



City of Kent
Wednesday, December 21, 2022
Regular City Council Meeting
320 S. Depeyster Street, Kent, OH 44240

MINUTES

At 07:30 PM, President Pro Tem, Mr. Jack Amrhein called the Regular City Council Meeting to order.

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

Also Present: 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. Jerry T. Fiala, Mayor and President of Council; Mr. John Kuhar

MOTION TO EXCUSE MAYOR FIALA AND MR. KUHAR MADE BY Mr. Michael DeLeone, **SECONDED** by Mr. Roger Sidoti and **CARRIED** by a voice vote of 8-0-0.

Opening Remarks and Pledge of Allegiance

Mr. Jack Amrhein, (Ward 2 Councilman) began his opening remarks by thanking the Fire, Police and Service departments for their work during the Mill fire that occurred on December 2, 2022. He said it could have been far worse than what it was if it weren't for the excellent work done by them. He recognized the other seven entities that came in to help fight the fire. There was a round of applause from the audience.

Mr. Amrhein continued by asking all to be careful during the next few days with the bad weather that is expected. He wished all a very happy holiday. He then asked that everyone stand for the Pledge of Allegiance.

MOTION TO ADOPT THE SPECIAL COMMITTEE AND REGULAR MEETING MINUTES FROM NOVEMBER 16, 2022 MADE BY Mr. Michael DeLeone, **SECONDED** by Ms. Gwen Rosenberg and **CARRIED** by a voice vote of 7-0-1. Ms. Wallach voted 'Abstain'.

Communications

Public Comment

Mr. Jack Amrhein asked if there were any members of the public signed in to speak to

Council. Ms. Amy Wilkens, Clerk of Council, called Dr. Michael Fricke, so speak.

Dr. Fricke, who resides on State Route 43, introduced himself to Council to speak about the decriminalization of marijuana in Kent. He provided a written statement, which he read into the record (**Attachment #1**).

Written Communication

1. Parks and Recreation Board Packet for their rescheduled meeting being held on December 8, 2022 was received on November 30, 2022.
2. Planning Commission Agenda and Staff report for the December 6, 2022 meeting was received on November 29, 2022.
3. Request for an Updated List of City Elected Officials was received from the State of Ohio Ethics Commission on December 1, 2022.
4. Standing Rock Cemetery Board of Trustees December Meeting Agenda and November meeting minutes were received on December 2, 2022.
5. Letter from the Board of Elections regarding changes to laws governing property tax levies was received and forwarded to the Law and Budget and Finance departments on December 6, 2022.
6. Letter from Julie Kenworthy, Director of the Kent Historical Society and Museum in regards to historic preservation and the work being done on the City's Design Guidelines for the Overlay District was received on December 7, 2022.
7. Letter from Pamela Ferguson notifying Commissioner Seidel and City Council of her change in primary residence and resignation from the Board of Health effective January 1, 2023 was received on December 14, 2022.

MOTION TO APPROVE MS. PAMELA FERGUSON'S RESIGNATION FROM THE BOARD OF HEALTH MADE BY Mr. Michael DeLeone, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 8-0-0.

City Manager's Report

1. Request for Council's authorization to renew the City's agreement with ODOT to provide bridge inspection services for City bridges in Kent in 2023.
2. Request Council's authorization to accept and allocate a \$100 donation from Pete Orlando to Kent Parks and Recreation to plant a Memorial Tree in honor of Lois A. Orlando.
3. Request Committee of the Whole time to provide Council with information on the City's migration to Microsoft Office 365.
4. Request Committee of the Whole time to review and update the status of the items on the Pending List.
5. Request Health and Public Safety Committee time to present an update on the status of Fire Department initiatives for Council's information.
6. Request Health and Public Safety Committee time to review Ohio HB513 (removing local government ability to restrict certain types of tobacco sales) and to suggest Council join the Kent Health Board in sending a letter opposing final passage of the bill.
7. Request Health and Public Safety Committee time to respond to Council's request to discuss the availability of the equipment necessary for the Police Department staff to provide animal control services.
8. Request Finance Committee time to request Council's renewal of the IT Services contract with Quality IP.

MOTION TO APPROVE CITY MANAGER'S REPORT MADE BY Mr. Roger Sidoti, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 8-0-0.

Standing Committees & Legislation

Committee of the Whole Chair Mayor Fiala

MOTION TO APPROVE THE COMMITTEE MEETING MINUTES FOR DECEMBER 7, 2022 MADE BY Mr. Michael DeLeone, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 8-0-0.

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

Action(s) Recommended:

1. Authorize the 2023-2027 Capital Improvement Plan with the emergency clause.
(Presented at November Special Mtg)

Voting on Board and Commission Appointments

MOTION TO APPOINT JONA BURTON TO THE BOARD OF ZONING APPEALS MADE BY Ms. Gwen Rosenberg, SECONDED by Ms. Tracy Wallach and CARRIED by a voice vote of 8-0-0.

MOTION TO APPOINT GREG SEIFERT TO THE BOARD OF BUILDING APPEALS MADE BY Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 8-0-0.

MOTION TO APPOINT EMILY MATTERN AND EVAN HOWE TO THE BOARD OF HEALTH MADE BY Ms. Gwen Rosenberg, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 8-0-0.

MOTION TO APPOINT AUDREY KESSLER TO THE COMMUNITY AREA REINVESTMENT HOUSING COUNCIL MADE BY Ms. Heidi Shaffer Bish, SECONDED by Ms. Tracy Wallach and CARRIED by a voice vote of 8-0-0.

MOTION TO APPOINT WILLIAM DUNICK TO THE DESIGN AND PRESERVATION COMMITTEE MADE BY Mr. Roger Sidoti, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 8-0-0.

MOTION TO APPOINT JENNIFER NICHOLS AND SUSAN ROXBURGH TO THE FAIR HOUSING BOARD MADE BY Ms. Heidi Shaffer Bish, SECONDED by Ms. Tracy Wallach and CARRIED by a voice vote of 8-0-0.

MOTION TO APPOINT DENISE MOTE AND JAMES MADDOX TO THE INCOME TAX BOARD OF REVIEW MADE BY Ms. Tracy Wallach, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 8-0-0.

MOTION TO APPOINT KAREN MUELLER TO THE LOAN REVIEW BOARD MADE BY Ms. Gwen Rosenberg, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 8-0-0.

MOTION TO APPOINT ALYSSA TRIVIGNO AND DEREK SALUSTRO TO THE

PLANNING COMMISSION MADE BY Mr. Roger Sidoti, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 8-0-0.

MOTION TO APPOINT JOHN BELFIORE AND TOM KIEPURA TO THE SHADE TREE COMMISSION MADE BY Mr. Michael DeLeone, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 8-0-0.

MOTION TO APPOINT JUDY NELSON AND MARY STARBUCK TO THE SUSTAINABILITY COMMISSION MADE BY Ms. Heidi Shaffer Bish, SECONDED by Ms. Tracy Wallach and CARRIED by a voice vote of 8-0-0.

MOTION TO AUTHORIZE INSERTION OF NAMES INTO LEGISLATION MADE BY Mr. Michael DeLeone, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 8-0-0.

DRAFT 2022-119 A RESOLUTION APPOINTING JONA BURTON TO THE BOARD OF ZONING APPEALS AND DECLARING AN EMERGENCY. was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-119 MADE by Mr. Garret Ferrara, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-119 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

RESOLUTION 2022-119 PASSES.

DRAFT 2022-120 A RESOLUTION APPOINTING GREG SEIFERT TO THE BOARD OF BUILDING APPEALS AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-120 MADE by Mr. Garret Ferrara, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-120 MADE by Mr. Roger Sidoti, SECONDED by Mr. Garret Ferrara. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

RESOLUTION 2022-120 PASSES.

DRAFT 2022-121 A RESOLUTION APPOINTING EMILY MATTERN and EVAN HOWE TO THE BOARD OF HEALTH, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-121 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED

by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-121 MADE by Michael DeLeone, SECONDED by Garret Ferrara. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

RESOLUTION 2022-121 PASSES.

DRAFT 2022-122 A RESOLUTION CONFIRMING THE CITY OF KENT MAYOR'S APPOINTMENT OF JUSTIN BERTHIAUME TO THE COMMUNITY REINVESTMENT AREA HOUSING COUNCIL, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-122 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-122 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

RESOLUTION 2022-122 PASSES.

DRAFT 2022-123 A RESOLUTION APPOINTING AUDREY KESSLER TO THE COMMUNITY REINVESTMENT AREA HOUSING COUNCIL, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-123 MADE by Mr. Garret Ferrara, SECONDED by Ms. Heidi Shaffer Bish. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-123 MADE by Mr. Garret Ferrara, SECONDED by Ms. Heidi Shaffer Bish. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

RESOLUTION 2022-123 PASSES.

DRAFT 2022-124 A RESOLUTION APPOINTING WILLIAM DUNICK TO THE COMMITTEE ON DESIGN AND PRESERVATION AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-124 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-124 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0..

RESOLUTION 2022-124 PASSES.

DRAFT 2022-125 A RESOLUTION APPOINTING JENNIFER NICHOLS and SUSAN ROXBURGH TO THE FAIR HOUSING BOARD AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-125 MADE by Mr. Garret Ferrara, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-125 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

RESOLUTION 2022-125 PASSES.

DRAFT 2022-126 A RESOLUTION APPOINTING DENISE MOTE and JAMES MADDOX TO THE INCOME TAX BOARD OF REVIEW AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-126 MADE by Mr. Garret Ferrara, SECONDED by Ms. Gwen Rosenberg. On Roll Call Voting "Yes" JMr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-126 MADE by Mr. Garret Ferrara, SECONDED by Ms. Gwen Rosenberg. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

RESOLUTION 2022-126 PASSES.

DRAFT 2022-127 A RESOLUTION APPOINTING KAREN MUELLER TO THE LOAN REVIEW BOARD AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-127 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-127 MADE by Mr. Garret Ferrara, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

RESOLUTION 2022-127 PASSES.

DRAFT 2022-128 A RESOLUTION APPOINTING ALYSSA TRIVIGNO and DEREK SALUSTRO TO THE PLANNING COMMISSION AND DECLARING AN EMERGENCY as read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-128 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-128 MADE by Mr. Garret Ferrara, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

RESOLUTION 2022-128 PASSES.

DRAFT 2022-129 A RESOLUTION APPOINTING JOHN BELFIORE and TOM KIEPURA TO THE SHADE TREE COMMISSION AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-129 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-129 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

RESOLUTION 2022-129 PASSES.

DRAFT 2022-130 A RESOLUTION APPOINTING JUDY NELSON and MARY STARBUCK TO THE SUSTAINABILITY COMMISSION AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-130 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-130 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

RESOLUTION 2022-130 PASSES.

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

No Committee Meeting Minutes to Approve

No Actions Recommended

DRAFT 2022- 131 AN ORDINANCE OF LEGISLATION CONSENT FOR THE ODOT PROJECT TITLED: MUNICIPAL BRIDGE INSPECTION PROGRAM was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022- 131 MADE by Mr. Michael DeLeone, SECONDED by Mr. Garret Ferrara. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022- 131 MADE by Mr. Michael DeLeone, SECONDED by Mr. Garret Ferrara. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

ORDINANCE 2022-131 PASSES.

Land Use Committee Chair Ferrara/ Vice-Chair Shaffer Bish

MOTION TO APPROVE THE COMMITTEE MEETING MINUTES FOR DECEMBER 7, 2022 MADE BY Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 8-0-0.

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

Action(s) Recommended

Authorize amendment of Chapters 1103 and 1105 of the Kent Zoning Code with an emergency clause.

DRAFT 2022- 132 AN ORDINANCE AUTHORIZING AMENDMENTS TO THE CITY OF KENT'S ZONING CODE IN ORDER TO ESTABLISH A NEW LAND USE CATEGORY IN THE CODE, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022- 132 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, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022- 132 MADE by Ms. Heidi Shaffer Bish, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

ORDINANCE 2022-132 PASSES.

Finance Committee Chair DeLeone/ Vice-Chair Wallach

MOTION TO APPROVE THE COMMITTEE MEETING MINUTES FOR DECEMBER 7, 2022 MADE BY Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 8-0-0.

MOTION TO APPROVE ACTIONS #1, 3, 4, 5, AND 6 MADE BY Mr. Michael DeLeone, SECONDED by Mr. Garret Ferrara and CARRIED by a voice vote of 8-0-0.

MOTION TO APPROVE ACTION #2 MADE BY Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 7-1-0. Ms. Wallach voted 'No'.

Action(s) Recommended:

1. Authorize the renewal of the Portage County Public Defender's contract for 2023 with an emergency clause.
2. Authorize the 2023 City Operating Budget, including the 9 % Water and Sewer rate increases, with the emergency clause.
3. Approve the 2022 Budget appropriation amendment with an emergency clause
4. Authorize the final year end budget reconciliation for 2022 with an emergency clause.
5. Approve "then and now" purchases incurred in 2022 over \$3,000 with an emergency clause.
6. Approve the Position Allocation and General Compensation Plan with an emergency clause.

DRAFT 2022-133 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO CONTRACT, ON BEHALF OF THE CITY OF KENT, WITH THE OFFICE OF THE PUBLIC DEFENDER, PORTAGE COUNTY, FOR THE PROVISION OF LEGAL COUNSEL TO INDIGENT PERSONS CHARGED WITH POTENTIAL PENALTY OF INCARCERATION FOR OFFENSES COMMITTED IN VIOLATION OF THE ORDINANCES OF SAID CITY FOR THE PERIOD JANUARY 1, 2023 THROUGH DECEMBER 31, 2023, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-133 MADE by Mr. Michael DeLeone, SECONDED by Mr. Garret Ferrara. On Roll Call Voting "Yes" JMr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-133 MADE by Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms.Gwen Rosenberg, Ms.Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms.Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

ORDINANCE 2022-133 PASSES.

DRAFT 2022- 134 AN ORDINANCE AMENDING SECTION 913.05 OF THE KENT CODIFIED ORDINANCES, INCREASING THE WATER RATES OF THE CITY OF KENT, OHIO BY NINE PERCENT (9%) BEGINNING WITH THE FIRST BILLING CYCLE IN JANUARY, 2023, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022- 134 MADE by Mr.

Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 7-1-0 with Ms. Wallach voting 'No'.

Ms. Shaffer Bish commented they have been discussing this for many years and that nobody really wants to have to raise rates but that it is our fiduciary responsibility to ensure that these utilities pay for themselves. She added that we are not looking for a profit, but the utility is supposed to be self-funding. Grants and other offsets have helped in the past, but we have to make sure we stay on track to stay even and not slip behind like we were during the rate stabilization program. She added that the *Portager* published a very comprehensive and fair article about this and listed resources for low-income households. She did hope to delay this, but after consulting with City staff, realized this was the right thing to do.

Mr. Sidoti said a few years ago we were facing the same dilemma and we actually cut it in half knowing we were going to be in a difficult situation. We basically "kicked the can" down the road. When doing this, you get to a certain point where there is a problem. When you look at the issues such as the Fairchild water tower, the issues with our wellheads, and the issues of maintenance that need to be done, it is tough, but we need to address these issues and look to the future of how we are going to address the infrastructure.

Mr. Turner agreed with Ms. Shaffer Bish and Mr. Sidoti stated we do be dealing with malpractice if we do not implement policies that have been brought to us. "Kicking the can" down the road only adds cost in the future and create more problems for the people we represent. He said these are tough decisions but are ones that have to be made. They are being made in the interest of infrastructure and we are just doing what needs to be done. He hopes that people understand that they are doing what is in the interest of residents.

MOTION TO ADOPT DRAFT 2022- 134 MADE by Mr. Roger Sidoti, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 7-1-0 with Ms. Wallach voting 'No'.

ORDINANCE 2022-134 PASSES.

DRAFT 2022-135 AN ORDINANCE AMENDING SECTION 915.72 OF THE KENT CODIFIED ORDINANCES, INCREASING THE SEWER RATES OF THE CITY OF KENT, OHIO BY NINE PERCENT (9%) BEGINNING WITH THE FIRST BILLING CYCLE IN JANUARY, 2023, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-135 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 7-1-0 with Ms. Wallach voting 'No'.

MOTION TO ADOPT DRAFT 2022-135 MADE by Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 7-1-0 with Ms. Wallach voting 'No'.

ORDINANCE 2022-135 PASSES.

DRAFT 2022-136 AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR, UPON THE ISSUANCE OF A CERTIFICATE OF AVAILABILITY OF FUNDS, TO PAY CERTAIN

PURCHASE ORDERS MADE THAT EXCEED \$3000.00; AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-136 MADE by Mr. Garret Ferrara, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-136 MADE by Mr. Garret Ferrara, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

ORDINANCE 2022-136 PASSES.

DRAFT 2022- 137 AN ORDINANCE AMENDING ORDINANCE NO. 2022-138 THE POSITION ALLOCATION AND GENERAL COMPENSATION PLAN, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022- 137 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022- 137 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

ORDINANCE 2022-137 PASSES.

DRAFT 2022-138 AN ORDINANCE APPROPRIATING 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, 2023, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-138 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-138 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

ORDINANCE 2022-138 PASSES.

DRAFT 2022-139 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 Mr. Amrhein's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2022-139 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT DRAFT 2022-139 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 8-0-0.

ORDINANCE 2022-139 PASSES.

Unfinished Business: NONE

New Business: NONE

Councilmembers' Comments

Ms. Shaffer Bish reminded all that winter was coming and, with that, snow. She reminded citizens and business owners that pedestrians are very important in our city. We have become a very walkable city, and we want it to remain that way year round. We have a responsibility to keep the walks clear as soon as possible. She saw a list of vendors on the City website that people can contact to hire to plow or shovel their driveways. She said the city has one code enforcer who tries to catch violations, but when people pile snow on sidewalks, it blocks the sidewalk for pedestrians. She said it is incumbent upon all of us to stay on top of this.

Mr. DeLeone thanked everyone that came to be interviewed at the previous Special Committee Meeting for vacancies on the Boards and Commissions. He was amazed at the people who attended, stating they were well qualified and a nice group. He thanked those who attended.

Mr. Sidoti said that the city looks beautiful with all of the holiday decorations and thanked those who put in the time and effort to make it look so great. He said it is part of who we are in Kent and speaks volumes to the leadership provided by Ms. Melanie Baker.

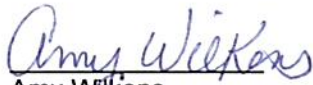
Mr. Turner said that, unfortunately, he missed the Special Meeting held during the previous week, but it was pointed out to him that we didn't have any minorities applying for our Boards and Commissions. He said he needed to put the onus on the minority communities' feet. He said we are dealing with issues where the City is making an attempt to ensure participation of individuals from the minority community, saying they want to be engaged and involved more, and yet when the opportunity exists, we're not seeing them in attendance. He asked what needed to be done in regards to outreach to be more inclusive as a community. We are asking for their participation and said if we are going to be a diverse community, we need you to participate. He said we are still working on creating a new position in one area, but we need your voices and some direction on how we can make the community more diverse and better. He is looking forward to hearing back from the community on how we can best do that. He said going into 2023 he is hoping for the opportunity to make this happen.

Mayor's Report

Mr. Jack Amrhein stated the Mayor is not here, and wanted to wish all the best to Mayor Fiala and his recuperation and to Mr. Kuhar and his recuperation. He said he saw Mayor Fiala the other day and he said the doctor said he was a couple of weeks ahead of where he needed to be, so he is doing

well. He wished everyone a happy holiday and to please be careful the next few days.

Seeing no further business, the meeting adjourned at 8:15 p.m.



Amy Wilkens
Clerk of Council



Jack Amrhein
President Pro Tem
Ward 2 Councilman

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.

Statement to Council 21DEC2022

Michael Fricke, Libertarian

7395 State Route 43

Kent, OH 44240

Hello again. For those of you who don't know me, I am Michael Fricke, the 2020 Libertarian candidate for US Congress in OH13 and more recently the campaign manager for Sensible Kent. I would like to start by congratulating the citizens of Kent for overwhelmingly supporting the end of the war on marijuana. This victory is especially important for the citizens of Kent because of our town's unique history. Marijuana was criminalized and heavily penalized by Richard Nixon as a way to villainize the anti-war voices in 1970. Nixon's eagerness to use his power to silence his opposition at any cost is directly responsible for the tragic loss of those four lives here in Kent that same year. Nixon ignored his own advisors when he decided to start this war. I celebrate that 8 out of 10 of my fellow residents of Kent have now taken this step and said enough is enough.

I would like to address this Council as an ally. You are the elected representatives of this community and this community has spoken. Many of you have already looked into this matter and are aware that in states that have legalized marijuana both the rate of smoking in youths and the incidence of driving under the influence of marijuana have declined. Criminalization only does one thing which is to make criminals out of members of our community. The residents of Kent have overwhelmingly decided that our municipal dollars should not be used to continue to fight Nixon's war.

Now we have some important business to discuss. I have to believe that this Council was surprised by our Police Chief's recent statements to NPR and Idea Stream that he is going ignore the results of the election and continue the war here in Kent. Many of you are probably still processing this statement and have not yet decided how to proceed and how to lead.

I will counsel you today to give the Chief some time. He is in denial which we all know is the first stage of grief. We have to remember that marijuana has been taught to our police as a tool to ignore the 4th amendment and proceed with otherwise unreasonable searches since all of our officers were trained as cadets. It's going to take some time for the police to learn how to police again.

Now many of you are rightly concerned about the next citizen that believes we have decriminalized cannabis here in Kent and what will happen to them when the Kent police charge them anyway. I want to reassure all of you that Nick Shearer's response is similar to many other Chiefs in cities across Ohio that have already decriminalized. Rest assured that at the end of the process after this first arrest will sit a municipal judge that can read municipal law. Now I know judges hate when anyone predicts what they are going to do so I will just leave you with the fact that in the entire state of Ohio there has never been a judge that has penalized a misdemeanor cannabis crime in a Sensible jurisdiction beyond: No Fine, No Time and No Court Costs.

Thank you for your time and consideration.