



City Council Regular Meeting
The City of Kent, Ohio
Wednesday, August 18, 2021

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 Bish; Ms. Tracy Wallach; Mr. Roger Sidoti

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, Service Director; Ms. Joan Seidel, Health Commissioner; Ms. Rhonda Hall, Budget and Finance Director; Mr. Gary Bishop, IT Manager; Mr. Bill Myers, Fire Chief; Ms. Angela Manley, Parks and Recreation Director; Ms. Amy Wilkens, Clerk of Council

ABSENT: Mr. Robin Turner

MOTION TO EXCUSE Mr. Turner made by Mr. DeLeone SECONDED by Mr. Sidoti and CARRIED by a voice vote of 8-0-0.

Mayor Fiala called upon Councilmember Shaffer Bish for opening remarks.

Ms. Shaffer Bish brought attention to the fact that everyone on Council and in the room is wearing a mask and this is due to the pandemic continuing. She said we have the opportunity to help end it if everyone would get vaccinated and make safer choices. She encouraged everyone to get vaccinated and added it is not just for you, but for all. She asked all to consider their civic responsibility and added it is a really important thing to do.

Ms. Shaffer Bish asked everyone to stand for the Pledge of Allegiance.

Approval of Regular Council Meeting Minutes:

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF JULY 21, 2021 AND THE SPECIAL COUNCIL MEETING OF AUGUST 4, 2021 made by Mr. Kuhar, SECONDED by Mr. Ferrara and CARRIED by a voice vote of 5-0-3, with Ms. Shaffer Bish, Ms. Wallach and Ms. Rosenberg abstaining.

Communication:

Public Comment: There were two visitors signed in to speak at the meeting.

- 1) Ms. Wendy DiAlesandro was signed in to speak to Council and submitted her comments to Clerk Wilkens (**Attachment #1**).

Mayor Fiala added he forgot to read the statement he reads before every public comment, and continued by reading the following:

“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 objectionable. We ask that give your name and address and limit comments to three (3) minutes.”

- 2) Mr. Chris Clevenger Morris was signed in to speak to Council and read his comments that were previously submitted Clerk Wilkens (**Attachment #2**).

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

1. Letter from Mr. Christopher Clevenger-Morris, Chair of Planning Commission, received on July 23, 2021 regarding attendance of members of Planning Commission, Architectural Review Board and Board of Zoning Appeals.
2. Notice to Legislative Authorities received from Department of Commerce Division of Liquor Control regarding the process of yearly renewal of liquor license applications and the legislative authority to object to a renewal received on July 23, 2021.
3. Email from Marion Brannan regarding feral cats on property received on July 26, 2021.
4. Letter from Portage County Board of Commissioners regarding Portage County Vision and Comprehension Plans received on July 26, 2021.
5. Standing Rock Cemetery Board of Trustees meeting minutes from July 8, 2021 and agenda for August 12, 2021 received on August 4, 2021.
6. Board of Health meeting minutes from July 13, 2021 meeting and agenda for August 10, 2021 received on August 5, 2021.
7. Email from Mr. John Kuhar regarding an offer made on N. Water Street Properties received and forwarded to Council on August 3, 2021.
8. Email from Valerie Landis from Garage 108, LLC regarding feedback on the Architecture Review Board meeting of August 3, 2021 received and forwarded to Council on August 6, 2021.
9. Email from Marc Kirby regarding the new city flag received and forwarded to Council on August 9, 2021.
10. Notification of Filing of Audit Report from the Ohio Auditor of State received on August 10, 2021.
11. Email from Ms. Stacey Albaugh who resides at the Landmark Building in downtown Kent regarding yelling and loud noises at night in Dan Smith Park received August 11, 2021.
12. Liquor License Transfer request received August 10, 2021 for Kent State University Campus Building 1-9 at 106 Kent Student Center, Kent. Chief Shearer had no objections.

MOTION TO RETURN THE TRANSFER REQUEST WITH NO OBJECTIONS MADE by Mr. Ferrara SECONDED by Mr. Amrhein and CARRIED by a voice vote of 8-0-0.

Communication received after the agenda was published:

1. August Parks and Recreation Board Packet received August 13, 2021.
2. Liquor License transfer request from Speedway LLC DBA Speedway 9303 to Midwest Convenience, Inc DBA Rebel 909 located at 1295 W. Main St. Kent, OH. Chief Shearer had no objections.

MOTION TO RETURN THE TRANSFER REQUEST WITH NO OBJECTIONS MADE by Mr. Ferrara SECONDED by Mr. Kuhar and CARRIED by a voice vote of 8-0-0.

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

1. The Mayor has requested Council's authorization to approve the proposed new City Flag. (Draft #2021-075)
2. Request for Council's authorization to approve the City's participation in the One Ohio Opioid Settlement. (Draft #2021-087)
3. Request for Council's authorization to accept and allocate 3 donations to Kent Parks & Recreation in the amounts of \$700, \$200, and \$200 for memorial trees and to support the youth tackle football player sponsorship fund. (Draft #2021-88, 89, 90)
4. Request for Council's authorization to amend the Portage County Recycling Contract in response to Portage County's request to move from weekly curbside service to every other week. (Draft #2021-091)
5. Request for Committee of the Whole time to allow the members of the Salary Review Committee to present their recommendations.
6. Request for Committee of the Whole time to share an update on the status of the new City Hall project bids.
7. Request for Committee of the Whole time to ask for Council's approval to replace the pages of the City's Ordinances with the updated Ordinances.
8. Request for Committee of the Whole time for Council to consider candidates for vacancies on City Boards and Commissions.
9. Request for Community Development Committee time to present proposed updates to the City's neighborhood grant program.
10. Request for Streets, Sidewalks & Utilities Committee time to present a recommendation to amend the parking restrictions on Walnut Street.
11. Request for Streets, Sidewalks & Utilities Committee time to present a proposed license agreement with Main Street Kent for the installation of a new public art piece on City right of way at Fairchild and N. Water Street.
12. Request for Streets, Sidewalks & Utilities Committee time to provide Council with an update on the status of the East Main Street transportation improvement project.
13. Request for Finance Committee time to present the proposed updates to the City's park fee calculations.

MOTION TO APPROVE ITEMS #1-13 OF THE CITY MANAGER'S REPORT, made by Mr. Amrhein SECONDED by Ms. Rosenberg and CARRIED by a voice vote of 8-0-0.

MOTION TO EXPEDITE COMMITTEE TIME TO SHARE AN UPDATE REGARDING THE NEW CITY HALL MADE by Mr. Ferrara SECONDED by Ms. Shaffer Bish and CARRIED by a voice vote of 8-0-0.

Mr. Ferrara added that time is money and that this needs to be a top priority.

Mr. Sidoti said he has been seeking movement on this issue for the past four years and believes we need to move forward. He added the administration needs to make this its highest priority, other than COVID.

STANDING COMMITTEES/ LEGISLATION

1) COMMITTEE OF THE WHOLE

MOTION TO APPROVE COMMITTEE MEETING MINUTES OF AUGUST 4, 2021 MADE BY Mr. DeLeone SECONDED BY Mr. Sidoti and CARRIED by a voice vote of 8-0-0.

Mayor Fiala asked Clerk Wilkens to read Draft No. 2021-075 by title only.

After a discussion on which motion was to be made, the following was decided and stated:
MOTION TO MOVE TO COMMITTEE MEETING A DISCUSSION ON THE CITY FLAG made by Ms. Rosenberg SECONDED by Ms. Shaffer Bish and CARRIED by a voice vote of 7-1 with Mr. Ferrara voting "No".

Ms. Rosenberg stated she wished she would like to give the opportunity to the public to comment on the flag.

Ms. Shaffer Bish said the "Kent Way" is for citizen involvement and that we think better together.

Mr. Kuhar would like to see all of the options and a discussion to continue.

Mr. DeLeone asked if the original resolution could be changed. Mayor Fiala said it could be changed by vote.

2) COMMUNITY DEVELOPMENT COMMITTEE

MOTION TO APPROVE MEETING MINUTES OF July 7, 2021 and August 4, 2021 and the recommended actions made by Mr. Kuhar SECONDED Mr. Ferrara by and CARRIED by a voice vote of 7-0-1 with Ms. Rosenberg abstaining.

RECOMMENDED ACTION:

- 1) Authorize shared sign for Portage Bike and Hike Trail with ONUS water bottling plant.

Draft No. 2021- 076 AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE THE INSTALLATION OF A PUBLIC-PRIVATE SHARED USE SIGN ON THE WEST SIDE OF GOUGLER 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. Kuhar. On roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2021-076 made by Mr. Ferrara and SECONDED by Ms. Shaffer Bish. On roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach. The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE 2021-076 PASSED as stated by Clerk Wilkens.

3) HEALTH AND PUBLIC SAFETY COMMITTEE

MOTION TO APPROVE MEETING MINUTES of July 7, 2021 and August 4, 2021 MADE BY Mr. Amrhein SECONDED Mr. Ferrara by and CARRIED by a voice vote of 8-0.

No Recommended Actions.

4) LAND USE COMMITTEE

No Meeting Minutes or Recommended Actions.

5) STREETS, SIDEWALKS AND UTILITIES COMMITTEE

MOTION TO APPROVE MEETING MINUTES of July 7, 2021 and August 4, 2021 MADE BY Mr. Sidoti, SECONDED Mr. Ferrara by and CARRIED by a voice vote of 8-0.

MOTION TO APPROVE RECOMMENDED ACTIONS of August 4, 2021 made by Mr. Sidoti, SECONDED by Mr. DeLeone and CARRIED by a voice vote of 8-0.

RECOMMENDED ACTIONS:

- 1) Authorize the change in Portage County Recycling Service from weekly to bi-weekly collection of recycling.
- 2) Authorize the amended street closure plan for Main Street Kent's Oktoberfest event.
- 3) Authorize the updates and clarifications for City trash and recycling accounts.
- 4) Authorize the proposed City/KSU Memorandum of Understanding (MOU) for the community ice rink project.

Draft No. 2021-091 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO AMEND THE CITY OF KENT'S RECYCLING SERVICE CONTRACT WITH PORTAGE COUNTY SOLID WASTE MANAGEMENT DISTRICT SPECIFICALLY TO CHANGE THE PICK-UP SCHEDULE; 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. Kuhar and SECONDED by Mr. Ferrara. On roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms.

Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2021-091 made by Mr. Kuhar and SECONDED by Mr. Ferrara. On roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein. The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE 2021-091 PASSED as stated by Clerk Wilkens.

Draft No. 2021-077 AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO AMEND THE APPROVED STREET CLOSURE FOR THE KENT OKTOBERFEST BEING HELD ON SEPTEMBER 25, 2021 TO BEGIN AT THE INTERSECTION OF FRANKLIN AVENUE AND ERIE STREET AND PROCEEDING NORTH TO INCLUDE THE CLOSURE OF A PORTION OF MAIN STREET THAT FRONTS HOMETOWN PLAZA, 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. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2021-077 made by Mr. Ferrara and SECONDED by Mr. DeLeone. On roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein. The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE 2021-077 PASSED as stated by Clerk Wilkens.

Draft No. 2021-078 AN ORDINANCE TO AMEND TITLE 7 OF THE KENT CODIFIED ORDINANCES, TITLED "GARBAGE," CHAPTERS 933, 935 AND 936; 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. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2021-078 made by Mr. Ferrara and SECONDED by Mr. DeLeone. On roll call, voting "Yes": Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone. The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE 2021-078 PASSED as stated by Clerk Wilkens.

Draft No. 2021-079 AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO AN AGREEMENT WITH KENT STATE UNIVERSITY AND THE CITY OF KENT FOR A TEMPORARY OUTDOOR ICE RINK FOR THE 2021-2022 WINTER SEASON, 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. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2021-079 made by Mr. Ferrara and SECONDED by Mr. Sidoti. On roll call, voting "Yes": Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara. The Motion CARRIED by a roll call vote of 8-0

ORDINANCE 2021-079 PASSED as stated by Clerk Wilkens.

6) FINANCE COMMITTEE

MOTION TO APPROVE MEETING MINUTES of July 7, 2021 and August 4, 2021 MADE BY Mr. DeLeone, SECONDED by Ms. Rosenberg by and CARRIED by a voice vote of 8-0.

MOTION TO APPROVE RECOMMENDED ACTIONS of August 4, 2021 made by Mr. DeLeone, SECONDED by Mr. Ferrara and CARRIED by a voice vote of 6-0-0.

RECOMMENDED ACTIONS:

- 1) Approve community enhancement usage in the Neighborhood Grant program and authorize dividing the funding amount 50% between the subset of community Enhancement and assisting with code violations until end of 2022.
- 2) Authorize the renewal of the School Resource Officer Position.
- 3) Certify and authorize the submission of the proposed property tax liens for outstanding payments.
- 4) Authorize the release and repurposing of the Federal interest in the City's revolving loan fund.
- 5) Approve the Revolving Loan Fund plan amendments.
- 6) Approve the 2021 budget appropriation amendments presented.

Draft No. 2021-080 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPROVE AND EXECUTE AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF KENT, OHIO AND THE KENT CITY BOARD OF EDUCATION REGARDING THE SCHOOL RESOURCE OFFICER PROGRAM, EXTENDING THIS AGREEMENT UNTIL JUNE 3, 2022, 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. Kuhar and SECONDED by Mr. Ferrara. On roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2021-080 made by Mr. Kuhar and SECONDED by Mr. Ferrara. On roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar. The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE 2021-080 PASSED as stated by Clerk Wilkens.

Draft No. 2021-081 AN ORDINANCE AUTHORIZING THE CERTIFICATION OF NON-PAYMENT OF BILLS FOR RESIDENTS RESULTING FROM THE 2018 ANNUAL CONCRETE REPAIR PROGRAM, TO THE COUNTY AUDITOR IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY FOR THE NON-PAYMENT OF SIDEWALK REPAIRS, 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 Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2021-081 made by Mr. Ferrara and SECONDED by Ms. Shaffer Bish. On roll call, voting "Yes": Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg. The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE 2021-081 PASSED as stated by Clerk Wilkens.

Draft No. 2021-082 AN ORDINANCE AUTHORIZING THE CERTIFICATION OF NON-PAYMENT OF WATER USE CHARGES, WASTEWATER USE CHARGES, STORM WATER UTILITY CHARGES AND RECYCLING/SOLID WASTE COLLECTION CHARGES TO THE COUNTY AUDITOR IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY FOR THE NON-PAYMENT OF WATER USE CHARGES, WASTEWATER USE CHARGES, STORM WATER UTILITY CHARGES AND RECYCLING/SOLID WASTE COLLECTION CHARGES, 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. Sidoti and SECONDED by Mr. DeLeone. On roll call, voting "Yes": Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2021-082 made by Mr. Sidoti and SECONDED by Mr. DeLeone. On roll call, voting "Yes": Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish. The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE 2021-082 PASSED as stated by Clerk Wilkens.

Draft No. 2021-083 AN ORDINANCE AUTHORIZING THE CERTIFICATION OF DELINQUENT MOWING BILLS, PROPERTY MAINTENANCE VIOLATIONS-CITATIONS, ZONING VIOLATIONS-CITATIONS, AND HEALTH DEPARTMENT VIOLATIONS-CITATIONS TO THE COUNTY AUDITOR IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY SERVED BY THE MOWING SERVICES, PROPERTY MAINTENANCE VIOLATION-CITATIONS, ZONING VIOLATIONS-CITATIONS, HEALTH DEPARTMENT VIOLATIONS-

CITATIONS, 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. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2021-083 made by Mr. Ferrara and SECONDED by Mr. DeLeone. On roll call, voting "Yes": Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti. The Motion CARRIED by a roll call vote of 7-0-1 with Mr. Kuhar abstaining.

ORDINANCE 2021-083 PASSED as stated by Clerk Wilkens.

Draft No. 2021-084 AN ORDINANCE AUTHORIZING THE CITY TO SUBMIT A REQUEST TO THE DEPARTMENT OF COMMERCE ECONOMIC DEVELOPMENT ADMINISTRATION (EDA) FOR THE RELEASE OF FEDERAL INTEREST IN THE CITY OF KENT EDA REVOLVING LOAN FUND (RLF) PROGRAM AND IF APPROVED BY THE EDA, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN AN AGREEMENT TO RELEASE THE EDA FEDERAL INTEREST IN THE CITY'S ECONOMIC DEVELOPMENT ADMINISTRATION REVOLVING LOAN FUND PROGRAM (EDA RLF), 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. Kuhar and SECONDED by Mr. Ferrara. On roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2021-084 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 Bish, Mr. Sidoti, Ms. Wallach, The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE 2021-084 PASSED as stated by Clerk Wilkens.

Draft No. 2021-085 AN ORDINANCE AUTHORIZING THE AMENDMENTS OF THE CITY OF KENT ECONOMIC DEVELOPMENT ADMINISTRATION REVOLVING LOAN FUND PLAN (EDA RLF PLAN) TO BE SUBMITTED TO THE EDA FOR APPROVAL, 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. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti Ms. Wallach, Mr. Amrhein. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2021-085 made by Mr. Ferrara and SECONDED by Mr. DeLeone. On roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti Ms. Wallach, Mr. Amrhein. The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE 2021-085 PASSED as stated by Clerk Wilkens.

Draft No. 2021-086 AN ORDINANCE AMENDING ORDINANCE NO. 2020-129, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 16, 2020; 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, 2021; 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 Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2021-086 made by Mr. DeLeone and SECONDED by Mr. Ferrara. On roll call, voting "Yes": Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone. The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE 2021-086 PASSED as stated by Clerk Wilkens.

Draft No. 2021-087 AN ORDINANCE AUTHORIZING RECOMMENDATION TO ACCEPT THE ONE OHIO OPIOID SETTLEMENT AND ENTER INTO THE PARTICIPATION AGREEMENT WITH OPIOID DISTRIBUTORS AMERISOURCEBERGEN, MCKESSON, AND CARDINAL HEALTH; 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. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2021-087 made by Mr. Ferrara and SECONDED by Mr. DeLeone. On roll call, voting "Yes": Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara. The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE 2021-087 PASSED as stated by Clerk Wilkens.

Draft No. 2021-088 AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$200.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT TOWARDS THE YOUTH TACKLE FOOTBALL PLAYER SPONSOR FUND, 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. Sidoti and SECONDED by Ms. Rosenberg. On roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2021-088 made by Mr. Sidoti and SECONDED by Ms. Rosenberg. On roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar. The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE 2021-088 PASSED as stated by Clerk Wilkens.

Draft No. 2021-089 AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$200.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT TOWARDS THE PURCHASE OF A MEMORIAL TREE FOR THE KENT PARKS, 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. Kuhar and SECONDED by Mr. DeLeone. On roll call, voting "Yes": Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2021-089 made by Mr. Kuhar and SECONDED by Ms. Rosenberg. On roll call, voting "Yes": Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg. The Motion CARRIED by a roll call vote of 8-0.

Ms. Rosenberg thanked those who donated money and said it is very much appreciated.

ORDINANCE 2021-089 PASSED as stated by Clerk Wilkens.

Draft No. 2021-090 AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$700.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT TOWARDS THE PLANTING OF A MEMORIAL TREE AND THE ADDITION OF A MEMORIAL BENCH FOR THE KENT PARKS, 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, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2021-090 made by Mr. Ferrara and SECONDED by Mr. DeLeone. On roll call, voting "Yes": Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish. The Motion CARRIED by a roll call vote of 8-0.

Ms. Rosenberg said she would also like to extend a thank you for this donation.

ORDINANCE 2021-090 PASSED as stated by Clerk Wilkens.

Unfinished Business: NONE

New Business:

Ms. Wallach prefaced her motion by stating Council should review Board and Commission absences. She asked if members could be dismissed after three absences and it was clarified it would be for unexcused absences.

MOTION TO PUT INTO COMMITTEE A DISCUSSION ON BOARD AND COMMISSION ATTENDANCE MADE BY Ms. Wallach SECONDED by Ms. Rosenberg and CARRIED by a voice vote of 7-1 with Mr. Ferrara voting against the motion.

Mr. Sidoti agreed it should go into Committee but would like to see data and would like to know how Boards and Commissions are doing.

Ms. Shaffer Bish agrees and would like to know what impact absences are having on Boards and Commissions. She would like to know if it affects the ability to have quorum and how often it happens.

Mr. Kuhar said it is not a good situation that needs addressed by Council who should provide solutions or alternatives to prevent from happening.

Mr. Ferrara said it is a relative topic but it is going to be discussed in Executive Session and would like to see what comes out of the discussion before he votes affirmative on this motion.

MOTION TO PUT INTO COMMITTEE A DISCUSSION REGARDING THE SOUND ORDINANCE, TAKING A LOOK AT IT AND TIGHTENING IT UP MADE BY Ms. Wallach SECONDED BY Ms. Shaffer Bish and CARRIED by a voice vote of 8-0.

Ms. Wallach said it seemed a bit extreme that someone could be taken to court over ten minutes worth of a loud noise.

Ms. Shaffer Bish said she would like to look at ways in which mediation could be used instead of it going to court. There should be a way to encourage better relationships in neighborhoods. She said there needs to be a give and take.

Mr. Sidoti said a year ago there was a conversation about open burns and the Fire Chief came to Council to discuss the ordinance. He thinks it would be good to hear from the Chief of Police and Law Director, Hope Jones on what other communities are doing, looking at the data and seeing how things can be applied uniformly across the board.

Ms. Wallach said the Covid-19 numbers are increasing and that she is surprised how much higher they are this year compared to last. She said it is time to reinstate the mask mandate and that Kent State University has already implemented one.

MOTION TO MOVE TO COMMITTEE AN UPDATE FROM HEALTH COMMISSIONER JOAN SEIDEL ON THE CURRENT STATE OF THE COUNTY'S COVID-19 NUMBERS AND DISCUSSION REGARDING THE USE OF MASKS made by Ms. Wallach SECONDED by Ms. Rosenberg and CARRIED by a voice vote of 8-0.

MOTION TO PUT INTO COMMITTEE A DISCUSSION OF WHAT CAN BE DONE TO MITIGATE CLIMATE CHANGE and to have Sustainability Commission report to Council on the work they are doing made by Ms. Wallach SECONDED by Ms. Shaffer Bish and CARRIED by a voice vote of 8-0.

Ms. Shaffer Bish said the Sustainability Commission has been charged with looking into this and reporting back to Council.

Both Ms. Wallach and Ms. Shaffer Bish added this work is critical.

MOTION TO DISCUSS IN COMMITTEE A DISCUSSION OF THE DECISION OF THE ARCHITECTURE REVIEW BOARD ON PAINT COLORS OF A DOWNTOWN BUSINESS. Before the motion was seconded, Mayor Fiala asked what the appeal process is for the Architectural Review Board.

Ms. Susel clarified the procedure of the business owners submitting notice to the Community Development Department that they would like to appeal the decision and the reason. They can do this only after the minutes are complete and official.

Ms. Rosenberg added she would like to change her motion.

MOTION TO SEND TO COMMITTEE A DISCUSSION OF CREATING DESIGN GUIDELINES FOR THE ARB AND A DISCUSSION OF BINDING AND NON-BINDING DECISIONS MADE BY Ms. Rosenberg SECONDED BY Ms. Shaffer Bish.

Ms. Shaffer Bish said in the absence of design guidelines there tends to be very subjective rulings. It creates a chilling business culture.

Mr. Sidoti said this motion may be redundant, as he made a motion that passed to direct Ms. Susel, and Council to hold a work session with the ARB to look at hiring an outside person. The goal is to get this information so decisions can be made. He added it is going to take time to review all of this.

Ms. Wallach said this has already been directed towards staff.

Ms. Rosenberg said it is unclear if this should go through a work session or into Committee. Ms. Susel added that Mr. Sidoti asked for a work session in June between Council and ARB within two to three months. She also asked for Ms. Susel to secure estimate pricing for a consultant to help with design guidelines.

Ms. Rosenberg said she would like to expedite this process and receive this information in September. Ms. Susel said this can be done and Ms. Rosenberg RESCINDED her motion.

Council Comments:

- 1) Mr. Sidoti commended the staff and administration on receiving an audit award from the State Auditor's Office and said it is significant and says a lot about the great work being done to account for every dollar. He thanked those involved on behalf of the community.

- 2) Mr. Kuhar asked Ms. Hope Jones if there is an exemption for industrial zoned properties. She said there is. He asked if it includes Commercial Zoned properties. Ms. Jones conferred with Ms. Susel whose response was not audible.

Mr. Kuhar has a second comment regarding his nephew who lived in Florida. He was a paramedic, firefighter, physically fit volunteer with athletics and one of the healthiest, strongest, nicest people. Mr. Kuhar received a phone call a couple weeks ago that he passed away. His brother said his heart and liver failed, his lungs gave out and was in the hospital for two weeks due to COVID. He was a “no-vax-er” and to encourage all to take what they want from this.

- 3) Ms. Rosenberg thanked Main Street Kent for their continued support for the downtown businesses. She knows first hand the impact Main Street Kent has on small businesses and expressed gratitude to the volunteers and the thousands of hours they dedicate to downtown. She said it was particularly stressful for business owners during the pandemic and it looks like we are heading in that direction again. She extends her thanks to the volunteers, the Board and the Director of Main Street Kent.

Mayor's Report:

Mayor Fiala said there is a lot going on this weekend with Dog Days of Summer, Kent State Student Kickoff on Sunday, the American Legion is celebrating their 100-year anniversary and the Bowman Breakfast is August 31st. He encouraged all to attend.

Before the meeting adjourned, Ms. Wallach asked permission from Council to allow for a resident to speak to Council before the end of the meeting.

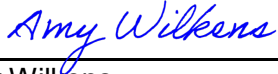
Ms. DiAlesandro asked if her question from the beginning of the meeting would be discussed in new business. Mayor Fiala said it was and it was put into Committee for a discussion at the next meeting.

MOTION made by Mr. Amrhein to move into Executive Session, in accordance with ORC §121.22 Section G, Item (1): “To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official.” Items to be discussed: Board and Commission Appointments and City Manager’s Annual Evaluation SECONDED by Ms. Rosenberg. On roll call voting “Yes”: Mr. Amrhein; Mr. DeLeone; Mr. Ferrara; Mr. Kuhar; Ms. Rosenberg; Ms. Shaffer Bish; Mr. Sidoti; and Ms. Wallach.

MOTION TO EXCUSE MR. TURNER MADE BY Mr. DeLeone SECONDED by Mr. Amrhein and CARRIED by a voice vote of 8-0.

MOTION TO RETURN TO THE REGULAR COUNCIL MEETING MADE by Mr. Ferrara (10:05 pm) SECONDED by Mr. Kuhar and CARRIED by a voice vote of 8-0.

The Regular Meeting adjourned at 10:05 P.M.



Amy Wilkens
Clerk of Council



Jerry T. Fiala
Mayor and President of Council

On July 1 of this year my husband purchased a guitar and amplifier, and he wanted to test their quality. My husband plays in a band, and he had his sound equipment set up in our barn, which is about 100 feet to the rear of our house at 1477 Mogadore Road.

It was about 4:30 in the afternoon. He tested the sound for about 10 minutes, maybe 15 at the most. During this time, our neighbor to the south called the police to complain about the noise. The police arrived well after my husband had finished his sound check. All was quiet.

However, my neighbors had recorded at least part of my husband's sound check, and signed off on a noise complaint against him. On July 29 my husband pled "not guilty" in Portage County Municipal Court: his pretrial is set for August 26. We have had to retain an attorney, at who knows what expense. For tuning a guitar.

My husband and I have come to understand that Kent's noise ordinance, though typically enforced only after 9 pm, applies at any time of the day if the sound crosses property lines and the person taking offense signs a complaint. I refer here to Section 509.12 (b) (2) (attached)

If you are wondering if there is negative history between our neighbors to the south and us, you would be correct. The details are unimportant. Suffice to say that after the July 1 incident, my husband's band could not practice in the barn any more. (They had been practicing once a week, from approximately 7 to 9 pm.)

Instead, with Covid still an active concern, they have to crowd into our basement and do the best they can in an environment where the sound quality is well short of optimal. This is a band that has donated its talent to multiple events in Kent, most recently Main Street Kent's virtual Christmas celebration and the Heritage Fest at the end of June.

I remember when Kent's noise ordinance was enacted. It was clearly aimed at Kent's young residents being rowdy at all hours of the day and night. It was not targeted at a 57 year old man tuning his guitar for 10 or 15 minutes. It was not aimed at a bunch of old guys playing country music in a barn for a few hours. It was not aimed at a man with a vindictive neighbor.

I stand before you this evening to ask that you guide the City of Kent in revising its noise ordinance so that it only applies after 9 pm. As it is now, a person can sign a noise violation for a person mowing his lawn, running a chain saw, or anything else that crosses property lines. The unintended consequence of the noise ordinance is that a spiteful neighbor can call the police on a man who had the audacity to tune his guitar for 10 or 15 minutes in the middle of the afternoon.

I would like to know the procedure and timeline for seeing a reasonable revision though, and what my husband and I may do to expedite the process.

(attachment)

509.12 UNLAWFUL NOISE

(a) Unlawful Noise - Prohibited. It is unlawful for any owner, occupant, agent or persons in possession or control of any structure, lot, thing or building, premises or vehicle to make, continue or cause to be made or continued, or permit to be made, any excessive, unnecessary, or unusually loud noise or any noise which disturbs, annoys, injures or endangers the comfort, repose or health, peace or safety of persons of ordinary sensibilities within the City.

(Ord. 2002-130. Passed 12-11- 02)

(b) Unlawful Noise - Enumerated. The following acts, among others, are declared to be loud, disturbing, injurious and unnecessary and unlawful noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

(1) Horns and Signal Devices. The sounding of any horn or signal device on any automobile, motorcycle, bus or train, or any other vehicle while not in motion, except as a danger signal or to give warning of intent to get into motion, or, if in motion, only as a danger signal after or as brakes are being applied and decelerating of the vehicle has begun; the creation by means of such signal devices of any unreasonably loud or harsh sounds; and the sounding of any signal device for any unreasonable or unnecessary period of time.

(2) Radio, Stereo, **Musical Instruments**. The playing of any radio, stereo, television set, amplified or unamplified musical instruments, loudspeaker, tape recorder, or other electronic sound-producing devices, in such a manner or **with such volume at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel, hospital or other type of residence, or of any persons in the vicinity. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible on a property or in a dwelling unit other than that in which it is located, shall be prima facie evidence of a violation of this section.**

(3) Loud Noises or Disturbances. Yelling, shouting, hooting or the making of any other loud noises on the public streets, or the making of any such noise at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel, hospital or other type of residence, or in any office or of any persons in the vicinity.

(4) Animal Noises. The keeping of any animal, which by causing frequent or long continued noise shall disturb the comfort or repose of any person.

(5) Whistle or Siren. The blowing of any whistles or sirens, except to give notice of the time to begin or stop work or as a warning of fire or danger.

(6) Engine Exhaust. The discharge into the open air of the exhaust of any engine, or internal combustion engine, except through a muffler or other device which effectively prevents loud or explosive noises therefrom.

(7) Noisy Advertising. No person shall, by ringing a bell or gong, or by using a phonograph or other instrument for producing or reproducing sounds, or by using loud or boisterous language or by any unusual noise or means whatever, advertise goods, wares, or merchandise for sale, or advertise any show, theater, exhibition, or entertainment.

(8) Noisy Machinery. No person shall maintain, run, or operate any steam, gas, gasoline, or other engine, boiler, press, machine, or other apparatus so constructed or operated as to make any unnecessary noise, to the annoyance and discomfort of the people of the City, except in the course of making an emergency repair and for weather necessitated activities.

(Ord. 1994-85. Passed 9-7-94.)

(9) Noise-producing Instruments. The use of any device, apparatus, radio, ticker or other noise-making and noise-emitting device for general advertising purposes, or for the purpose of soliciting trade or attracting attention to any wares, good, merchandise, instrument or device offered for sale is prohibited.

(c) Sound Generated by Devices or Instruments. It is prima facie unlawful for a person to generate or permit to be generated sound by the above described devices or instruments in the following circumstances:

(1) On private property between the hours of 9:00 p.m. and 8:00 a.m. of the following day in a residential area where the sound is audible past the property line of the property on which the source of the sound is located; or

(2) On a street, highway or in the public right-of-way where the sound is audible thirty (30) feet from the device generating the sound. Persons in possession of a current parade permit, assemblage permit, or a current loud-speaker permit are exempt from the provisions of this sub-paragraph.

(3) By conducting an unduly large gathering at a private residence or in a private residential area which generates excessive noise at any time.

(d) No person being the owner, or person in possession of a premises for person in control of the premises by reason of employment, agency, or otherwise, whether such ownership, possession or control is exclusive or joint, shall permit a violation of this section.

(e) Warning and Alarm Devices Warning and alarm devices which have the purpose of signaling unsafe or dangerous situations or calling for police are exempted from the prohibitions of this section when used for such purposes and are in proper working order.

(f) Agricultural Activities. Agricultural activities conducted within an agricultural district as authorized in Chapter 929 of the Ohio Revised Code, shall be exempted from the prohibitions of this section when the activities are not in conflict with federal, state or local laws or are conducted in accordance with generally accepted agricultural practices.

(g) Outdoor Performances The use, production or presentation outdoors in a residential neighborhood, by a live band of any make-up, or the use of outdoor amplification or amplification intended directly or indirectly to be heard outside of the structure where the event is being held.

(h) Exemptions Events officially sponsored and/or approved by the City of Kent, such as festivals, fireworks, parades, etc., activities that are essential to the proper performance work-related duties of the officers and employees of the City, and events official sponsored by governmental educational institutions and the Kent Board of Education such as sporting events, marching bands, etc., shall be exempt from the prohibitions of this section.

(i) Retaliation. No person shall direct a verbal, physical or electronic act against the person, family or property of any individual who complains of or witnesses a violation of the Unlawful Noise regulations for the purpose of intimidating or retaliating against that person for the exercise of the right to complain or testify to a violation of this Code.

(j) Penalty

(1) Whoever violates this section except subsection (i) is guilty of generating unreasonable noise an unclassified misdemeanor, punishable by a fine of up to \$1,000 and up to thirty (30) days in jail. If the offender persists in generating, or permitting to be generated, unreasonable

noise after reasonable warning or request to desist, the penalty shall include a minimum fine of \$500.00.

(2) Whoever violates subsection (i) herein, is guilty of an unclassified misdemeanor, punishable by a fine of at least \$500.00 and not exceeding \$1,000 and up to thirty (30) days in jail. (Ord. 2007-22. Passed 3-7-07.)



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: July 23, 2021

TO: Mayor Fiala, Members of Council

FROM: Christopher Clevenger-Morris,
Planning Commission Chair

RE: Member Attendance – Planning Commission / ARB / BZA

Mayor Fiala and Members of Council,

I am writing to you today to request that the Kent City Council instruct staff to conduct an attendance study surrounding the impact of continued absences (2020/2021) by members of the Planning Commission, the Architectural Review Board, and the Board of Zoning Appeals.

In the hours leading up to the July 20, 2021 meeting of the Planning Commission, two members of our body provided late notice that they would not be in attendance that evening. Naturally, this triggered staff to begin reaching out to the remaining three members to ensure a quorum could be met. Had even one of those three members been unable to attend, staff would have no choice but to turn away the applicant and reschedule that meeting, notifying the applicant only hours before they were scheduled to appear.

This is unacceptable. A great deal of time goes into preparing for these meetings – for both our staff and the applicants coming before us. Outside of an emergency situation arising, it is my belief that a standard timeframe should exist for our members to provide notice of their expected absences.

While the members of the Planning Commission, ARB and BZA all serve on a volunteer basis, the impact of even one absence during a regular meeting can be astronomical. On the Planning Commission, one absent member can lead to a tie on a pending case. Two absences at the same meeting could lead to an applicant being turned away entirely, or a decision being reached that places the city in legal jeopardy.

Using the Planning Commission as an example, one member alone has now missed seven of the last twenty-four meetings, or roughly 1/3. We must do better.

As referenced above, I am requesting that staff be instructed to conduct a study/review of absences for 2020 and 2021 for the three Boards and Commissions. As part of that study, I would ask that staff look into the following:

1. The number of times a member has been absent in that timeframe.
2. The number of times a meeting had to be postponed or rescheduled due to an attendance issue.
3. The number of times staff received notice of an absence the same day as the meeting, or instances in which staff didn't received notice for an absence at all.

(Continued)

Attachment #2

Additionally, following a formal report from staff answering the questions outlined above, I would further ask that Council consider creating a task force or work group, including the Chairs of the Planning Commission, ARB and BZA, to develop formal policy recommendations to Council surrounding:

1. A required timeframe through which an individual must notify staff of their absence in non-emergent circumstances (at least 48-hour notice).
2. A formal attendance policy for members.

Ex. In the event of three consecutive absences, or three unexcused absences in a single year, the individual will automatically be referred to Council for removal/replacement.

3. An outline of authority for Boards and Commissions to un-excuse the absence of members, should certain circumstances not be met.

The members of the Planning Commission, Architectural Review Board and Board of Zoning Appeals literally hold the future of Kent in their hands. We are the gatekeepers when it comes to the development, revitalization and expansion of our city. It shouldn't be too much to ask that our members show up to do the job.

Thank you for your time and Consideration.

A handwritten signature in blue ink, appearing to read 'Chris Morris', with a stylized, cursive script.

Christopher Clevenger-Morris
Chair, Planning Commission

	Michael Bruder	Nick Bellas	Jeff Clapper	Chris Clevenger-Morris	Amanda Edwards	Peter Paino		
January 7 2020		N/A						
1/21/2020		N/A			Absent			
2/4/2020	Absent	N/A		Absent				
2/18/2020		N/A	Absent					
3/3/2020		N/A		LATE				
3/17/2020	Absent	N/A			Absent			
6/2/2020		N/A						
6/16/2020	Absent	N/A				Absent		
8/18/2020		N/A						
9/15/2020		N/A	Absent					
10/20/2020		N/A						
10/27/2020		N/A						
11/17/2020		N/A						
12/15/2020	Absent	N/A				Absent		
1/26/2021						N/A		
2/9/2021						N/A		
2/16/2021					Absent	N/A		
4/6/2021					Absent	N/A		
5/4/2021	Absent					N/A		
5/18/2021		Absent				N/A		
6/1/2021	Absent					N/A		
6/22/2021						N/A		
7/6/2021	LATE					N/A		
7/20/2021	Absent				Absent	N/A		
Rate Absent 2 Years	29.17%		8.33%	4.17%	20.83%			
Rate Absent 1 Year		10.00%				14.29%		