



**THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WEDNESDAY NOVEMBER 20, 2019**

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

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

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Mr. Jim Bowling, City Engineer; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Public Service Director; Chief Michelle Lee; Mr. Kevin Schwartzhoff, Parks and Recreation Director; Ms. Joan Siedel, Health Commissioner; 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 Amrhein for his opening remarks.

Mr. Amrhein stated there were no opening remarks then led the Pledge of Allegiance.

Mayor Fiala introduced Officer Poe and his Canine Patrol, Iron, who has retired from the force.

Officer Poe provided an overview of Iron's career and the reasons for his retirement due to the stress of the job. He thanked Chief Lee for the opportunity to work with Iron and all of those involved in the training. He was thanked by council for all of the work he has put in and for the demonstrations provided for local teenagers. He will continue to bring Iron to community events, such as the Dog Days of Summer. He stated he was happy to provide this service.

Draft No. 2019-128 AN ORDINANCE AUTHORIZING POLICE CHIEF MICHELLE LEE TO TRANSFER OWNERSHIP OF IRON, A POLICE CANINE, TO OFFICER DOMINIC POE, 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. 2019-128 made by Mr. Kuhar and seconded by Mr. Ferrara. 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 2019-128 PASSED as stated by Clerk Wilkens.

Mayor Fiala presented Officer Poe and Iron with a gift of ropes for him to enjoy. Iron took a tour of the Council chambers.

Introduction of new department heads was then made by Mr. Ruller. Kevin Schwartzhoff and Joan Siedel were invited to introduce themselves.

Mr. Schwartzhoff recapped his work history, having worked in both Athens and Oxford Ohio, and has returned to his alma mater. He is happy with the transition and enjoying the community.

Mr. Ferrara asked what his biggest challenges and opportunities he has seen since arriving.

Mr. Schwartzhoff said the biggest challenge is getting to know the people, the parks, the improvements needed in the near future. He stated these challenges will also make the job exciting. He enjoys doing projects which have included recreation centers, skate parks, dog parks and believes it's also really important to take care of what you have.

Mr. Turner asked where the levy stands and how it will be prioritized in regards to a new recreation center.

Mr. Schwartzhoff has held two Park Board meetings to develop a park master plan that could include a recreation center. It would be out on the horizon and would want to look at why it did not pass the last time. He stated he knows a recreation center becomes a focal point of the community.

Mr. Turner asked if he would be looking for feedback from others.

Schwartzhoff said yes they would be.

Mr. Ruller introduced Ms. Joan Siedel, the new Health Commissioner.

Ms. Joan Siedel recapped her experience being on the Health Board, which she enjoyed. She brings 30 years of nursing experience and has worked on connecting with formal and informal leaders at Kent State University and in the Kent Community.

Mr. Ruller asked when they expected to hear back on the accreditation.

Ms. Siedel said March at the earliest, but possibly in June.

Ms. Shaffer asked what are the duties and responsibilities of the Health Commissioner.

Ms. Siedel replied she is still in the learning process of all of her duties, overseeing all programs and making sure they are running effectively and efficiently, reaching out to groups who need to be made aware of services that are provided.

Mayor Fiala welcomed both Mr. Schwartzhoff and Ms. Siedel to the City of Kent.

APPROVAL OF MINUTES:

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF October 16, 2019 made by Mr. Sidoti, seconded by Mr. Ferrara, and CARRIED by a voice vote of 9-0.

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.

Mayor Fiala read a statement to the audience: *"While the law does not require Council to provide time for public comment, we have historically invited the public to make comments and we appreciate their input. This is the time where residents and others can comment on matters that concern them. However, we will not engage in debate, and as President of Council, I reserve the right to end any public communication that is disruptive, embarrassment, harassment or otherwise objective. We ask that when you come to the microphone that you speak into the microphone clearly, give your name and address and limit comments to three (3) minutes of discussion."*

Christopher Meyers of 220 E. Elm Street, Kent, (**Attachment #1**) said if he embarrassing anyone it is because he is speaking the truth. His first comment was in regards to a pay raise given to City Manager Dave Ruller, who has turned him in for protesting. The email turning him in is part of a police report made by the previous Clerk of Council, Tara Grimm. He also noted that due to his efforts, the retention period of Council meeting recordings have been changed to ten years which is good for transparency. He proceeded to voice his concern regarding executive sessions and proposed audio recordings be made when talking about a citizen and requested transparency. He finished by stating that Mayor Fiala and Mrs. Fiala were accused of stalking the previous Clerk of Council. He said this is a very serious crime and should be investigated by the County Prosecutor or the Attorney General of the State of Ohio. They are not the first people accused of stalking by Ms. Grimm. He also wanted to commend Tom Myers for his decision to make a motel on old Davey Compressor property and thinks it is a wonderful thing being done with the property.

There were no other visitors signed in to speak with Council.

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

1. Standing Rock Cemetery meeting minutes for October 10, 2019 received October 3, 2019.
2. Civil Service Meeting Agenda for October 21, 2019 received on October 17, 2019.
3. Portage County Health District 3rd Quarter Report received October 17, 2019
4. Planning Commission Agenda for November 5, 2019 and Staff Report for October 24, 2019 received October 25, 2019.
5. Notification of resignation received of Jack Neuzil from the Parks and Recreation Board effective October 15, 2019.
6. Notification of resignation received of Joan Siedel from the Kent City Board of Health effective September 25, 2019 received on October 7, 2019.
7. Notification of cancelled Planning Commission meeting for November 5, 2019 received that day. Agenda items previously submitted have been moved to the November 19, 2019 meeting.
8. Board of Zoning Appeals Public Hearing and Business Meeting for November 18, 2019 and Staff Report for November 18, 2019 received November 8, 2019.
9. Health Board Meeting for November 12, 2019 and Meeting Minutes from October 8, 2019 received on November 12, 2019. Attached was the Health Department's 2019 Statistical Report.
10. Letter of thanks to the City of Kent for the Democracy Day Public Hearing from the Ohio Secretary of State, Frank LaRose, received on November 7, 2019.

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

1. Civil Service Commission Meeting Agenda for November 18, 2019 received on November 15, 2019
2. Board of Zoning Appeals Meeting Minutes from October 21, 2019 received November 19, 2019.
3. A NEW Liquor License request received November 19, 2019 for ZOOZ Ltd DBA Firefly, 124 S. Water Street, Kent. Chief Lee had 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.

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

1. Request Council's authorization to designate and accept the unpaid portion of the West River Placement easement as a donation to Kent Parks and Recreation. (Draft #2019-125)
2. Request Council's authorization to schedule Committee of the Whole time to interview candidates that have applied for vacancies on City Boards and Commissions.
3. Hope and Melanie have requested Streets, Sidewalks & Utilities Committee time to present a staff report on City sidewalk maintenance regulations and services.
4. Tom Wilke has requested Community Development time for Council's consideration of a proposed Kent-Franklin JEDD Agreement text amendment.
5. Dave Coffee is requesting Finance Committee Development time for Council's authorization of the City's request to the Portage County Auditor's Office to advance 2019 taxes in 2020.
6. Joan Siedel is requesting Finance Committee time for Council to consider authorizing the proposed new Health Department lease in the PARTA Central Gateway.
7. Dave Coffee is requesting Finance Committee time for the final 2019 Budget Appropriations amendment.
8. Dave Coffee is requesting Finance Committee time for Council's consideration of the proposed 2020 Draft Operating Budget.

MOTION TO APPROVE ITEMS #1-8 OF THE CITY MANAGER'S REPORT made by Mr. Amrhein, seconded by Mr. DeLeone, and CARRIED by a voice vote of 9-0.

STANDING COMMITTEES/ LEGISLATION

1. Committee of the Whole:

No Minutes or Recommended Actions

2. Community Development Committee:

MOTION TO APPROVE THE COMMUNITY DEVELOPMENT MEETING MINUTES OF November 6, 2019 made by Mr. Kuhar, seconded by Mr. Ferrara, and CARRIED by a voice vote of 8-0-1, with Ms. Wallach abstaining.

MOTION TO APPROVE THE COMMUNITY DEVELOPMENT COMMITTEE ACTION ITEMS made by Mr. Kuhar, seconded by Mr. Ferrara, and CARRIED by a voice vote of 9-0.

Recommended Actions:

- 1) Authorize the submission of the City's "Analysis of Impediments to Fair Housing Choice" Report to the U.S. Department of Housing and Urban Development
- 2) Adopt a resolution memorializing the historic importance of the South End neighborhood.

Draft No. 2019-121 A RESOLUTION ACCEPTING THE CONCLUSIONS ABOUT IMPEDIMENTS TO FAIR HOUSING CHOICE AND THE ACTIONS TO BE IMPLEMENTED TO ADDRESS ANY IDENTIFIED IMPEDIMENTS AS SPECIFIED IN THE 2019 "ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE (AI)", 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 Ms. Schaffer. 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. 2019-121 made by Mr. Ferrara and seconded by Ms. Schaffer. 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 2019-121 PASSED as stated by Clerk Wilkens.

Draft No. 2019-122 A RESOLUTION RECOGNIZING THE HISTORICAL SIGNIFICANCE OF THE SOUTH END NEIGHBORHOOD AND ITS CONTRIBUTION TO THE CITY'S HISTORY AND FORMALLY MEMORIALIZING IT AS THE "HISTORIC SOUTH END," 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. DeLeone, seconded by Mr. Sidoti. 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. 2019-122 made by Mr. Kuhar and seconded by Mr. DeLeone. 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 2019-122 PASSED as stated by Clerk Wilkens.

3. Finance Committee:

MOTION TO APPROVE THE FINANCE COMMITTEE MEETING MINUTES OF November 6, 2019 made by Mr. DeLeone, seconded by Mr. Sidoti, 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 9-0.

Recommended Actions:

- 1) Authorize the resolution of notice to proceed on the proposed renewal levy.
- 2) Approve the proposed 2020-2024 Capital Improvement Plan.

3) Approve the 2019 Budget Appropriations Amendment.

Draft No. 2019-123 A RESOLUTION DETERMINING TO PROCEED TO SUBMIT TO THE ELECTORS OF THE CITY OF KENT THE QUESTION OF THE RENEWAL OF THE CITY'S EXISTING 1.16-MILL TAX LEVY FOR THE PURPOSE OF CURRENT EXPENSES PURSUANT TO SECTIONS 5705.19(A) AND 5705.191 OF THE OHIO 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, seconded by Mr. DeLeone. 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. 2019-123 made by Mr. Ferrara and seconded by Mr. DeLeone. 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 2019-123 PASSED as stated by Clerk Wilkens.

Draft No. 2019- 124 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. 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.

MOTION TO ADOPT DRAFT No. 2019-124 made by Mr. Ferrara 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 2019-124 PASSED as stated by Clerk Wilkens.

Draft No. 2019- 125 AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT IN EXCESS OF THE AMOUNT PAID BY THE CITY OF KENT FOR AN ACCESS EASEMENT AT WEST RIVER PLACE AND THE APPRAISED VALUE OF AN OHIO DEPARTMENT OF TRANSPORTATION'S (ODOT) APPRAISAL, 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": Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, and Mr. DeLeone.

MOTION TO ADOPT DRAFT No. 2019-125 made by Mr. Ferrara and seconded by Mr. DeLeone. 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 2019-125 PASSED as stated by Clerk Wilkens.

4. Health and Safety Committee:

MOTION TO APPROVE THE HEALTH AND SAFETY COMMITTEE MEETING MINUTES OF November 6, 2019 made by Mr. Amrhein, seconded by Mr. DeLeone 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. Ferrara, and CARRIED by a voice vote of 9-0.

Recommended Actions:

- 1) Authorize the retirement and release of Iron to his patrol handler/partner.
- 2) Authorize the new no parking restriction on Wolcott Avenue as presented.
- 3) Authorize the renewal of the Portage County Public Defender's contract for 2020.

Draft No. 2019-126: AN ORDINANCE AMENDING SECTION 353.02 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT TITLED "PARKING REGULATION AUTHORIZATION" TO RESTRICT PARKING ALONG WOLCOTT AVENUE; 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. 2019-126 made by Mr. Ferrara 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. 2019-126 PASSED as stated by Clerk Wilkens.

Draft No. 2019-127 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO CONTRACT, ON BEHALF OF THE CITY OF KENT, WITH THE OFFICE OF THE PUBLIC DEFENDER, PORTAGE COUNTY, FOR THE PROVISION OF LEGAL COUNSEL TO INDIGENT PERSONS CHARGED WITH POTENTIAL PENALTY OF INCARCERATION FOR OFFENSES COMMITTED IN VIOLATION OF THE ORDINANCES OF SAID CITY FOR THE PERIOD JANUARY 1, 2020 THROUGH DECEMBER 31, 2020 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. 2019-127 made by Mr. DeLeone and seconded by Mr. Ferrara. 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. 2019-127 PASSED as stated by Clerk Wilkens.

5. Land Use Committee:

No Minutes or Recommended Actions

6. Streets, Sidewalks & Utilities Committee:

MOTION TO APPROVE THE STREETS AND SIDEWALKS COMMITTEE MEETING MINUTES OF November 6, 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 Action Items

Special Committee Reports: None

Unfinished Business: None

New Business: None

Schedule Future Council Minutes

Councilmembers' Comments:

Mr. Kuhar wanted to compliment the management of Flash Bikes for taking such swift action since there were people in the community that weren't happy with it. If this continues, the program will work out very well and if not, there will be people watching.

Mr. Sidoti said the City and Chamber awards last week were successful. Kent is a rare community that gets together to celebrate and he complimented everyone involved.

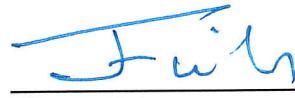
MAYOR'S REPORT:

Mayor Fiala wished everyone a happy Thanksgiving, celebrating with friends and family.

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



Amy Wilkens
Clerk of Council



Jerry T. Fiala
Mayor and President of Council

Nov. 20, 2019

Christopher M. Myers, Citizen

1. You gave a pay raise to City Manager Ruller, a man who turned me in for protesting he knew not what. Under questioning, he admitted to it. His email turning me in is part of a police report against me by ex-council clerk Tara Grimm. Bizarre, huh?

2. Because of my efforts, The records commission recently voted to extend the retention period of council meeting audio recordings from zero ~~years~~^{years} ago three years ago to ten years. You will no longer be able to hide behind deleted recordings. A victory for transparency.

3. The playing field is not level when you can talk about a citizen in secret executive session. I propose that audio recordings be made when talking about a citizen and that the citizen be invited to attend.

Nov. 20, 2019

Christopher M. Myers, Citizen

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You are a legislative body and should not be able to, nor should you want to, put a wall between yourselves and the citizenry.

That is not transparency. Further, how can citizens make a reasoned voting decision without knowing who is saying what behind the backs of fellow citizens.

4. According to Mayor Fiala, he and Mrs. Fiala were accused of stalking by ex-clerk Tara Grimm. Stalking is a very serious crime and I think that you should request an investigation of the allegation by the County Prosecutor or the Attorney General of the State of Ohio. Mr. & Mrs. Fiala are not the first that Mr. Grimm has accused of stalking.

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