and Mr. Ferrara dissented. Mr. Amrhein and Ms. Shaffer abstained.

Roll call was taken on the motion. Voting aye: Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, and Mr. Wilson. Ms. Wallach and Mr. Kuhar dissented, while Mr. Amrhein and Ms. Shaffer abstained. It was announced that the motion, but later determined in the meeting that it failed.

STREETS, SIDEWALKS & UTILITIES COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT AND RECOMMENDED ACTION OF JAN. 9, 2008.

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

The following action was approved by the aforementioned motion:

- A) TO AUTHORIZE THE CITY MANAGER TO SIGN A LETTER OF INTENT FOR THE TERMS OF LEASE, WITH THE ATTORNEYS PREPARING THE LEGAL AMENDMENTS.

SPECIAL COMMITTEE REPORTS

UNFINISHED BUSINESS

At this time, it was determined that the draft ordinance for the parking lot (Draft 08-13) did not pass as there were insufficient votes.

NEW BUSINESS

Mr. Ferrara asked if they needed to reschedule the parking lot discussion, and the Clerk said it failed. She said the only way they could vote on it again would be reconsideration, and Mr. Wilson agreed, adding that would be for this meeting only. The Clerk said any future meetings would have to entertain a totally different proposal.

Mayor Fender asked who makes the reconsideration motion, and the Clerk said it would be the people voting against the motion.

Ms. Wallach asked if they could refer it for further study, and Mr. Hawksley asked if it was a self-renewing lease. Mr. Silver said there is no lease at this time. Ms. Wallach said she thought it was through the end of 2008, and several members said it expired at the end of 2007.

Mr. Ferrara said this went back to the Administration previously because the previous Council requested the situation be viewed. He said they have seen a good presentation for the needs of the business community, adding they cannot turn their back on them. He said he understood where they were coming from, in terms of cost, but it is a small cost in the scheme of things. He said he did not see any more reason to do any more analysis.

Mayor Fender asked if those voting against it wished to make a motion, and Ms. Wallach what that mean, and Mr. Ferrara said it is a "do over." Mr. Wilson urged them to make a reconsideration motion only if they planned to vote in favor of it, adding if neither of them were going to change their mind on the vote, it would not matter. Ms. Wallach said it appears the choice is a lease or no lease at this time.

MOTION TO RECONSIDER THE ISSUE OF THE PARKING LOT.

Motion made by Ms. Wallach.

Mr. Kuhar asked if they could renegotiate another lease since this was turned down, and Mr. Ferrara asked how much he wanted to analyze something. Mr. Kuhar said the Administration recommended Item B, and Mr. Ferrara said that was not their recommendation. He said they were asked to find ways to save money. He said he did not think their recommendation was to reduce the number of spots, adding they did what was directed by Council.

Mr. Ruller said the original administrative recommendation was to renew it, with no changes, adding the Council asked them to return with reductions. He said they did submit reductions, and indicated what they felt was the best option.

Mr. DeLeone agreed, adding the first recommendation was to just renew the lease.

At this time, there was no second for reconsideration.

MOTION TO AUTHORIZE THE LEASE WITH THIRTY SPACES, INSTEAD OF THIRTY-FOUR SPACES.

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

Mr. Ferrara said they are splitting hairs, and are sending the wrong message. He said he appreciated Ms. Wallach's offer for reconsideration. Mr. Kuhar offered to second the motion at this time, and Mayor Fender said there is a motion on the floor.

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

The Mayor asked the Clerk to read Draft No. 08-13, as amended, by title only at this time.

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT WITH KENT CITY SCHOOL BOARD OF EDUCATION FOR THE LEASE OF THIRTY (30) PARKING SPACES ON NORTH MANTUA STREET.

MOTION TO SUSPEND THE THREE READINGS.

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

Voting aye: Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Wallach, and Mr. Wilson. Ms. Shaffer and Mr. Amrhein abstained. The motion failed by a roll call vote of 6-0-2.

MOTION TO ADOPT FIRST READING.

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

Voting aye: Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Wallach, and Mr. Wilson. Ms. Shaffer and Mr. Amrhein abstained. First reading passed by a roll call vote of 6-0-2.

Mr. Kuhar said he was privileged to attend the services for Mr. Schultz over the past weekend. He said he noticed the parking lot was not filled with Rolls Royces or Mercedes Benz, and people were not wearing Rolex watches. He said they were people from Kent, who have a medium life style. Mr. Kuhar said as Council members they need to remember that in the future, and remember whom they represent. He said he learned a lot about Mr. Schultz at that event, adding Mr. Schultz was quite industrious, and will be missed on Council.

MOTION TO SCHEDULE A SPECIAL COUNCIL MEETING FOR WED., JAN. 23 AND MONDAY, JAN. 28 FOR THE CONSIDERATION OF THE SECOND AND THIRD READING.

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

MOTION TO ADJOURN THIS MEETING.

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

Hearing no further business before this Council, Mayor Fender adjourned this meeting at 8:20 p.m.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council