City of Kent

Wednesday, May 17, 2023

Regular City Council Meeting

320 S. Depeyster Street, Kent, OH 44240

MINUTES

CDBG Public Hearing

Present: Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti

Also Present: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Melanie Baker, Service Director; Mr. Jim Bowling, City Engineer; Ms. Joan Seidel, Health Commissioner; Ms. Amy Wilkens, Clerk of Council

Absent: Mr. Robin Turner, Ms. Tracy Wallach

Ms. Hope Jones, Law Director, read the following statement:

" This is the second of two required public hearings to accept comments from the public on the City of Kent's Community Development Block Grant (CDBG) 2023 Program Year Action Plan. The City received notification from the U.S. Department of Housing and Urban Development (HUD) that its Program Year 2023 CDBG funding award is $278,983.00. This amount is $27,000 less than the prior year's CDBG funding amount, but the City was able to adjust funding amounts for all individual projects included in the 2023 Action Plan so no projects were eliminated. The City identifies 3 priority objectives for its CDBG funding, which include providing safe and decent housing, infrastructure improvements in low-to-moderate income neighborhoods, and the provision of needed supportive services for low-to-moderate-income persons."

Ms. Wilkens, Clerk of Council, stated there were no residents signed in to speak at the public hearing.

Mayor Fiala adjourned the hearing at 7:26 p.m.

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. Melanie Baker, Service

Director; Mr. Jim Bowling, City Engineer; Ms. Joan Seidel, Health Commissioner; Erik Fink, Assistant Law Director (8:15 p.m.), Ms. Sheri Chestnutwood, Administrative Assistant; Ms. Amy Wilkens, Clerk of Council

Opening Remarks and Pledge of Allegiance

Mr. DeLeone welcomed everyone to the Council Meeting and asked all to stand while he led the Pledge of Allegiance.

Approval of Minutes

MOTION TO APPROVE THE APRIL 19, 2023, REGULAR MEETING MINUTES AND MAY 3, 2023, MEETING MINUTES MADE BY Mr. Michael DeLeone, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 8-0-1. Ms. Wallach abstained.

Communications

Public Comment

Mayor Fiala asked if there were any members of the public signed in to speak to Council. Ms. Wilkens said there were three residents 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."

Ms. Michelle Crombie was the first resident to sign in but decided to withdraw her name from speaking.

Ms. Wilkens called Mark Seeman to the podium.

Mr. Seeman of Rockwell Street, Kent, came to the podium and introduced himself. He said he was a regular voter and a good citizen who paid his taxes. He spoke in regard to the refuse and recycling contract being discussed tonight, stating that his opinion of moving to a for-profit company carries a number of potential pitfalls. He is sorry to see it being taken out of local hands, which removes much of their control. He would like it to remain locally controlled. He found it strange that Portage County did not provide a bid and that it did not make sense that they did not. He said the City and the County must get along and that he would hate to see this as a bargaining chip in the future.

Up next was Mr. Tim Krasselt, who resides on Chestnut Street in Kent. He spoke in regard to the recycling contract, voicing his concerns. He said in Kent we always put emphasis on local businesses and giving them support. He said an outside service may not necessarily be the best. For-profit companies are not as straightforward and easy to work with. He asked for the city to remain with local recycling.

There were no other residents signed in to speak.

Written Communication

1. The annual report from Dan Morganti, Executive Director of the Portage County Land Bank highlighting its various programs on residential revitalization was received and forwarded to Council on April 26, 2023.
2. An email from Georgia Quinn, resident of Nicholas Drive, in regard to the detachment of land request on Johnson Road was received and forwarded to Council on April 28, 2023.
3. A letter from Renee Ruchotzke, President of Kent Environmental Council, in regard to the petition for a detachment of land on Johnson Road, was received and forwarded to Council on April 28, 2023.
4. Kent Board of Health Meeting Agenda and Statistical Report for the May 9, 2023 Meeting was received on May 4, 2023.
5. Standing Rock Cemetery Board of Trustee's agenda for May 10, 2023, was received on April 20, 2023.
6. Email from Mr. Kuhar regarding the trash and recycling bid regarding complaints he received regarding the posting of the bids and fuel surcharge, requesting these be clarified or discussed at the May 3, 2023, Committee Meeting.
7. Email from Diane Stresing of Nicholas Drive in regards to the parcel of land being removed from the city was received and forwarded to Council on May 3, 2023.
8. Email from Bruce Dzeda in regards to his concern over the noise levels in downtown Kent affecting those who reside downtown was received on May 5, 2023.
9. Email from Rick Hawksley in regards to his request that Portage Street needs to be restored was received and forwarded to Council on May 3, 2023.
10. City Flag Committee Agenda for May 10, 2023, was received on May 3, 2023.
11. Board of Zoning Appeals Agenda and Staff Report for the May 15, 2023 meeting was received on May 8, 2023

City Manager's Report

1. Request Council's approval of the proposed PY2023 CDBG projects and the funding allocations. (Draft # 2023-028)
2. Request Council's authorization to allocate funds to purchase new CPR Chest Compression machines (and maintenance contract) for critical life safety services. (Draft# 2023-035)
3. Request Council's approval to accept a donation of a new bench from local Girl Scout Troop 91527 that will be placed at the PARTA bus stop on East Main Street in front of Taco Bell.
4. Request Committee of the Whole time to review applicants for City Boards and Commissions vacancies.
5. Request Committee of the Whole time to provide Council with an update on the development of the City Flag.
6. Request Committee of the Whole time to provide an update on the status of the construction of the new City Hall building.
7. Request Committee of the Whole time to provide a report on a trial of 4 Day Work Weeks for certain staff in the Service Administration Complex and the impact on customer hours beginning after Memorial Day and running through Labor Day.
8. Request Community Development Committee time for Council's consideration of the proposed changes to the Ward maps based on the latest census data.

9. Request the Health and Public Safety Committee time to review the status of monitoring and managing low-frequency noise.
10. Request Health and Public Safety Committee time to ask for Council's approval to accept a bicycle helmet donation.

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

Ms. Rosenberg thanked Girl Scout Troop 91527 for the park bench donated to the City of Kent.

Standing Committees & Legislation

Committee of the Whole

MOTION TO APPROVE MAY 3, 2023 COMMITTEE MEETING MINUTES MADE BY Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 8-0-1. Ms. Tracy Wallach abstained.

Action(s) Recommended: None

MOTION TO APPOINT JACK MURPHY TO THE PORTAGE AREA REGIONAL TRANSIT AUTHORITY (PARTA) BOARD MADE BY Mr. Garret Ferrara, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 9-0-0.

MOTION TO INSERT NAME INTO LEGISLATION MADE BY Mr. Michael DeLeone, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 9-0-0.

Draft 2023- 027 A RESOLUTION APPOINTING JACK MURPHY TO THE PORTAGE AREA REGIONAL TRANSIT AUTHORITY 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 2023- 027 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" 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 8-0-1. Mr. Amrhein abstained.

MOTION TO ADOPT Draft 2023- 027 MADE by Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" 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 8-0-1. Mr. Amrhein abstained.

Ms. Wilkens stated that Resolution 2023-027 had passed.

Community Development Chair Kuhar/ Vice-Chair Rosenberg

Committee Meeting Minute Approval: None

Action(s) Recommended: None

DRAFT 2023-028 AN ORDINANCE APPROVING A REQUEST FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ASSISTANCE FOR the FISCAL YEAR 2023 UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, INCLUDING THE PY2023 ANNUAL ACTION PLAN AND AUTHORIZING THE EXECUTION AND FILING OF THE PY2023 ANNUAL ACTION PLAN, INCLUDING RELATED CERTIFICATIONS, AND UPON AWARDING OF THE GRANT, AUTHORIZING APPROPRIATION OF FUNDS AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF DRAFT 2023-028 MADE by Mr. John Kuhar, 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 2023-028 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.

Ms. Wilkens stated that Ordinance 2023-028 had passed.

<u>Health & Safety Committee</u> Chair Amrhein/ Vice-Chair Sidoti

MOTION TO APPROVE MAY 3, 2023 COMMITTEE MEETING MINUTES MADE BY Mr. Jack Amrhein, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 8-0-1. Ms. Wallach abstained.

MOTION TO APPROVE #1 ACTION RECOMMENDED MADE BY Mr. Jack Amrhein, SECONDED by Mr. Garret Ferrara and CARRIED by a voice vote of 9-0-0.
MOTION TO APPROVE #2 ACTION RECOMMENDED MADE BY Mr. Jack Amrhein, SECONDED by Mr. Garret Ferrara and CARRIED by a voice vote of 6-3-0. Ms. Heidi Shaffer Bish, Mr. Turner and Ms. Wallach voted 'No'.

Action(s) Recommended:

1. Authorize parking fee and collection process changes, with the emergency clause.
2. Authorize the award of the trash services contract to Republic Services from the competitive bids, with the emergency clause.

Draft 2023- 029 AN ORDINANCE AMENDING SECTION 351.99 TITLED "PENALTY," 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- 029 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- 029 AN ORDINANCE AMENDING SECTION 351 MADE by Mr. Garret Ferrara, SECONDED by Mr. 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. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

Ms. Wilkens stated that Ordinance 2023-029 had passed.

Draft 2023- 030 AN ORDINANCE ACCEPTING A CERTAIN BID FROM REPUBLIC SERVICES FOR THE COLLECTION OF REFUSE AND RECYCLED MATERIALS FROM CITY CUSTOMERS; AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

Ms. Shaffer Bish commented she is voting 'No' on suspending the rules to allow time for more public comment on this topic. She said the levity of the situation calls for more public comment and discussion, and that maybe some other options can emerge.

Mayor Fiala clarified that if suspension fails, the ordinance would need to be read three times at separate meetings.

Mr. Turner asked for clarification on how many votes are needed to pass suspension. Mayor Fiala replied "seven".

MOTION TO SUSPEND THE THREE READINGS OF Draft 2023- 030 MADE by Mr. John Kuhar, 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, Mr. Roger Sidoti. The motion FAILED by a roll call vote of 6-3-0. Ms. Shaffer Bish, Mr. Turner and Ms. Wallach voted 'No'.

MOTION TO APPROVE FIRST READING OF Draft 2023- 030 MADE by Mr. John Kuhar, 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, and Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 6-3-0.

After a short procedural discussion, Mayor Fiala asked Clerk Wilkens to read the draft ordinance again.

Draft 2023- 030 AN ORDINANCE ACCEPTING A CERTAIN BID FROM REPUBLIC SERVICES FOR THE COLLECTION OF REFUSE AND RECYCLED MATERIALS FROM CITY CUSTOMERS; AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens.

Mr. Amrhein stated during the last committee meeting he voted to reject the recycling bid because he felt he wanted to keep it local. When he got home that evening, he researched the bid process. He said the bid process is a legal process and that we cannot enter into a contract with a company that did not bid unless we reject the bids. He said he had to change his vote, to be a responsible steward of public funds, and to also avoid a lawsuit.

Mr. Kuhar said the main item for him was the legality of the bidding process versus what we would like to do. He said Republic Services actually employs more people living in Kent than Portage County Recycling. He said it is going to be hard when you end a long-lasting relationship, but it is a responsibility to get the best deal for those living in Kent.

Mr. Sidoti said he wonders how we took action in March to go out to bid, and why Committee members of Portage Waste Management and County Commissioners did not guide Dawn Collins. He said she was given a bad hand with no one giving her any type of guidance and he was offended by this. She should have been instructed to put a bid in, even if it was the same amount. He said he would have gladly supported Portage County Recycling, even though they had broken the contract three separate times. He said Dawn

Collins and the people who work there were never given any direction and he was offended by that. He said the fact is that no bid came in from Portage County. He asked who was trying to get rid of Portage County Recycling because it is not Kent, Ohio. He added that Kent, Ohio has been a supporter from day one. He said we had been let down and there was no legal retreat. If someone is offended, he is sorry, but someone let these people down and it was not the City of Kent.

Mr. Turner said the issue for him is whether that was a fatal flaw. He said we had an opportunity to go back to the drawing board to see how we could make this work. He asked what lowest and best actually meant. He said if we get a lower bid we then have to determine what is best. He said we should not be held legally but instead do what is best for the community. He understands the value concept as well, but it doesn't overwhelm him. He said there is an added value to keeping it local. He said he doesn't want to see it go away because of the historical implications. He said this is no reflection of the work done by the administration.

MOTION TO APPROVE FIRST READING OF Draft 2023- 030 MADE by Mr. Garret Ferrara, SECONDED by Mr. John Kuhar. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Gwen Rosenberg, and Mr. Roger Sidoti. The motion was CARRIED by a roll call vote of 6-3-0.

Ms. Wilkens stated the first reading had passed.

Land Use Committee Chair Ferrara/ Vice-Chair Shaffer Bish

MOTION TO APPROVE MAY 3, 2023 COMMITTEE MEETING MINUTES MADE BY Mr. Garret Ferrara, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 8-0-1. Ms. Wallach abstained.

MOTION TO APPROVE Action(s) Recommended MADE BY Mr. Garret Ferrara, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 8-1-0. Mr. Kuhar voted 'No".

Action(s) Recommended:

1. Deny petition for detachment of land for parcels 17-046-00-00-019-007 and 17-046-00-00-018-000 located in the Forest Lakes Subdivision.

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

MOTION TO APPROVE MAY 3, 2023 COMMITTEE MEETING MINUTES MADE BY Mr. Roger Sidoti, SECONDED by Mr. John Kuhar and CARRIED by a voice vote of 8-0-1.Ms. Wallach abstained.

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

Action(s) Recommended:

1. Authorize parking restriction changes on Cuyahoga Street to allow parking adjacent to the building located at 716 N. Mantua Street, with an emergency clause.

Draft 2023-031 AN ORDINANCE AMENDING SECTION 353.02 "PARKING REGULATION AUTHORIZATION" OF THE CODIFIED ORDINANCES OF THE CITY OF KENT TO CHANGE THE PERMISSIBLE PARKING CONDITIONS ON CUYAHOGA STREET ADJACENT TO THE OLD H-W INDUSTRIES BUILDING, 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 2023-031 MADE by Mr. John Kuhar, 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 2023-031 MADE by Mr. John Kuhar, 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.

Ms. Wilkens stated that Ordinance 2023-031 had passed.

Finance Committee Chair DeLeone/ Vice-Chair Wallach

MOTION TO APPROVE MAY 3, 2023 COMMITTEE MEETING MINUTES MADE BY Mr. Michael DeLeone, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 8-0-1. Ms. Wallach abstained.

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

Action(s) Recommended

1. Authorize the submission of the Safe Streets for All grant application in the amount of $4 million and, if approved, authorize acceptance and allocation of funds, with an emergency clause.
2. Approve the application, acceptance, and allocation of the CDC's Workforce 23 Grant and the Enhanced Operations 23 Grant, with an emergency clause.
3. Approve budget appropriation #3, with an emergency clause.

Draft 2023-032 AN ORDINANCE AUTHORIZING THE CITY OF KENT TO SUBMIT A FUNDING APPLICATION FOR A "SAFE STREETS FOR ALL" (SS4A) FEDERAL GRANT FOR THE EAST MAIN STREET AREA IMPROVEMENTS PROJECT, 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 2023-032 MADE by Mr. Jack Amrhein, SECONDED by Mr. John Kuhar. 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 2023-032 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

Ms. Wilkens stated that Ordinance 2023-032 had passed.

Draft 2023-033 AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT A CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC) PUBLIC HEALTH THE WORKFORCE DEVELOPMENT 23 GRANT IN THE AMOUNT OF $360,000 AND REQUESTING TO APPLY FOR AN ADDITIONAL ENHANCED OPERATIONS (EO23) GRANT IN THE AMOUNT OF $70,832 FOR THE CITY OF KENT HEALTH DEPARTMENT, 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 2023-033 MADE by Mr. Garret Ferrara, SECONDED by Mr. 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. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

MOTION TO ADOPT Draft 2023-033 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.

Ms. Wilkens stated that Ordinance 2023-033 had passed.

Draft 2023-034 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 2023-034 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 2023-034 MADE by Mr. Michael DeLeone, 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.

Ms. Wilkens stated that Ordinance 2023-034 had passed.

Draft 2023-035 AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO A CONTRACT WITH STRYKER FOR THE PURCHASE OF LUCAS MACHINE CPR DEVICES, WAIVING COMPETITIVE BIDDING, 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 2023-035 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. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion CARRIED by a roll call vote of 9-0-0.

MOTION TO ADOPT Draft 2023-035 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.

Ms. Wilkens stated that Ordinance 2023-035 had passed.

Unfinished Business: None

New Business

MOTION FOR ADMINISTRATION TO DEDICATE NEW ADMINISTRATION BUILDING PRIOR TO END OF COUNCIL MEMBER'S CURRENT TERM MADE BY Mr. Roger Sidoti, SECONDED by Ms.Heidi Shaffer Bish and CARRIED by a voice vote of 7-0-2. Mr. Ferrara and Ms. Wallach abstained.

Mr. Sidoti said we will be sadly losing some of our council members who have found a way to build a new City Hall without any additional taxes for its residents. They were all part of the decision-making and design process.

Ms. Shaffer Bish said this is a great idea and honors everyone. They have been working on this for a very long time and there needs to be a ceremonial recognition of the current team of council members.

Mr. Kuhar said it was nice that we signed the beam, but they covered it up.

Mr. Amrhein said it is a nice idea and that when the building is dedicated those council members should be there by our side.

Mr. Ferrara said this was a very nice gesture, and he would abstain. He said thank you on behalf of himself and Ms. Wallach.

Mr. Sidoti added that he and Mr. Ferrara had lunch at Panini's, looking at the old police station, and discussing the possibility of having a new building there. He said it is significant that his name will be on the plaque.

MOTION TO TO RECIND LETTER SENT ON APRIL 28, 2023 THAT TERMINATED CONTRACT WITH PORTAGE COUNTY RECYCLING MADE BY Ms.Tracy Wallach, SECONDED by Ms. Heidi Shaffer Bish and FAILED by a voice vote of 3-6-0. Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg and Mr.Sidoti voted against the motion. Ms. Shaffer Bish, Mr. Turner, and Ms. Wallach voted in favor.

Ms. Shaffer Bish said they have explored this option, and it is legal. There may be some repercussions and I do not know if another bidding process would need to occur. She said she thinks Council may have made a mistake by allowing this recycling service to be bid on. It was a system in place that was working. She never received any complaints about it. She thinks the best interest of the community is to keep the service local and transparent. There is a council member that sits on its board and you cannot be more transparent than that. She said we won't have representation on the board of a private entity. She fears that down the road we will regret this. She said she feels we will need to start all over again down the road with a new recycling system. She said we hold some liability for allowing this to go forward with a bid. She would like to maintain the contract.

MOTION TO DIRECT THE CITY MANAGER OR ADMINISTRATION TO COME UP WITH ANOTHER WAY TO SUPPORT PORTAGE COUNTY RECYCLING AND ALL OTHER FREE SERVICES THEY PROVIDE WITH A GRANT OR OTHER WAY MADE BY Ms. Tracy Wallach, SECONDED by Ms. Heidi Shaffer Bish and FAILED by a voice vote of 4-5-0. Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg and Mr.Sidoti voted against the motion. Ms. Shaffer Bish, Mr. Turner, and Ms. Wallach voted in favor.

Ms. Wallach said the City of Kent has stood by the Portage County Recycling Center since the inception of the curbside recycling program in 1990. Solid Waste Management has been a model for the rest of the state and the country. This is a dramatic shift for the City of Kent to switch recycling providers.

Ms. Shaffer Bish said with the limited items available for curbside pickup, we could look at the expansion of what can be recycled. Whether it is a drop-off or a one-time pickup. To use the innovation we have always had that doesn't need to make a profit is a really important thing. We can help mitigate risk with our Sustainability Coordinator and Climate Action Plan. She would like the City Manager to look at ways to partner with or support Portage County Recycling.

Mr. Sidoti said we are all citizens of Portage County, and he wants to know what the Portage County Commissioners are doing so that we would have to give a grant to the Portage County Recycling Center. Where are the dollars in Portage County and their active support of their recycling center, and now you want our citizens to pay for the service and provide an additional grant? He said the problem lies in Ravenna, Ohio, and he cannot support this.

Ms. Shaffer Bish said we would not be giving money to them, but we would derive a benefit of some sort from it. It would be a partnership. We would be acknowledging the role we developed with Portage County Recycling but would be working with them. Anything the administration comes up with will be discussed and voted on. This is an acknowledgment and opportunity for creativity.

Mr. Kuhar said he was going to vote against the motion. Everyone can say things about what they do, but from what he sees, Republic is doing things that are good that local companies aren't doing, such as large natural gas contributions and food-grade plastic. He said items that would not be covered under Republic would still be available for use at Portage County Recycling, so paying for them does not make a lot of sense to him. Unless he is mistaken, they will still have the tire pickup and other items.

Mr. Turner said we have an opportunity to stabilize an institution. He said it is not about money all the time. There is another value associated with recycling in the city of Kent. He asked people to read a little about the city's history. This is about reaching out to an organization that had its genesis here in Kent. He said now we are arguing about saving dollars. He said in the past we discussed spending a million dollars to change the paint color of the police station. This is a part of us, it is Kent. He said the staff did their job and now Council has the authority to make a decision. He said some backed out due to potential lawsuits but should instead be voting for their values. He said we could do better. We represent people in the community whose values need to be represented. He is in support of the motion to look at opportunities to stabilize the institution that we birthed.

Mr. Ferrara said the staff did do their job and now it's Council's turn to do its job and watch the dollars and cents. You cannot give a contract to a bid that was never made. It is a false argument and he cannot believe it is even being discussed. He added that the very same people who are saying money is not important are the same people who were arguing about getting rid of the garbage proposal with a single bag for probably less than 100 people in the city of Kent. Their argument was that the $2 increase would hurt them financially. Now we are saying $2.50 is not going to hurt 25,000 people in the city. He said that is hypocrisy at best.

Ms. Wallach called point of order, saying Mr. Ferrara was not speaking to the motion.

Mr. Ferrara added he was talking about the motion. He said the motion is to pass this off to the

County.

Mayor Fiala called the point of order and asked Ms. Wilkens to read the motion.

Ms. Wilkens said the motion was to direct the City Manager and Administration to support Portage County Recycling with a grant, or another way.

Mr. Ferrara said he is explaining why he is not voting in favor of the motion. He said we were talking about helping the County, but they had broken the contract on three separate occasions, saying they weren't going to pick up weekly, but biweekly, but cut the price in half. Then they came back a week later and said they were not going to cut the price in half. He added that there is the idea that a nonprofit is somehow better, but profit drives innovation. To say any firm is not going to innovate is ridiculous and is one of the reasons we are one of the greatest countries and greatest economies. People strive for profit through innovation.

Ms. Rosenberg said she was not going to support the motion because the motion is a little vague and she is not sure what she would be voting on. There are a number of nonprofits in Kent, and to single out this nonprofit to make special grant money does not sound like the best path for taxpayer dollars. She said in the future if a grant or sustainability led possibility she would not be opposed if many could apply. She is not opposed to a more specific or targeted focus in the future,and would support that instead.

Mr. SIdoti said he wanted to make clear that no one wants to see Portage County Recycling be unsuccessful. He said if anything, this may cause them to look inward and look at themselves. He would like to give them more time to do so. He says he hopes in five years they are back at the table to make a bid. He said that it is up to them, not to us.

MOTION TO REFER TO ADMINISTRATION ROADWORK TO BE EVALUATED FOR PORTAGE STREET MADE BY Ms. Wallach, SECONDED by Mr. Roger Sidoti, and CARRIED by a voice vote of 9-0.

Mr. Sidoti said we needed to do something with Portage Street.

Mr. Amrhein said he agreed with Mr. Sidoti, adding he drove down Portage Street and thought he was going to lose his chassis.

Ms. Wallach said she would even suggest bringing it back to the brick instead of asphalt.

Mayor Fiala added that some may call this "traffic calming".

Next up, Mr. Ferrara made a motion for the administration to look into a downtown noise ordinance. Ms. Shaffer Bish said she had already made that motion, which was approved at a previous meeting.

Mr. Ferrara said he also wanted to bring up the lighting issues in new businesses, and Mr. Ruller said the administration is already reviewing this.

Councilmembers' Comments

Mr. Ferrarra said as Kent citizens are truly as passionate about recycling, which he believes we are, they will continue to recycle. It is about the end process of recycling and Kent residents will always utilize the resources to recycle.

Ms. Rosenberg congratulated the Water Dept on their 100-year birthday. The celebration was wonderful and she was able to attend. Clean water is critically important and they do a wonderful job.

She also congratulated all of the Kent State University graduates after a long academic career. She was thankful they chose Kent State and wished them the best of luck.

Mr. Kuhar said in 1963 when he was in California he couldn't understand why they were sorting their garbage. He said he thinks they brought recycling to the area. He added that in 1968 he brought the first bottle of Boone's Farm wine to this area. He said California was first on the ball.

Mr. DeLeone reminded everyone to complete their evaluations.

Mayor's Report

Mayor Fiala asked if he was correct that we would be revisiting 2023-030 at the June 7, 2023 meeting.

Ms. Wilkens said that would be up to the Council.

Mayor Fiala replied that he just said we are doing it. It will be the second reading. He said he spent a lot of time on Marvin Street and learned how to recycle. Mr. Sidoti was right and thinks the Commissioners failed the Portage County Recycling Center. He thinks they will work this out and become competitive again and we can revisit it someday.

He said happy birthday to the water plant. He gave two proclamations at the celebration. He reminisced when Kathy Chandler sampled the water on the news and was supposed to pick out Kent's water, which she was unable to do.

He said this week is Police Week and asked all to thank an officer for keeping our community safe. He said, most of all, we pray that they each go home to their families safely at night.

He added that after 13 years, the Mayor of Kent finally won the food challenge against the city of Ravenna for Kent social services.

He reminded everyone about the Heritage Festival on July 1st and there will need to be someone to chair it.

The Regular Council Meeting Adjourned at 8:50 pm.

Amy Wilkens, CMC
Clerk of Council

Jack Amrhein
President Pro Tem