

**THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WEDNESDAY OCTOBER 16, 2019**

At 7:25 p.m., Mayor Jerry T. Fiala called the **PUBLIC HEARING** for the PY2018 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report to order. Roll was taken.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Shaffer; Mr. Roger Sidoti; Mr. Robin Turner

ABSENT: Ms. Tracy Wallach

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Public Service Director; Mr. Harrison Wicks, Assistant to the City Manager; Ms. Amy Wilkens, Clerk of Council

MOTION TO EXCUSE MS. WALLACH FROM THE PUBLIC HEARING was made by Mr. Ferrara, seconded by **Mr. DeLeone**, and CARRIED by a voice vote of 8-0.

Mayor Fiala introduced Ms. Bridget Susel, Director of Community Development to report on the PY2018 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPERS). Ms. Susel gave an update for the period ending July 31, 2018. She stated the City expended \$302,000 on an energy efficiency program, rental rehab program, homeless assistance, and supported the neighborhood policing program. Also supported three Public Facility Projects; the Cedar Street Reconstruction Project, the Walnut Street Reconstruction Project, and the Brady Leap Segment of the Hike and Bike Trail.

With no questions from the audience, the Mayor adjourned the meeting at 7:27 p.m.

At 7:30 p.m., Mayor Jerry T. Fiala called the **Regular Meeting of Kent City Council** to order. Roll was taken.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Shaffer; Mr. Roger Sidoti; Mr. Robin Turner, Ms. Tracy Wallach (arrived at 7:30 pm)

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Public Service Director; Mr. Harrison Wicks, Assistant to the City Manager; Ms. Amy Wilkens, Clerk of Council

Mayor Fiala asked for roll to be read and then called upon Councilmember Ferrara for his opening remarks.

Mr. Ferrara has been out on the campaign trail and has been discouraged by the amount of people who do not know it's an election season. He urges everyone to encourage everyone they know the exercise their right to vote.

Mr. Ferrara then led the Pledge of Allegiance.

APPROVAL OF MINUTES:

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF September 18, 2019 and the Public Hearing October 2, 2019 made by Mr. Ferrara, seconded by Mr. Kuhar, and CARRIED by a voice vote of 8-0-1 with Ms. Wallach abstaining.

Mayor Fiala stated that all letters have been mailed to Ohio Legislators and we are hoping to receive comments back.

COMMUNICATIONS:

Mayor Fiala asked the Clerk if anyone was signed in. There was one visitor who signed in with the Clerk and was given permission to talk to Council for three minutes.

Judy Nelson of 330 Whetstone Drive, Kent, thanked Council for the opportunity to serve on the Sustainability Commission for the past three years. Her final day was Friday and wanted to speak as a citizen. She thanked Council for support of initiatives and reaching out for input at times. She stated collaboration and compromise are necessary when doing the business of the people. She thanked Ms. Bridget Sussel, and city staff members who shared knowledge and expertise to help with making decisions. She thanked Harrison Wicks who was extremely helpful with all processes, he truly is an asset to the city. Ms. Nelson will continue to remain involved on the Climate Action Plan and recycling efforts by the Portage County Solid Waste District. She said she hoped Kent will be a leader in sustainability because it is the right thing to do. We cannot lose sight of the bigger picture and the impact on the greater good.

Written Communications were reported by Clerk Wilkens and placed on file in the Clerk's office as follows:

1. Planning Commission Agenda for October 1, 2019 and Staff Report for September 25, 2019 received September 25, 2019.
2. Standing Rock Cemetery minutes for September 12, 2019 received October 3, 2019.
3. Liquor License Transfer Request from the Ohio Division of Liquor Control for Bricco Kent LLC DBA Bricco of 210 S. Depeyster Street Suite 100 & Patio, Kent to Bricco Dining Kent LLC 210 S. Depeyster Street, Kent on September 26, 2019. Chief Lee returned with no objections.

MOTION TO RETURN WITH NO OBJECTIONS THE LIQUOR LICENSE REQUEST made by Mr. Kuhar, seconded by Mr. DeLeone, and CARRIED by a voice vote of 9-0.

Communications Received after Agenda Publication were reported by Clerk Wilkens and placed on file in the Clerk's office as follows:

4. Sustainability Commission Agenda for October 14, 2019 and Meeting Minutes from September 9, 2019, both received on October 11, 2019.
5. Parks and Recreation Board Packet containing meeting Agenda for October 17, 2019 and meeting minutes from September 19, 2019, both received on October 11, 2019.

City Manager's Report was called for by Mayor Fiala.

1. Request Council's authorization to accept a \$250 donation to Kent Parks and Recreation from the Friends of the Crooked River to be used to support the costs of the June 2019 Cuyahoga River

Torch Fest Event.

2. Request Council's authorization to accept a \$250 donation to the Kent Health Department from the University Hospital Portage Medical Center that will be used to purchase child helmets and safety gear.
3. Request Health & Safety Committee time to acknowledge the retirement of Police K-9 Iron and authorize him to be released to the family of his trainer/partner in retirement.
4. Request Health & Safety Committee time to consider proposed Code amendments related to the management of feral cats in Kent.
5. Request Health & Safety Committee time to consider a proposed no parking restriction on Wolcott Avenue.
6. Request Community Development Committee time to receive the staff "Fair Housing Impediments Report".
7. Request Community Development Committee time to consider a request from residents in the south end of Kent to create a "South End Historic Designation".
8. Request Streets, Sidewalks & Utilities Committee time to receive a staff update on Kent State University's Flash Bikes program.
9. Request Streets, Sidewalks & Utilities Committee time to receive the staff update on the progress of the City's 2019 capital projects.
10. Request Finance Committee time to consider approving the resolution of the "Notice to Proceed" with the proposed General Operating Levy Renewal to be placed on the March 2020 ballot.
11. Request Finance Committee time to consider authorization of the proposed Health Department multi-year lease of office space on the 2nd floor of the PARTA Central Gateway.
12. Request Finance Committee time to consider the City's proposed 2020 Capital Improvement Plan.

MOTION TO APPROVE ITEMS #1-12 OF THE CITY MANAGER'S REPORT made by Mr. Amrhein, seconded by Mr. Ferrara, and CARRIED by a voice vote of 9-0.

STANDING COMMITTEES/ LEGISLATION

1. COMMITTEE OF THE WHOLE:

MOTION TO APPROVE MEETING MINUTES of October 2, 2019 made by Mr. Sidoti, seconded by Mr. DeLeone, and CARRIED by a voice vote of 8-0-1, with Ms. Wallach abstaining.

NO RECOMMENDED ACTIONS TO BE APPROVED.

COMMUNITY DEVELOPMENT COMMITTEE:

MOTION TO APPROVE THE COMMUNITY DEVELOPMENT MEETING MINUTES OF October 2, 2019 made by Mr. Kuhar, seconded by Mr. Ferrara, and CARRIED by a voice vote of 8-0-1, with Ms. Wallach abstaining.

NO RECOMMENDED ACTIONS TO BE APPROVED.

2. FINANCE COMMITTEE:

MOTION TO APPROVE THE FINANCE COMMITTEE MEETING MINUTES OF October 2, 2019 made by Mr. DeLeone, seconded by Mr. Ferrara, and CARRIED by a voice vote of 8-0-1, with Ms. Wallach abstaining.

MOTION TO APPROVE THE FINANCE COMMITTEE ACTION ITEMS made by Mr. DeLeone, seconded by Mr. Ferrara, and CARRIED by a voice vote of 8-0-1, with Mr. Kuhar abstaining.

Recommended Actions:

- 1) Authorize a request from the County Auditor for an estimate of the renewal of the 2015 General Operating Levy with an emergency clause
- 2) Approve the 2019 Budget Appropriations Amendment with an emergency clause.
- 3) Approve addendum to employment contract between City of Kent and Dave Ruller, granting a 4% pay increase effective June 15, 2019 with an emergency clause.

Draft No. 2019-114 AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$250.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT TO SUPPORT THE TORCH FEST HELD ON JUNE 20, 2019, AND DECLARING AN EMERGENCY, was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara, seconded by Mr. Kuhar. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, and Ms. Wallach.

MOTION TO ADOPT DRAFT NO. 2019-114 made by Mr. Ferrara and seconded by Mr. Kuhar. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, and Ms. Wallach.

ORDINANCE 2019-114 PASSED as stated by Clerk Wilkens.

Draft No. 2019-115: A RESOLUTION DECLARING IT NECESSARY TO RENEW THE CITY'S EXISTING 1.16-MILL TAX LEVY FOR THE PURPOSE OF CURRENT EXPENSES; REQUESTING THE COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THAT RENEWAL LEVY, PURSUANT TO SECTIONS 5705.03, 5705.19(A) AND 5705.191 OF THE REVISED CODE, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Ms. Shaffer. On Roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, and Mr. Amrhein. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-115 made by Mr. DeLeone and seconded by Mr. Sidoti. On Roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, and Mr. Amrhein. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2019-115 PASSED as stated by Clerk Wilkens.

Draft No. 2019-116: AN ORDINANCE AMENDING ORDINANCE NO. 2018-142, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 19, 2018; SO AS TO ADJUST APPROPRIATIONS, TRANSFERS AND ADVANCES FROM THE VARIOUS FUNDS OF THE CITY OF KENT TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2019; AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Mr. Kuhar. On Roll call, voting "Yes": Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, and Mr. DeLeone.

MOTION TO ADOPT DRAFT No. 2019-116 made by Mr. Kuhar and seconded by Mr. Ferrara. On Roll call, voting "Yes": Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, and Mr. DeLeone.

ORDINANCE NO. 2019-116 PASSED as stated by Clerk Wilkens.

Draft No. 2019-119: AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$250.00 TO THE CITY OF KENT HEALTH DEPARTMENT FROM THE UNIVERSITY HOSPITAL PORTAGE MEDICAL CENTER, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Mr. Sidoti. On Roll call, voting "Yes": Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-119 made by Mr. Ferrara and seconded by Mr. DeLeone.

Ms. Rosenberg stated she would like to express our thanks for the donation.

On Roll call, voting "Yes": Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE NO. 2019-119: PASSED as stated by Clerk Bishop.

Draft No. 2019-120: AN ORDINANCE AUTHORIZING THE CITY BUDGET & FINANCE DIRECTOR AND LAW DIRECTOR, OR THEIR DESIGNEES, TO SIGN AN ADDENDUM TO AN EMPLOYMENT CONTRACT BETWEEN THE CITY OF KENT AND DAVID RULLER, DATED JULY 3, 2008 GRANTING A FOUR PERCENT (4%) PAY RAISE EFFECTIVE JUNE 15, 2019, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Ms. Shaffer. On Roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Kuhar. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-120 made by Mr. Ferrara and seconded by Ms. Shaffer. On Roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The Motion CARRIED by a roll call vote of 8-1 with Mr. Kuhar voting No.

ORDINANCE NO. 2019-120 PASSED.

3. HEALTH AND SAFETY COMMITTEE:

MOTION TO APPROVE THE HEALTH AND SAFETY COMMITTEE MEETING MINUTES OF October 2, 2019 made by Mr. Amrhein, seconded by Mr. Ferrara and CARRIED by a voice vote of 8-0-1 with Ms. Wallach abstaining.

MOTION TO APPROVE THE HEALTH AND SAFETY COMMITTEE ACTION ITEMS made by Mr. Amrhein, seconded by Mr. Kuhar, and CARRIED by a voice vote of 9-0.

Recommended Actions:

- 1.) Authorize new film permitting procedures with an emergency clause.

Draft No. 2019-118: AN ORDINANCE ADOPTING CHAPTER 746 "FILM PERMITS" OF THE CODIFIED ORDINANCES OF THE CITY OF KENT, OHIO, AND DECLARING AN EMERGENCY, was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar and Ms. Rosenberg. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-118 made by Mr. Kuhar and seconded by Mr. Sidoti. On Roll call, voting "Yes": Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar and Ms. Rosenberg. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE NO. 2019-118 PASSED as stated by Clerk Wilkens.

4. LAND USE COMMITTEE:

NO MINUTES OR RECOMMENDED ACTIONS TO BE APPROVED.

5. STREETS, SIDEWALKS AND UTILITIES COMMITTEE:

MOTION TO APPROVE THE STREETS AND SIDEWALKS COMMITTEE MEETING MINUTES OF October 2, 2019 made by Mr. Sidoti, seconded by Mr. Kuhar and CARRIED by a voice vote of 8-0-1 with Ms. Wallach abstaining.

MOTION TO APPROVE THE STREETS AND SIDEWALKS COMMITTEE ACTION ITEMS made by Mr. Sidoti, seconded by Mr. Ferrara, and CARRIED by a voice vote of 9-0.

Recommended Actions:

- 1.) Authorize updates to Small Cell Wireless Regulation with an emergency clause

Draft No. 2019-117: AN ORDINANCE AMENDING CHAPTER 939 OF THE STREETS, UTILITIES AND PUBLIC SERVICES CODE, "USE OF PUBLIC WAYS FOR SMALL CELL WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES", AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Ms. Rosenberg. On Roll call, voting "Yes": Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg and Ms. Shaffer, The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-117 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg and Ms. Shaffer, The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE NO. 2019-117 PASSED as stated by Clerk Wilkens.

SPECIAL COMMITTEE REPORTS: NONE

UNFINISHED BUSINESS: NONE

NEW BUSINESS:

ITEMS NEEDING COUNCIL ACTION OR REFERRAL:

MOTION MADE TO MOVE INTO COMMITTEE THE TOPIC OF idling cars made by Ms. Wallach and seconded by Mr. Ferrara.

Ms. Wallach said she we need to start doing things now to deal with climate change. One thing that can be done is to address cars that are left unattended and idling.

Mr. Ferrara said it's really effective if you move the car while it's still running. (Laughter)

Ms. Shaffer said she noticed this even happening in the neighborhoods, trucks leaving running which contributes to not only air pollution but noise pollution.

THE MOTION PASSED on a voice vote of 9-0 to move to Committee discussion.

Ms. Wallach asked if there is a law that is against littering. She asked that a copy of the ordinance be sent to her. Clerk Wilkens agreed to do so.

Ms. Shaffer thanked the City for the work that was done to replace and repair sidewalks on South Depeyster Street. This has improved foot traffic in the neighborhood and helped home values. She said prior to getting sidewalks replaced she had noticed a lot of areas where humans have caused problems with sidewalks by leaving leaves covering the walk for the whole season. Overgrowth of vegetation, gravel accumulation and broken glass have all occurred.

MOTION TO MOVE TO STREETS AND SIDEWALKS COMMITTEE a discussion of citizen sidewalk maintenance made by Ms. Schaffer and seconded by Ms. Wallach.

Mr. Sidoti said the motion is timely. He remembered in the past posting signs for shoveling snow and thinks this is more than just edging of sidewalks.

Ms. Wallach asked if there was an award in the past for residents shoveling sidewalks and perhaps we can do that again.

THE MOTION PASSED on a voice vote of 9-0 to move to the Streets and Sidewalks Committee discussion.

SCHEDULE FUTURE COUNCIL MEETINGS

COUNCILMEMBERS' COMMENTS

Ms. Rosenberg said she wanted to pass along an invitation from Ann Puhalla from Kent Roosevelt High School for a Naturalization Ceremony to be held on October 25, 2019 at 10 a.m. A Federal judge will be on hand and the High School will be hosted a Cultural Fair. She wanted to extend the invitation to all in attendance.

Mr. Kuhar said he'd like to thank the Kent Police force for the work they have done over the past couple of weeks in catching the "streakers" and the graffiti group. They have been caught before and would like to convince the judges to do something as a penalty or punishment other than a \$50 fine. Thank you very much and keep up the good work.

Mr. Turner said he'd like to thank the Service Department on the South End in regards to streets being improved. It has had a tremendous impact. This has been the number one issue for residents. He said he is very appreciative of where we were to where we are now.

Mr. Sidoti said he received four comments of the stamped concrete and stated the Service Department and Community Development deserve kudos. People have noticed it and mentioned how great it looks.

Ms. Wallach is grateful for the replacement of bricks on Franklin Ave.

Ms. Rosenberg asked if the stamped concrete was in conjunction with Parks and Recreation Department. Ms. Melanie Bake, Director of the Service Department, who was in the audience confirmed that it was.

MAYOR'S REPORT:

Mayor Fiala said October has been a very busy month in the City of Kent. Octoberfest was from 11am to 10pm and was packed the entire time. It was such a success they ran out of beer and had to keep going to purchase more.

Mayor Fiala said that on October 9th, the City recognized fallen firefighters on the bridge. The black banners with the red stripe is the national symbol for fallen firefighters. The black with the blue line was for fallen Police honored last May and next year in April we will honor dispatchers.

Mayor Fiala said that he along with Mr. Amrhein and Mr. Sidoti hosted thirty German students from Kent Roosevelt High School. They come every two years and the program has been quite successful.

Mayor Fiala thanked Amy Wilkens for her certification on the Sunshine Laws.

The Regular Meeting adjourned at 8:10 p.m.



Amy Wilkens
Clerk of Council



Jerry T. Fiala
Mayor and President of Council