



City of Kent
Wednesday, February 16, 2022
Regular City Council Meeting
320 S. Depeyster Street, Kent, OH 44240

MINUTES

Community Development Block Grant (CDBG) Public Hearing

At 7:25 p.m., Mayor Jerry T. Fiala called the Community Development Block Grant Public Hearing to order.

Present: Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, 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. Bill Myers, Fire Chief; Ms. Amy Wilkens, Clerk of Council

Absent: Mr. Roger Sidoti

MOTION TO EXCUSE MR. SIDOTI MADE BY Mr. John Kuhar, **SECONDED** by Mr. Jack Amrhein and **CARRIED** by a voice vote of 8-0-0.

Ms. Bridget Susel, Director of Community Development, announced this was the 1st Public Hearing for the CDBG Program. The City receives an annual grant from HUD and has not yet received word of the amount we will be receiving. It is anticipated to be approximately \$300,000. The City's program period begins August 1, 2022 and ends July 31, 2023. The priorities the City has identified for the use of the CDBG funds include housing for low to moderate income persons, and infrastructure projects.

Mayor Fiala asked for comments from the audience. There were no comments.

Hearing no further business, Mayor Fiala adjourned the Public Hearing at 7:26 p.m.

Regular Council Meeting

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

Present: Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, 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. Bill Myers, Fire Chief; Ms. Amy Wilkens, Clerk of Council

Absent: Mr. Roger Sidoti

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

Opening Remarks and Pledge of Allegiance

Mr. Ferrara said congratulations to the incumbents who won this past election, stating it is great to work with all, including the Mayor. As a public service, he asked the Mayor not to bring up fishing shanties in Kent because we would like to keep him around for a while longer. He continued by stating our City staff and Service Department had done an excellent job with the snow removal under extremely difficult conditions. He said, in light of the storm we had, they did an excellent job. He added that a few weeks ago he was in Lake Placid, the home of two winter Olympics, and there were people walking around on the road because of the snow on the sidewalks. He said their snow removal was worse than Kent and if a city that hosts the winter Olympics and has a world class ski area can't keep its sidewalks clear during a storm, then how can we expect our City to do this. He said instead of expecting the government to do everything for you, take some responsibility, do it yourself, ask your neighbor to do it and get it done yourself. He concluded by saying that what the good Lord put on the ground he is going to take away at some point in time and this happens once a year.

He thanked everyone for their time and to please stand for the pledge of allegiance.

Approval of Minutes

MOTION TO APPROVE MEETING MINUTES FROM JANUARY 19, 2022 AND FEBRUARY 2, 2022 MADE BY Garret Ferrara, SECONDED by John Kuhar and CARRIED by a voice vote of 7-0-1 with Ms. Wallach abstaining.

Communications

Public Comment:

Mayor Fiala read the following statement:

"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 you to give your name and address and limit comments to three (3) minutes."

The first speaker, J. Michael Fiala, was called to speak first. He is the owner of Roll Call Burgers and Taproot Catering. He read from a statement regarding the new food truck ordinance and submitted his comments in writing (**attachment #1**).

Mr. John Thomas was called up next to speak to City Council. Mr. Thomas stated his name and address for the record. He said it has been about forty-four years since the City last cleared all the city sidewalks in the snow season. He said a lot has changed and in 1989 we began picking up recycling. In 1988, the City made a major capital investment so leaves could be picked up. We also have a stormwater utility program. He would like to make a public request that the topic of citywide sidewalk snow removal be placed on the appropriate committee meeting agenda and be discussed in a timely manner in a public forum.

Mr. Jeff Crowe was the last speaker for the evening. He said he operates the Erie Street Kitchen and is here supporting Michael (first speaker) and the food truck mobile vending legislation. He said they feel as if this is an additional fee for inspections and they have already been inspected two or three times. He said they are trying to do what they do, right, but money is tight all over. Covid hasn't helped. He wanted to express his concerns in person.

Mr. Ruller said that in Law Director Hope Jone's presentation to Council on this topic, this is getting something on paper to get things started and it will be tweaked and brought back to Council. To some extent, it is encouraging we are getting feedback and, for the first time ever, food trucks have been organized. The City Manager's Office, who will be processing these permit applications, asked if J. Michael Fiala would be a liaison to the food truck group. As much as there is frustration on the food vendor side, Mr. Ruller wanted to assure Council that we would sit with the vendors and work through the issues. He doesn't want Council to think this is a closed door but will be working with Council. Originally, there was a lot of pushback from businesses and restaurants that already own and pay for a physical structure. Food trucks were limited to a few spaces around town in order to support brick and mortar businesses. The market has now changed and we need to figure out how to incorporate these trucks. Comparisons were made with other cities. He wanted Council to know the

conversations on changes had started and it would be brought back to Council with a more refined document in the course of the near future.

Written Communication:

1. An email from Deborah Douglas notifying Council of her resignation from the Board of Zoning Appeals was received and forwarded to Council on January 21, 2022.
2. The Planning Commission and Staff Report for the February 1, 2022 meeting was received on January 26, 2022. The Planning Commission and Staff Report for the February 15, 2022 meeting was received on February 8, 2022.
3. The official List of Elected Officials and Notification of Filing Requirement from the Ohio Ethics Commission was received on January 27, 2022.
4. Letter from Bridget Susel, Community Development Director, which was sent to the U.S. Census Bureau in regards to a 2020 Census Count Question Resolution request for the City of Kent, Ohio was received on February 1, 2022.
5. The Standing Rock Cemetery Board meeting agenda for February 10, 2022 and the January meeting minutes were received on January 31, 2022.
6. Email from Denise Baba notifying Council about Ohio Loves Transit Week February 13 – 20 received on February 1, 2022.
7. Kent City Health Board Meeting Agenda for February 8, 2022 was received on February 4, 2022.

MOTION TO APPROVE DEBORAH DAVIS' RESIGNATION MADE BY Mr. Jack Amrhein, SECONDED by Mr. Garret Ferrara and CARRIED by a voice vote of 8-0-0.

City Manager's Report:

1. Request for Council's authorization to increase the ODOT grant request approved by Council in January 2022, from \$300,000 to \$331,000 for site assessment and remediation work in the vicinity of the former Triangle Cleaner's property on Gaugler Avenue. (Draft# 2022-017)
2. Request for Committee of the Whole time in March to discuss updating the City flag.
3. Request for Committee of the Whole time in March to prepare for considering the request from the NAACP for the City to form a new Commission on "Racism, Hatred and Diversity."
4. Request for Committee of the Whole time for Council to consider applicants for vacancies on City Boards and Commissions.
5. Request for Community Development time to review proposed changes to the City's Celebrate Kent Grants that would promote multi-cultural, diverse, and inclusive events

6. Requested Community Development time to review the proposed projects included in the PY2022 CDBG program.
7. Request for Land Use Committee time to present a correction of the parcels excluded in a 1917 annexation.
8. Request for Streets, Sidewalks & Utilities Committee time to review Main Street Kent's proposed street closure changes for the 2022 Art and Wine Festival.
9. Request for Streets, Sidewalks & Utilities Committee time to present a request to extend City water service to the property at 1677 on SR59.
10. Request for Finance Committee time to request Council's approval to renew the City's contract for supplemental IT Services with Quality IP.

MOTION TO APPROVE CITY MANAGER'S REPORT MADE BY Mr. Jack Amrhein, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 8-0-0.

Mr. Turner asked about number three (3) on the City Manager's report. He asked how this is going to be structured moving forward. He asked if the City Manager would be making a presentation on the first of March. Mayor Fiala said an overview was going to be given on what has been done with the Heart and Soul project and build from there. Mr. Turner asked if the presentation by the petitioners would be in April. Mayor Fiala said he would imagine so.

Standing Committees & Legislation

Committee of the Whole: Chair Fiala/Vice-Chair Amrhein

MOTION TO APPROVE COMMITTEE MEETING MINUTES OF FEBRUARY 2, 2022 MADE BY Mr. Michael DeLeone, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 7-0-1. Ms. Wallach abstained.

MOTION TO APPROVE RECOMMENDED ACTIONS MADE BY Mr. Michael DeLeone, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 8-0-0.

Action(s) Recommended:

1. Vote on the appointment of a candidate for the Fair Housing Board.

MOTION TO APPOINT ROUVEN CYNCYNATUS TO THE FAIR HOUSING BOARD MADE BY Mr. Garret Ferrara, SECONDED by Mr. Robin Turner and CARRIED by a voice vote of 8-0-0.

MOTION TO AUTHORIZE INSERTION OF NAMES INTO LEGISLATION

MADE BY Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 8-0-0.

Draft 2022-014 A RESOLUTION APPOINTING ROUVEN CYNCHYNATUS TO THE FAIR HOUSING BOARD, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2022-014 MADE by Mr. Garret Ferrara, SECONDED by Ms. Gwen Rosenberg. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2022-014 MADE by Mr. Garret Ferrara, SECONDED by Ms. Gwen Rosenberg. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

Ordinance 2022-014 has PASSED as stated by Clerk Wilkens.

Community Development Chair Kuhar/ Vice-Chair Rosenberg

MOTION TO APPROVE COMMITTEE MEETING MINUTES FROM FEBRUARY 2, 2022 MADE BY Mr. John Kuhar, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 6-0-2 with Ms. Wallach and Mr. Ferrara abstaining.

MOTION TO APPROVE #1 RECOMMENDED ACTION MADE BY Mr. John Kuhar, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 8-0-0.

MOTION TO APPROVE #2 RECOMMENDED ACTION MADE BY Mr. John Kuhar, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 7-1-0. Ms. Wallach voted 'No'.

Ms. Wallach voted no on action item #2 stating she wishes to first seek people interested in renovating the houses and wanted to go that route first. She added that we received grant money last time a house was demolished on Lake Street and that once the grant money is accepted, it is hard to turn it down.

Action(s) Recommended:

1. Authorize the renewal of the sublease for the Farmer's Market.

2. Authorize application for demolition grant funding for the two blighted properties and, if approved, allocate the funds for demolition.

Draft 2022-015 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO RENEW THE AGREEMENT WITH THE HAYMAKER FARMERS' MARKET FOR THE SUB-LAND LEASE OF A PARKING LOT LOCATED NORTH OF SUMMIT STREET, WEST OF FRANKLIN AVENUE, AND EAST OF AKRON BARBERTON CLUSTER RAILWAY COMPANY'S MAIN LINE TRACK, CONTAINING 0.168 ACRES, FOR THE PERIOD OF APRIL 22, 2022 THROUGH NOVEMBER 26, 2022; CONTINGENT ON THE CONTINUATION OF THE CITY'S LEASE WITH THE AKRON BARBERTON CLUSTER RAILWAY COMPANY, FOR THE AMOUNT OF \$1.00; AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2022-015 MADE by Mr. Garret Ferrara, SECONDED by Ms. Gwen Rosenberg. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2022-015 MADE by Mr. John Kuhar, SECONDED by Mr. Garret Ferrara. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

Ordinance 2022-015 has PASSED as stated by Clerk Wilkens.

Draft 2022-016 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SUBMIT THE REQUIRED DOCUMENTATION TO THE PORTAGE COUNTY LAND REUTILIZATION CORPORATION (PCLRC) TO SECURE DEMOLITION FUNDING ASSISTANCE PRIOR TO THE OHIO DEPARTMENT OF DEVELOPMENT (ODOD) PROGRAM SUBMISSION DEADLINE; AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2022-016 MADE by Mr. Garret Ferrara, SECONDED by Ms. Gwen Rosenberg. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner. The motion CARRIED by a roll call vote of 7-1-0, with Ms. Wallach voting "No".

MOTION TO ADOPT Draft 2022-016 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen

Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner. The motion CARRIED by a roll call vote of 7-1-0, with Ms. Wallach voting "No".

Ordinance 2022-016 has PASSED, as stated by Clerk Wilkens.

Draft 2022-017 AN ORDINANCE AUTHORIZING THE CITY OF KENT TO SUBMIT A GRANT APPLICATION TO THE OHIO DEPARTMENT OF DEVELOPMENT (ODOD) FOR BROWNFIELD REMEDIATION PROGRAM GRANT FUNDING ASSISTANCE ACTIVITIES AND TO ACCEPT THE GRANT, IF AWARDED, AND EXECUTE THE SUBSEQUENT GRANT AGREEMENT WITH CORRESPONDING 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 OF Draft 2022-017 MADE by Mr. John Kuhar, SECONDED by Ms. Heidi Shaffer Bish. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2022-017 MADE by Mr. John Kuhar, SECONDED by Ms. Heidi Shaffer Bish. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

Ordinance 2022-017 has PASSED, as stated by Clerk Wilkens.

Streets, Sidewalks and Utilities Chair Sidoti/ Vice-Chair Wallach

MOTION TO APPROVE COMMITTEE MEETING MINUTES FROM FEBRUARY 2, 2022 MADE BY Mr. Garret Ferrara, SECONDED by Mr. Jack Amrhein and CARRIED by a voice vote of 6-0-2, with Ms. Wallach and Mr. Ferrara abstaining.

MOTION TO APPROVE ACTION RECOMMENDED MADE BY Ms. Heidi Shaffer Bish, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 8-0-0.

Action(s) Recommended

1. Authorize the temporary closure of Willow Street for the new KSU Juneteenth celebration.

Draft 2022-018 AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE A NEW SPECIAL EVENT APPLICATION FOR THE JUNETEENTH JUBILEE TO BE HELD ON SATURDAY, JUNE 18, 2022,

AND THE TEMPORARY CLOSURE OF WILLOW STREET, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-018 MADE by Ms. Heidi Shaffer Bish, SECONDED by Ms. Gwen Rosenberg. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-018 MADE by Mr. Garret Ferrara, SECONDED by Ms. Gwen Rosenberg. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

Ordinance 2022-018 has PASSED as stated by Clerk Wilkens.

Finance Committee Chair DeLeone/ Vice-Chair Wallach

MOTION TO APPROVE COMMITTEE MEETING MINUTES FROM FEBRUARY 2, 2022 MADE BY Mr. Michael DeLeone, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 6-0-2 with Mr. Ferrara and Ms. Wallach abstaining.

MOTION TO APPROVE THE RECOMMENDED ACTION MADE BY Mr. Michael DeLeone, SECONDED by Mr. John Kuhar and CARRIED by a voice vote of 8-0-0.

Action(s) Recommended

1. Approve the 2022 Budget Appropriation Amendments.

DRAFT 2022 - 019 AN ORDINANCE AMENDING ORDINANCE NO. 2021-133, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 15, 2021; 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, 2022; AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022 - 019 MADE by Mr. John Kuhar, SECONDED by Mr. Garret Ferrara. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022 - 019 MADE by Mr. John Kuhar,

SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

ORDINANCE 2022-019 has PASSED as stated by Clerk Wilkens.

Draft 2022-010 AN ORDINANCE AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF KENT AND THE DISPATCH UNIT, FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL FOR THE PERIOD OF NOVEMBER 1, 2021 THROUGH OCTOBER 31, 2024, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2022-010 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2022-010 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

ORDINANCE 2022-010 has PASSED as stated by Clerk Wilkens.

Draft 2022-011 AN ORDINANCE AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF KENT AND POLICE OFFICER UNIT, FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL FOR THE PERIOD OF NOVEMBER 1, 2021 THROUGH OCTOBER 31, 2024, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2022-011 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2022-011 MADE by Mr. John Kuhar, SECONDED by Mr. Garret Ferrara. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

ORDINANCE 2022-011 has PASSED as stated by Clerk Wilkens.

Draft 2022-012 AN ORDINANCE AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF KENT AND THE CIVILIAN EMPLOYEE UNIT, FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL FOR THE PERIOD OF NOVEMBER 1, 2021 THROUGH OCTOBER 31, 2024, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2022-012 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2022-012 MADE by Mr. Michael DeLeone, SECONDED by Ms. Heidi Shaffer Bish. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

ORDINANCE 2022-012 had PASSED as stated by Clerk Wilkens.

Draft 2022-013 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A SETTLEMENT AGREEMENT BETWEEN THE CITY OF KENT AND MATTHEW BENSON FOR A BUREAU OF WORKERS' COMPENSATION CLAIM; AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2022-013 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2022-013 MADE by Mr. John Kuhar, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

ORDINANCE 2022-013 has PASSED as stated by Clerk Wilkens.

Unfinished Business

Ms. Shaffer started by stating she is going to call this unfinished business because we have been working through this over the years. She thanked Mr. Thomas for speaking tonight about snow obstructions, especially on sidewalks, and how difficult it is to walk in the city. Secondly, she thanked Mr. Ferrara for honoring the efforts the City has made and added that we are working very hard to clear away a very unusual amount of snow. She added that people have to do their part. It's not the same as other services where

people can drive around in a truck picking up leaves. It's really quite labor intensive, and costs the city a lot of money to shovel miles and miles of sidewalks. She is proud of the city's efforts to clear state routes and we have a ways to go to educate snow plow drivers. In the future, she would like to work on proactive initiatives to improve walkability in the city. People would rather be reminded beforehand than have to deal with a fine. We do need to keep chipping away at this issue, as it is an issue of walkability which is an issue of livability and today she made a few calls to rental property owners in her neighborhood and received good feedback. One person said she was absolutely right, they needed to do something but their snowblower broke down. The other company was not as thoughtful with their response in the response, but she thinks she was heard. She thinks we need to keep this as an issue and that this is something that we do for one another, to make our city better. She sees people with snowblowers out there doing an entire city block. We need to honor those folks. Maybe next winter we could get together a volunteer core or even pay young people to help people who have disabilities or are elderly to help them clear their sidewalks. She added she is proud of the work done so far and can continue to make this an even better city for walkability.

Mr. Turner spoke next on the issue of snow on the sidewalks. He stated he believes this is a two-tiered issue. One being the tertiary roads that can be discussed regarding enforcement, identifying properties that are rentals. These could be difficult to enforce. The bigger issue is the situation where people are pushed out in the street. We can't continue with what we've been doing. We talked to Ms. Melanie Baker, who has been very accessible. Pushing citizens onto the road puts them in greater danger. How we are able to bring the resources to the primary and secondary roads that are traveled by students, seniors and others who have issues navigating the sidewalk. We can start lining up what we need to do, as there is going to be a cost associated with anything we do. If you could get everyone out trying to be a good neighbor, that is a good thing, but he doesn't believe ultimately that will happen. The City is going to have to take responsibility for people who are pushed out in the street. That is a health and safety issue that we have to take ownership of and hopefully will do. Something more permanent will need to be discussed with the Service Department and the City Manager's Office that will ultimately address the problem. There are some things we have to do and he hopes that we won't have another snow event like this and somebody gets injured. We have to start addressing this in a more permanent way.

Mr. Kuhar has been involved with this a little. He thinks Council has come through with getting the main roads and sidewalks cleared. It is just unfortunate that, this time, at the same time as we get a record snowfall, our equipment breaks down. He added he thinks the fact we are getting the main sidewalks clear is great. Those are the main concerns of people walking in the road. We have done some things and mother nature has thrown us a few cogs in the wheel. Maybe we need more equipment, or better equipment, so if one piece of equipment fails, we have a backup. It's not like we are ignoring the problem.

New Business

Mayor Fiala called for any new business from City Council. There was no new business to report.

Councilmembers' Comments

Mayor Fiala called for any additional Councilmember Comments. There were no further comments from Council.

Mayor's Report

Mayor Fiala stated his councilman was out of town, but somebody went into his garage, got his snowblower out, and did both sides of their street. He was happy as he is a senior citizen and it was hard for him to do it.

In regards to number two on the City Manager's Report, in regards to the new City Flag. It has been an issue for approximately four years. He said he knew Ms. Shaffer Bish wanted a squirrel on it, but that is a logo and can't be used on City business. He asked what the direction was.

Mr. Kuhar replied " Stars, stripes and trees".

Ms. Rosenberg said she thought we had a rendition of the flag. Mayor Fiala said there was a motion to accept it but then it was put back into committee.

Ms. Roseberg said she put the topic back into committee to make sure the public had a chance to view it. She asked if we could make it available for the public to see.

Mayor Fiala said they would talk about it in March and asked for Councilmembers to come prepared to discuss it.

Ms. Rosenberg said she thinks that sounds great. She added it was a meeting she had missed and then, watching the meeting on Youtube, there wasn't an opportunity to see the flag before it was voted on. That was her only concern. She said residents were not able to see it.

Mayor Fiala said we are going to make a decision in March. Ms. Rosenberg said she thinks that sounds great.

Clerk Wilkens said she would definitely have a copy of the flag available for everyone to see before the meeting.

MOTION TO ENTER EXECUTIVE SESSION TO DISCUSS AN EMPLOYEE'S EVALUATION MADE BY Mr. Jack Amrhein, SECONDED by Mr. John Kuhar and CARRIED by a voice vote of 8-0-0.

Present: Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner, Ms. Tracy Wallach

Absent: Mr. Roger Sidoti

MOTION TO RETURN TO THE REGULAR COUNCIL MEETING MADE BY Mr. Robin Turner, SECONDED by Mr. Jack Amrhein and CARRIED by a voice vote of 8-0-0.

MOTION TO APPROVE A PAY RAISE FOR MR. RULLER AT 5% and THE ARPA BONUS (PROVIDED BY THE FEDERAL GOVERNMENT) OF 2% MADE BY Mr. Garret Ferrara, SECONDED by Mr. Jack Amrhein and CARRIED by a voice vote of 7-0-1 with Mr. Kuhar abstaining.

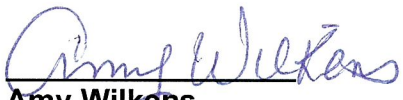
MOTION TO AUTHORIZE 2022-020 MADE BY Mr. Michael DeLeone, SECONDED by Mr. Jack Amrhein and CARRIED by a voice vote of 8-0-0.

Draft 2022-020 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 FIVE PERCENT (5%) PAY RAISE RETROACTIVE BACK TO JUNE 15, 2021, AND OTHER COMPENSATION, AND DECLARING AN EMERGENCY (Authorized) was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2022-020 MADE by Garret Ferrara, SECONDED by Jack Amrhein. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2022-020 MADE by Michael DeLeone, SECONDED by Garret Ferrara. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 7-0-1 with Mr. Kuhar abstaining.

Adjourn


Amy Wilkens
Clerk of Council


Jerry T. Fiala
Mayor & President of Council

Any person who requires an auxiliary aid or service for effective communication or a modification of policies and procedures to participate in any City or City Council public meeting or event should contact the Clerk of Council at 330-676-7555 or councilclerk@kent-ohio.org. Any request for auxiliary aid or other accommodation should be made as soon as possible, but no later than forty-eight hours prior to the event.

Feb 16, 2022

Kent City Council
320 S Depeyster Street
Kent, OH 44240

Attn: Amy Wilkens, Clerk of Council

This is the full text of comments I planned to make at the Feb 16, 2022 council meeting:

My name is J. Michael Fiala, 325 Highland Ave, Kent OH. I am co-owner of Roll Call Burgers and Fries and Taproot Catering. I am here to state my concerns with the New Food Truck ordinance that was authorized with emergency at the Jan 19, 2022 council meeting. I would like to preface my comments with a statement that since initially gathering my thoughts, I have had a phone conversation with Patty Long at the City Manager's Office regarding a meeting to discuss changes to the ordinance.

While scrolling through Facebook, I came across a post from The Portger proclaiming, "Kent will make it easier for food trucks to operate." I must admit that I was excited because, for 10 years, we have operated our food truck business in the City of Kent and now it will be easier! I thought, "Great! They are making Kent a Food truck friendly city and allowing us to vend on the right-of-way. Progress!" I read the article; I read the draft legislation; I texted the Mayor; I watched the Jan 5 Council meeting; I texted other Kent Food Truckers; I watched the Jan 19 council meeting. With each step, my excitement and optimism waned until all that was left was disbelief and confusion.

This law does not make it easier for Food Trucks to operate in the City of Kent. It simply makes it easier for the City to deal with food trucks and be compensated for their time dealing with food trucks. Furthermore, for the 8-10 food trucks and mobile food services based in Kent, this amounts in essence to an excise tax on their business.

As a food truck business based in the City of Kent, our businesses already pay for the city services provided to any other business or resident in the city. Why do we need to pay an additional fee in order to run our business?

After reading through the law several times, I have a few questions:

1. If I set up to vend in the parking lot attached to the building I rent on North Water Street, do I need a limited use permit and inspection?
2. Since I already pay for a Food Service License through the City of Kent, do I need to pay the part of the inspection fee for the Health Department?
3. If, for example, I sell in the City of Cleveland, I need to be inspected by Cleveland FD. Will they recognize KFD's fire inspection? And Vice versa, will Kent recognize CFD inspection? (Last I knew, they were charging \$100 for inspection.)

4. Where am I going to find someone to inspect and sign off on my propane system?
Seriously, I have been looking for someone for 8 years and have not found that person or company. No one will sign off on someone else's work?
5. When do I need a limited use permit? If I set up in five different locations weekly within the city, do I need 5 separate Limited Use Permits? If I keep up this rotation through the year, am I paying \$300 or \$1500.
6. Who is this law targeting? Is this law fixing the problem that is meant to solve?

I don't know the answer to most of these questions. I feel this law is targeting or maybe more directed at the most transient of food vendors and the folks trying to start a food truck business. Transient vendors will avoid the city because it is too difficult to operate in. Startups will be discouraged and never give the business a try. The ordinance also puts a stress on businesses such as breweries that work hard to organize food trucks because their business is required to provide food to their patrons. Breweries will now have to make sure that their food trucks are permitted in the city.

One of the bright spots in this process has been the beginnings of a Kent based Food Truck Association. We had a meeting yesterday to talk through some of the concerns and questions around the new food truck ordinance and to network with each other. This group will be a tremendous resource moving forward.

At the meeting, it was very evident that a lot of the questions revolved around the "Limit Use Permits" and the fees associated with them. For many of us, this cost of Limited Use permits could break the business depending on how it is enforced.

Please consider the following amendments:

1. Exempt Mobiles that are based in the City of Kent from the fees associated with the limited use permit unless they are vending in the Right of Way. Though require them to obtain the Limited Use permit if they are needed.
2. Require all mobiles operating within city limits to register with the city
3. Please require that all mobiles are inspected by KFD or other municipality in accordance with the State Fire Marshal/Department of Commerce prior to operation annually. Fees still apply if an inspection is needed. There should be a mechanism for Reciprocity between municipalities (Perhaps that is a State level issue). Also consider that food trucks based in Kent are taxpayers already and should not have to pay the city extra to do business within City Limits.
4. Work with breweries and similar businesses to ensure that their businesses are not jeopardized by this process. Or allow breweries to establish a vending zone on their property that is permitted by the city, and approved by KFD. This could be similar to a special event permit.
5. Put the responsibility of obtaining permission from neighboring food businesses, to vend in conjunction with a business, on the hosting business.
6. Eliminate the non-compete aspect for off business hours. Define what Right of Way is or refer to the section of code that has the definition.

In the future, please reach out to the individuals and businesses that may be affected by such legislation change. Get their opinion. Find out what could make their situations better. They may even be able to direct you to some valuable resources. For example, if I were contacted for input on the ordinance, I would have directed the individual to look at the Food Truck Ordinances for Columbus. Knowing that the Food Truck Association in Columbus is among the most active in the nation and that they have worked with the city of Columbus to produce a clear, well defined program. I look forward to working with the City to put Kent's Food Truck scene on par with the City of Columbus.

