



City of Kent
Wednesday, April 19, 2023
Regular City Council Meeting
320 S. Depeyster Street, Kent, OH 44240

MINUTES

Regular Council Meeting

At 07:30 PM, 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. 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. Nick Shearer, Chief of Police; Ms. Julie Morris, Sustainability Coordinator; Ms. Amy Wilkens, Clerk of Council

Opening Remarks and Pledge of Allegiance

Ms. Wallach said Portage County Recycling has a food waste drop-off container on Mogadore Road. She added they have plans in the future to have compost pick-up available.

Mayor Fiala introduced Girl Scout Troop 91527 to lead the Pledge of Allegiance.

Approval of Minutes

MOTION TO APPROVE MARCH 15, 2023, MEETING MINUTES MADE BY Mr. Michael DeLeone, **SECONDED** by Mr. Roger Sidoti, and **CARRIED** by a voice vote of 9-0-0.

Communications

Public Comment

Mayor Fiala asked if there were any members of the public signed in to speak to Council. Ms. Wilkens said Girl Scout Troup 91527 was signed in.

Mayor Fiala read the following statement:

"While the law does not require the Council to provide time for public comment, we have historically invited the public to make comments and we appreciate their input. This is when residents and others can comment on matters that concern them. However, we will not

engage in debate, and as President of the Council, I reserve the right to end any public communication that is disruptive, embarrassing, harassing, or otherwise objectionable. We ask you to give your name and address and limit comments to three (3) minutes.”

Three members of the local Girlscout Troup 91527 came to the microphone and introduced themselves, stating most of the members of their troupe attend Stanton Middle School with several others from local communities. The troupe has collected 500 pounds of plastic bags converted into a TREX bench and would like to donate this bench to the city. PARTA recommends placing the bench at the bus stop on East Main outside Taco Bell.

Mayor Fiala thanked the Girl Scouts and said to leave their contact information with us and we will work with them.

Mr. Peter Paino of Windward Lane came before the Council to review the length of time between the submission of an application to the Planning Commission and the actual Planning Commission meeting itself. He has discussed this with the Community Development department and has been told the schedule is not going to be changed. He gave an example of the process to the council. He feels the time to get something to the Planning Commission is costly and anti-business and would like a more reasonable time frame for people to bring their dreams to fruition. He thanked the Council for their time.

Written Communication

1. An email from Mr. Kuhar was received and forwarded to Council on March 16, 2023, in regards to the letter of intent received for the property located for sale on N. Water. Street.
2. An email from Mr. Peter Paino was received on March 17, 2023, regarding the time deadlines to appear before the Planning Commission.
3. A letter from Rodney Wright was forwarded to Council on March 17, 2023.
4. The Architecture Review Board Agenda for the April 4, 2023 meeting was received on March 28, 2023.
5. The Portage County Draft Comprehensive Plan was received and forwarded to Council on March 28, 2023.
6. A letter from the Board of Elections was received on March 17, 2023, notifying the City of Kent that the Primary Election will be held on Tuesday, May 2, 2023.
7. Board of Health Meeting Agenda and Statistical Report for April 10, 2023, was received on April 6, 2023.
8. Board of Zoning Appeals Agenda and Staff Report for April 17, 2023, was received on April 10, 2023.
9. The Planning Commission Meeting agenda and Staff Report for April 18, 2023, was received on April 11, 2023.
10. Liquor License Transfer request was received on April 4, 2023, for Haasz Moonbase LLC DBA Dome Night Club, 166 Currie Hall Pkwy, Ken

MOTION TO RETURN THE LIQUOR LICENSE WITH NO OBJECTION MADE BY Mr. John Kuhar, SECONDED by Mr. Michael DeLeone, and CARRIED by a voice vote of 9-0-0.

Additional Communication Received in April:

1. A letter from Mr. Bernie Noble regarding the permitting process was received on April 11, 2023, and a response from Mr. Paul Bauer, Code Enforcement Officer, was received on April 17, 2023.

2. Email from Todd Peetz, Director of the Portage County Regional Planning Commission regarding the April 20, 2023, Comprehensive Plan Open House received and forwarded to Council on April 17, 2023.
3. An application to the PARTA Board and an application to the Community Reinvestment Area Housing Council. Both have been scheduled to be interviewed during the May Council Committee Meeting.
4. An email from Main Street Kent regarding the Heritage Ohio Economic Vitality Training which is going to be held on April 25, 2023, inviting Council members to meet other Main Streeters, MSK Committee and Board Members, and Heritage Ohio from 5-6:30 pm at Ray's Place was received on April 13, 2023.
5. A joint meeting agenda with Franklin Twp Trustees was received on April 17, 2023. The annual joint meeting will be held on May 3, 2023.

City Manager's Report

MOTION TO APPROVE CITY MANAGER'S REPORT MADE BY Mr. Jack Amrhein, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 9-0-0.

1. Ms. Angela Manley has asked for Council's approval to accept and allocate a \$250 donation from the Kent Jaycees for the Kent Parks and Recreation adult Easter egg hunt.
2. The City Manager has requested Council's authorization to allow staff to consider and approve street closures on Erie Street between Haymaker Parkway and North Depeyster Street (adjacent to the KSU hotel) administratively with Council notification.
3. Ms. Julie Morris has asked for Council's authorization to commit the City to be a participant in the Regional Climate Action Plan being prepared by AMATS. The staff would send a letter of support to AMATS if approved by Council.
4. Ms. Amy Wilkens has asked for Committee of the Whole time to review applicants for vacancies on City Boards and Commissions.
5. The staff have requested Committee of the Whole time to provide Council with an update on plans to test a 4 day work week for the City services operating out of the Service Administration building between Memorial Day and Labor Day.
6. Ms. Melanie Baker has asked for Committee of the Whole time to provide an update on the status of the construction of the new City Hall building.
7. Ms. Bridget Susel has requested Committee of the Whole time to review the Design latest updates to the Design Guidelines with Council.
8. Ms. Bridget Susel has requested Community Development Committee time for Council's consideration of the proposed changes to the Ward maps based on the latest census data.
9. The staff have requested Health and Public Safety Committee time to review the status of monitoring and managing low frequency noise.
10. Chief Shearer has requested Health and Public Safety Committee time to present a request to amend City Parking Ordinance penalties.
11. Mr. Jim Bowling has asked for Streets, Sidewalks & Utilities Committee time to present a request from a property owner to change the parking restrictions on Cuyahoga Street.
12. Ms. Bridget Susel has requested Land Use Committee time to present a request for a "detachment" (removing a parcel from inside the city limits to outside the city limits) of land between Johnson Road and the Forest Lakes subdivision.

Standing Committees & Legislation

Committee of the Whole

MOTION TO APPROVE THE APRIL 5, 2023 COMMITTEE MEETING MINUTES MADE BY Mr. Michael DeLeone, **SECONDED** by Mr. Roger Sidoti and **CARRIED** by a voice vote of 9-0-0.

MOTION TO APPROVE ACTION(S) RECOMMENDED MADE BY Mr. Michael DeLeone, **SECONDED** by Mr. Garret Ferrara and **CARRIED** by a voice vote of 9-0-0.

Action(s) Recommended

1. Authorize the adoption of the City's Climate Action Plan.

DRAFT 2023- 018 A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ADOPT A CLIMATE ACTION PLAN (CAP) TO IDENTIFY STRATEGIES FOR REDUCING GREENHOUSE GAS EMISSIONS AND INCREASING RESILIENCY TO CLIMATE CHANGE IN THE KENT COMMUNITY, 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 2023- 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. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion **CARRIED** by a roll call vote of 9-0-0.

MOTION TO ADOPT DRAFT 2023- 018 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. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion **CARRIED** by a roll call vote of 9-0-0.

Resolution 2023-018 has passed.

DRAFT 2023-019 AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO A LETTER OF INTENT WITH THE CITY OF AKRON AND OTHER GOVERNMENT ENTITIES OPERATING IN THE AKRON METROPOLITAN STATISTICAL AREA (MSA) ON THE DEVELOPMENT OF A REGIONAL COOPERATIVE CLIMATE ACTION PLAN (CAP) AND DECLARING AN EMERGENCY (Unauthorized) was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2023-019 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. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion **CARRIED** by a roll call vote of 9-0-0

MOTION TO ADOPT DRAFT 2023-019 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. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion **CARRIED** by a roll call vote of 9-0-0.

Ordinance 2023-019 has passed.

Community Development Chair Kuhar/ Vice-Chair Rosenberg

MOTION TO ADOPT THE APRIL 5, 2023 COMMITTEE MEETING MINUTES MADE BY Mr. John Kuhar, SECONDED by Mr. Garret Ferrara and CARRIED by a voice vote of 9-0-0.

MOTION TO APPROVE ACTION(S) RECOMMENDED MADE BY Mr. John Kuhar, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 9-0-0.

Action(s) Recommended

1. Approve the Tax Increment Review Council (TIRC) recommendation to renew the terms of the Davey Tree Enterprise Zone Agreement, with the emergency clause.

DRAFT 2023- 020 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO CONTINUE THE ENTERPRISE ZONE AGREEMENT WITH THE DAVEY TREE EXPERT COMPANY PROVIDING FOR A PROJECT AND REAL PROPERTY TAX EXEMPTION PURSUANT TO THE OHIO ENTERPRISE ZONE PROGRAM (EZ), 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 2023- 020 MADE by Mr. Garret Ferrara, SECONDED by Mr. Roger Sidoti. 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. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0

MOTION TO ADOPT DRAFT 2023- 020 MADE by Mr. Garret Ferrara, SECONDED by Ms. Tracy Wallach. 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. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

Ordinance 2023-020 has passed.

Health & Safety Committee Chair Amrhein/ Vice-Chair Sidoti

MOTION TO APPROVE APRIL 5, 2023 COMMITTEE MEETING MINUTES MADE BY Mr. Jack Amrhein, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 9-0-0.

MOTION TO APPROVE ACTION(S) RECOMMENDED MADE BY Mr. Jack Amrhein, SECONDED by Mr. John Kuhar and CARRIED by a voice vote of 9-0-0.

Action(s) Recommended

1. Authorize issuance of a final trash service request for proposals for competitive bids.

Finance Committee Chair DeLeone/ Vice-Chair Wallach

MOTION TO APPROVE APRIL 5, 2023 COMMITTEE MEETING MINUTES MADE BY Mr. Michael DeLeone, SECONDED by Roger Sidoti, and CARRIED by a voice vote of 9-0-0.

MOTION TO APPROVE ACTION(S) RECOMMENDED MADE BY Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 9-0-0.

Action(s) Recommended

1. Approve the 2023 budget appropriations amendments with the emergency clause
2. Approve the submission, execution, and allocation of funds if approved of the East Main Street Transportation Improvement Grant in the amount of \$500,000 with the emergency clause.
3. Approve the submission and allocation of funds if approved for the COPS grant in the amount of \$125, 000 with the emergency clause.

DRAFT 2023-021 AN ORDINANCE AMENDING ORDINANCE NO. 2022-138, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 21, 2022; 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, 2023; 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 2023-021 MADE by John Kuhar, SECONDED by 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. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

MOTION TO ADOPT DRAFT 2023-021 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. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

Ordinance 2023-021 has passed.

DRAFT 2023-022 AN ORDINANCE AUTHORIZING THE CITY OF KENT TO SUBMIT A FUNDING APPLICATION FOR A TRANSPORTATION IMPROVEMENT DISTRICT (TID) GRANT TOTALING \$0.5 MILLION, AND TO ACCEPT THE GRANT, IF AWARDED, WITH CORRESPONDING APPROPRIATION OF FUNDS FOR THE EAST MAIN STREET AREA IMPROVEMENTS, 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 2023-022 MADE by Ms. Gwen Rosenberg, 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. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

MOTION TO ADOPT DRAFT 2023-022 MADE by Ms. Tracy Wallach, SECONDED by Mr. Roger Sidoti. 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. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0

Ordinance 2023-022 has passed.

DRAFT 2023-023 AN ORDINANCE AUTHORIZING THE CITY OF KENT TO APPLY FOR A COPS HIRING PROGRAM (CHP) GRANT THROUGH THE UNITED STATES DEPARTMENT OF JUSTICE OFFICE OF COMMUNITY-ORIENTED POLICING SERVICES TO FUND ONE ADDITIONAL SCHOOL RESOURCE OFFICER, AND TO ACCEPT THE GRANT, IF AWARDED, 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 2023-023 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. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0

MOTION TO ADOPT DRAFT 2023-023 MADE by Ms. Tracy Wallach, SECONDED by Mr. Roger Sidoti. 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. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

Ordinance 2023-023 has passed.

Unfinished Business: None

New Business

MOTION TO MOVE TO THE ADMINISTRATION A REVIEW OF THE PLANNING COMMISSION TIMELINES MADE BY Mr. John Kuhar, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 9-0-0.

Ms. Heidi Shaffer Bish brought up the next topic of how to apply noise ordinances to downtown situations. She wants to see how we can apply the noise ordinance to downtown situations where people live. We don't need new legislation, it may just be an enforcement issue. We want people to live downtown. This interferes with people who live downtown. Having loud music playing downtown until 2 o'clock in the morning can interfere with residents' quiet enjoyment. Downtown residents deserve a good quality of life. She thinks the police may be confused as to whether this is enforceable downtown. Mr. John Kuhar said we may want to look at something down the road to have ways to work around this. Ms. Heidi Shaffer Bish added she hopes there can be future conversations with the Law Department and Police Department regarding this issue and whether the noise ordinance applies to downtown.

Councilmembers' Comments

Ms. Gwen Rosenberg said she would like to acknowledge the police for the number of awards they received and congratulate them. She thanked Officer Poe and Officer Mathias for being recognized at the school.

Mr. Turner went out last night with officers on patrol and recommends others to do this. They were out until about 3:30 am. He said the officer was brilliant and made him proud. He said we are so fortunate to have the staff and the police we have. He said this shows a lot about the people that are working for and with us. Mayor Fiala commented on the Police Academy and he and Ms. Rosenberg encouraged all to participate.

Ms. Heidi Shaffer Bish wanted to mark this occasion as being a really special occasion with the passage of the Climate Action Plan and thanked everyone who was a part of this. It is important to the community and we see we have communities we can work with. She thanked the Sustainability Commission, the Environmental Commission, Bridget Susel, and everyone that played a part in it, including the City Council.

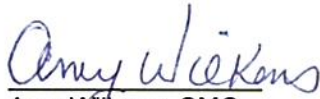
Mr. Ferrara said they went to Hometown Bank's 125th-year celebration that evening. It's impressive and is a testament to the city of Kent, Hometown Bank and its staff, and the community it serves.

Mr. Kuhar added he no longer gets as many complaints as he used to and that the police are working together with the community and that things have changed quite a bit.

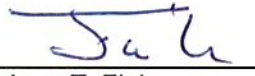
Mayor's Report

Mayor Fiala talked about when he was an 8-10 year old and collected dimes and quarters. He would deposit in his savings account and Mr. Keller, the president, scared him. It was a great experience to see the celebration. He announced the City Manager would be giving the State of the City Address on April 20, 2023 and encouraged all to attend. He encouraged all to donate dry goods to the annual food drive that benefits Kent Social Services.

There was no further business or discussions. The meeting adjourned at 8:09.



Amy Wilkens, CMC
Clerk of Council



Jerry T. Fiala
Mayor & President of Council