



City Council Regular Meeting Minutes

The City of Kent, Ohio
Wednesday, May 19, 2021

Due to the COVID-19 pandemic, this meeting was held virtually using the Zoom platform and livestreamed on the City of Kent YouTube Channel.

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; 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; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Service Director; Mr. Jim Bowling, City Engineer; Ms. Joan Seidel, Health Commissioner; Ms. Rhonda Hall, Budget and Finance Director; Mr. Gary Bishop, IT Manager; Mr. John Tosko, Fire Chief; Ms. Angela Manley, Parks and Recreation Director; Ms. Amy Wilkens, Clerk of Council

Mayor Fiala called upon Councilmember Amrhein for opening remarks.

Mr. Amrhein 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 APRIL 21, 2021 AND THE MINUTES OF THE JOINT FRANKLIN TOWNSHIP/CITY COUNCIL MEETING OF MAY 5, 2020 made by Mr. Amrhein, SECONDED by Mr. Kuhar and CARRIED by a voice vote of 9-0.

Communication:

Public Comment: There were no members of the public signed in with Clerk Wilkens to speak.

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

1. Email from Councilman John Kuhar regarding parking for senior citizens visiting Dr. Robert Smuts Chiropractic Practice received on April 21, 2021 and forwarded to Council.
2. Transfer Liquor License request received April 26, 2021 from Kent Fuel and Minimart, Inc. located at 1337 S. Water Street to 1337 Water Street Inc. located at the same address. Chief Shearer had no objections.

MOTION TO RETURN THE REQUEST TO LIQUOR CONTROL WITH NO OBJECTION made by Mr. Kuhar SECONDED by Mr. Sidoti and CARRIED by a voice vote of 9-0.

3. Planning Commission Agenda and Staff Report for the May 4, 2021 meeting received on April 27, 2021.
4. Email from Mr. Rick Hawksley regarding the West Side Fire Station Roof received and forwarded to Council on April 28, 2021.
5. Affidavit of Petitioner's Committee regarding a Sensible Marihuana Ordinance received April 29, 2021. A copy was forwarded to Council on May 3, 2021.
6. 2020 Annual Report of the Kent Police Department received and forwarded to Council on May 3, 2021.
7. Letter from Ms. Julie Kenworthy, Director of the Kent Historical Society, regarding its Board of Trustees voting against an architectural change to the West Side Fire Station received and forwarded to Council on May 3, 2021.
8. Standing Rock Cemetery Board of Trustees Minutes from the April 8, 2021 meeting and Agenda for the May 13, 2021 meeting received on May 4, 2021.
9. Planning Commission Agenda and Staff Report for the May 18, 2021 meeting received on May 10, 2021.
10. Board of Health meeting agenda and statistical report for the May 11, 2021 meeting and the minutes from the April 13, 2021 meeting received on May 11, 2021.
11. Notice from the Board of Elections concerning the new capability to electronically file Resolutions of Necessity, Auditor's Certifications and Resolutions to Proceed received on May 11, 2021 and forwarded to Council and Administration.

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 agenda for May 17, 2021 received on May 14, 2021.
2. Parks and Recreation Board Packet for May 20, 2021 received on May 17, 2021.
3. Exam Notice from Civil Service Commission for an Accreditation Coordinator received on May 18, 2021.
4. Email from Mr. Doug Fuller, Ms. Paula Treckel, Mr. Howard Boyle and Mr. David Sommers following up from the West Side Fire Station Roof Design discussion, received on May 19, 2021 and forwarded to Council.

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

1. Request Council's authorization of a Resolution opposing Ohio House Bill 110 which proposes to eliminate Health Departments in cities with a population under 50,000. (Draft #2021-046)
2. Request Council's authorization to accept a grant and four donations that will be used for the construction of the Chimney Swift habitat structure. (Draft #2021-050)
3. Request Council's authorization to hold a public hearing on a Lake Street rezoning request.
4. Request for Committee of the Whole time for Council to review applicants for vacancies on City boards and commissions.
5. Request Community Development Committee time to present a request to install the South End Neighborhood Monument sign in the City right of way.
6. Request Health & Safety Committee time to provide an update on Police training and operations.
7. Request Streets, Sidewalks & Utilities Committee time to present proposed changes to the number of accounts utilized by the City to pay for trash and recycling.
8. Request Streets, Sidewalks & Utilities Committee time to present a request to apply for AMATS grant funding for a street resurfacing project.
9. Request Streets, Sidewalks & Utilities Committee time to present a request to apply for OPWC grant funding for infrastructure projects.
10. Request requested Land Use Committee time for Council's consideration of proposed updates to the City's mobile food cart/truck regulations.
11. Request Land Use Committee time for Council's consideration of a proposed rezoning request on Lake Street.

MOTION TO APPROVE ITEMS #1-11 OF THE CITY MANAGER'S REPORT, made by Mr. Amrhein, SECONDED by Ms. Rosenberg and CARRIED by a voice vote of 9-0.

STANDING COMMITTEES/ LEGISLATION

1) COMMITTEE OF THE WHOLE

THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WEDNESDAY, MAY 19, 2021

NO MEETING MINUTES; NO COMMITTEE ACTION ITEMS TO APPROVE

2) COMMUNITY DEVELOPMENT COMMITTEE

MOTION TO APPROVE MEETING MINUTES of MAY 5, 2021 made by Mr. Kuhar, SECONDED by Ms. Rosenberg and CARRIED by a voice vote of 9-0.

NO COMMITTEE ACTION ITEMS TO APPROVE

Draft No. 2021-045 AN ORDINANCE APPROVING A REQUEST FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ASSISTANCE FOR FISCAL YEAR 2021 UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, INCLUDING THE PY2021 ANNUAL ACTION PLAN AND AUTHORIZING THE EXECUTION AND FILING OF THE PY2021 ANNUAL ACTION PLAN, INCLUDING RELATED CERTIFICATIONS, AND UPON AWARDING OF THE GRANT, AUTHORIZING APPROPRIATION OF FUNDS 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 Ms. Shaffer Bish, SECONDED by Mr. Kuhar. On roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT NO. 2021-045 made by Ms. Shaffer Bish and SECONDED by Mr. Sidoti. On roll call, voting "Yes" Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2021-045 PASSED as stated by Clerk Wilkens.

3) HEALTH AND PUBLIC SAFETY COMMITTEE

NO MEETING MINUTES OR ACTION ITEMS TO APPROVE

MOTION TO AMEND DRAFT NO. 2021-046 SECTION 1, STRIKING THE TERMINOLOGY "LOCAL CITY HEALTH DEPARTMENTS IN GENERAL" made by Mr. Kuhar SECONDED by Mr. Turner and FAILED by a voice vote of 0-9.

Mr. Kuhar explained he is in favor of the Kent City Health Department remaining as is, adding there are a lot of smaller cities that do not have in place what Kent does and are not staffed to take care of its resident's health needs such as in Kent. He added it would be a benefit to those communities to be a part of a larger health district managed by the County.

Mr. Turner added he seconded the motion, but does not support the request.

Ms. Shaffer Bish added she is not in support of the amendment, and that simply asking for a Kent exception will decrease its likelihood of being considered. She does not want the language struck from the resolution.

Mr. Turner added the voters chose to have a health department specifically in the city of Kent, and he cannot worry about other communities.

Mr. Sidoti said the resolution that is being sent is due to House Bill 110 and we are saying we oppose this bill. He agrees the pandemic has exposed weaknesses in public health systems, not only in the state, but also across the country, but this resolution is opposing the bill that does include surrounding communities. He is going to oppose the motion.

Mr. Amrhein added that he agrees with Mr. Sidoti and this part of the bill is big government trying to swallow up the smaller municipalities which is wrong.

Draft No. 2021-046 A RESOLUTION BY THE COUNCIL OF THE CITY OF KENT, OHIO STRONGLY OPPOSING ANY EFFORT BY THE STATE OF OHIO TO ABOLISH THE LOCAL KENT CITY HEALTH DEPARTMENT, WHICH HAS PROVEN INVALUABLE IN PROTECTING THE HEALTH, SAFETY, AND WELFARE OF THE ENTIRE CITY AND SURROUNDING COMMUNITIES DURING A TIME OF GLOBAL PANDEMIC, 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 Ms. Shaffer Bish, SECONDED by Mr. Amrhein. On roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT NO. 2021-046 made by Ms. Shaffer Bish and SECONDED by Mr. Kuhar. On roll call, voting "Yes" Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein. The Motion CARRIED by a roll call vote of 9-0.

RESOLUTION 2021-046 PASSED as stated by Clerk Wilkens.

4) LAND USE COMMITTEE

NO MEETING MINUTES OR ACTION ITEMS TO APPROVE

5) STREETS, SIDEWALKS AND UTILITIES COMMITTEE

MOTION TO APPROVE MEETING MINUTES and COMMITTEE ACTION ITEMS of May 5, 2021 made by Mr. Sidoti SECONDED by Mr. Kuhar, and CARRIED by a voice vote of 9-0

Recommended Actions:

- 1) Authorize the license agreement for outdoor seating at 211 Franklin Ave.

Draft No. 2021-047 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LICENSE AGREEMENT BETWEEN THE CITY OF KENT AND THE TULIPS, LLC TO CONSTRUCT, MAINTAIN AND OPERATE AN OUTDOOR PATIO AT 211 FRANKLIN 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. Kuhar, SECONDED by Ms. Shaffer Bish. On roll call, voting "Yes": Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT NO. 2021-047 made by Mr. Kuhar and SECONDED by Mr. Ferrara. On roll call, voting "Yes" Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2021-047 PASSED as stated by Clerk Wilkens.

6) FINANCE COMMITTEE

MOTION TO APPROVE THE FINANCE COMMITTEE MEETING MINUTES and COMMITTEE ACTION ITEMS OF MAY 5, 2021 made by Mr. DeLeone, SECONDED by Mr. Kuhar, and CARRIED by a voice vote 9-0.

Recommended Actions:

- 1) Proceed with the project of a pitched roof on the West Side Fire Station
- 2) Authorized the surplus City Property Sale of Auction or Trade In
- 3) Extend the moratorium on the City Match of Development fees through August 30, 2021

Draft No. 2021-048 AN ORDINANCE AUTHORIZING THE TRADE IN / AUCTION/ DISPOSAL OF VEHICLES, LARGE EQUIPMENT AND TRAILERS NOT NEEDED FOR MUNICIPAL PURPOSES, 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. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr.

Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT NO. 2021-048 made by Mr. Kuhar, SECONDED by Mr. Sidoti. On roll call, voting "Yes": Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2021-048 PASSED as stated by Clerk Wilkens.

Draft No. 2021-049 AN ORDINANCE AMENDING ORDINANCE 2021-004 TO EXTEND IMPOSING A TEMPORARY MORATORIUM ON THE APPLICABILITY OF SECTION 1191.13 OF CHAPTER 1191, TITLED "CAPITAL IMPROVEMENT FUND; MATCHING AMOUNT" AS IT PERTAINS TO THE CITY'S OBLIGATION TO MATCH DEVELOPER FEES PAID INTO THE PARKS AND RECREATION DEVELOPMENT FUND UNTIL AUGUST 30, 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": Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2021-049 made by Mr. Kuhar and SECONDED by Mr. DeLeone. On roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2021-049 PASSED as stated by Clerk Wilkens.

Draft No. 2021-050 AN ORDINANCE ACCEPTING FOUR (4) DONATIONS AND ONE (1) GRANT TOTALING \$3,140.00 TO THE CITY OF KENT FOR THE CHIMNEY SWIFT PROJECT, 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 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, Ms. Shaffer Bish. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2021-050 made by Ms. Rosenberg and SECONDED by Mr. DeLeone. On roll call, voting "Yes": Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2021-050 PASSED as stated by Clerk Wilkens.

Unfinished Business: NONE

New Business:

Mr. Kuhar had two items to consider under new business. His first item was in regards to feral cats. He had spoken with Chief Shearer who indicated wanting to present this to Council to discuss.

MOTION TO MOVE INTO COMMITTEE A DISCUSSION REGARDING FERAL CATS made by Mr. Kuhar, SECONDED by Mr. Turner and CARRIED by a voice vote of 9-0.

Ms. Wallach asked if there is a discussion about this the "catch and release" people should be notified so they can attend the meeting.

Mr. Kuhar then asked if the fire ban in Kent for open burns was still being enforced. He said a few weeks ago there was an open burn near his neighborhood and found out after the fact it was from Kent State by the Rec Center. His neighborhood was never notified it was planned.

Mayor Fiala asked if Mr. Kuhar was wanting an answer back from staff or if he would like to move it to a Committee discussion.

Mr. Kuhar said he needed clarification on the burn policy and believes they should notify the neighborhood if they are going to occur.

Mr. Turner asked for clarification on whether it was a city mandate or a state mandate not to burn during the pandemic.

Mr. Kuhar asked for comments from Chief Tosko.

Chief Tosko replied the burning of the grass at the Rec Center is a yearly maintenance issue and a permit is given from the Akron Air Quality Control. He said a better job should have been done on alerting the public. He added the ban on open burning was discussed at the Incident Command Meeting last spring and has not been discussed since. This will be looked at by the staff.

Council Comments:

Mr. Ferrara said he attended the situational police training last week in Tallmadge and said it gave him a greater appreciation of the decisions they have to make and how fast they have to make them. He urges anyone who has the chance to attend these trainings.

Mr. Ferrara's second comment was in regards to in person meetings, requesting Council meetings to be held in person. He urges Council to urge the administration to decide when and how future meetings will be conducted.

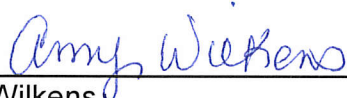
Mayor Fiala said this is being worked on, and that we are not like other cities who have City Halls and it is a bit more complex for Kent. He added the Community Police Academy will be held this fall and encouraged people to attend.

Ms. Shaffer Bish apologized for losing her connection during the meeting and wanted to make sure her vote was counted in favor of the Chimney Swift ordinance.

Mayor's Report:

Mayor Fiala said this week was the celebration of Ohio Goes Blue and Police Week and said it's a celebration and remembrance of those who lost their life in the line of duty and those who are protecting us today. He said "God bless them, and I hope they go home to their families at the end of the day".

The Regular Meeting adjourned at 8:14 P.M.



Amy Wilkens
Clerk of Council



Jerry T. Fiala
Mayor and President of Council