



City of Kent
Wednesday, August 16, 2023
Regular City Council Meeting
320 S. Depeyster Street, Kent, OH 44240

MINUTES

7:30 P.M. Regular Council Meeting

Present: Mr. Jack Amrhein, Mr. Michael DeLeone, 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; Mr. Jim Bowling, City Engineer; Ms. Joan Seidel, Health Commissioner; Ms. Rhonda Hall, Budget and Finance Director; Mr. Nick Shearer, Chief of Police; Ms. Amy Wilkens, Clerk of Council

Absent: Mr. Garret Ferrara

MOTION TO EXCUSE MR. FERRARA MADE BY Mr. Jack Amrhein, SECONDED by Ms. Rosenberg and CARRIED by a voice vote of 8-0-0.

Opening Remarks and Pledge of Allegiance

Mayor Fiala began with opening remarks, mentioning that Mr. Ferrara was absent. He shared some historical events related to the date, including the American victory at the Battle of Lincoln in 1777, considered a turning point in the Revolutionary War, and the passing of Elvis Presley on August 16, 1977. The attendees were then invited to join in reciting the Pledge of Allegiance.

MOTION TO APPROVE JULY 19, 2023, AND AUGUST 2, 2023 MEETING MINUTES MADE BY Mr. Robin Turner, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 8-0-0.

Communications

Public Comment

Mayor Fiala addressed the public communications portion. It was noted that while the law does not mandate time for public communication, the council traditionally welcomes public comments and values their input. Attendees are given the opportunity to share their thoughts on matters of concern. However, it was emphasized that the council will not engage in debates during this time, and the council president reserves the right to halt any comments that are disruptive, embarrassing, harassing, or objectionable. Individuals were

encouraged to approach the podium, use the microphone, state their name and address, and were allotted three minutes to speak. Additionally, it was clarified that the meeting's agenda had been established well in advance and discussions would be confined to the items on the agenda. Subsequently, Mayor Fiala introduced Amy Wilkens Clerk of Council, who was responsible for facilitating public comments. The first person was then invited to speak.

During this segment of the meeting, multiple individuals from the community expressed their concerns about the ongoing noise issue caused by Land O'Lakes, a local company. Residents from the neighborhood around Shaw Drive and Sunnybrook Road raised their voices to discuss the negative impact the noise has on their daily lives. Here's a summary of the points made by each speaker:

Candra Morrison (5185 Sunnybrook Road): Candra Morrison started by giving her name and address. She criticized Land O'Lakes for causing the noise and complained about the disruption it has caused to their quality of life. She urged the council to enforce the noise ordinance without specifying frequency or decibel levels.

Jerry Enos (238 Shaw Drive): Jerry Enos addressed a memo from Kent's economic development director regarding a noise study funded by Land O'Lakes. He pointed out flaws in the study, including the use of only four microphones and its inability to determine the source of the noise. He emphasized that the noise is traceable to Land O'Lakes rooftop evaporators.

Diane Hadaway (225 Shaw Drive): Diane Hadaway discussed her experiences during the time when Land O'Lakes shut down and the noise in the neighborhood subsided. She emphasized that the noise ordinance doesn't specify decibel limits or frequency types and called for action to enforce the ordinance. **(Attachment #1)**

Andrew Lentz (181 Majors Lane): Andrew Lentz expressed his observations as an outside observer. He criticized City Council for rapidly amending the noise ordinance for downtown businesses without similar considerations for the noise issue caused by Land O'Lakes. He questioned the council's hesitation in addressing the noise pollution problem and requested accountability from Land O'Lakes.

Del T Kelly (232 Shaw Drive): Del T Kelly spoke about the noise complaint tracker on the city's website and how Land O'Lakes sound consultants placed sensors in areas that didn't accurately represent the community's noise experience. He stressed the health impacts of chronic noise exposure and urged Lando Lakes to install sound abatement equipment.

Matt Morrison (5185 Sunnybrook Road): Matt Morrison addressed the issue of Land O' Lakes being exempt from noise regulations. He criticized the city's lack of experience in measuring sound and urged the council to apply the noise ordinance to the situation.

Robert Shafer (278 Shaw Drive): Robert Shafer shared his personal experiences of noise disturbances caused by Land O' Lakes. He highlighted the contrast between minor noise irritations and the continuous, disruptive noise from the factory. He urged Land O'Lakes to address the issue.

Carla Jessica (267 Shaw Drive): Carla Jessica emphasized the constant nature of noise, describing how it infiltrates their lives and disrupts their daily activities. She echoed the call for the city's help in addressing the issue.

Melissa Celko (545 Pioneer): Melissa Celko brought up a different matter, requesting a review of an ordinance related to vehicle parking on city streets. She argued that the current ordinance is outdated and doesn't account for modern living situations, such as limited driveway parking and remote work. **(Attachment #2)**

Written Communication

- Kent Board of Health Agenda and Statistical Report for the August 8, 2023 meeting received on August 3, 2023.
- The agenda for the August 10, 2023 Parks and Recreation Board Meeting was received on August 4, 2023.
- The Standing Rock Cemetery Board of Trustees Meeting Agenda for August 10, 2023, was received on August 4, 2023.

Additional Comments Received After Agenda Published:

- Audit release notification from the Ohio Auditor of State, Keith Faber, was received on August 7, 2023.
- The Planning Commission Agenda for the August 15, 2023 meeting was received on August 10, 2023.
- The Board of Zoning Appeals Agenda and Staff Report for August 21, 2023, was received on August 14, 2023.
- An Email urging Council to inform residents about the federal home electrification incentives made available through the Inflation Reduction Act was received on August 15, 2023, from Kent resident, Kayla Adolph of Dale Dr.
- Email from Dianne Hadaway was received and forwarded to Council on August 16, 2023 regarding the noise heard in her neighborhood on Shaw Drive.
- Email from Alyssa Trivigno was received on August 16, 2023 notifying Council of her resignation from the Planning Commission due to temporarily relocating to another state.

City Manager's Report : NONE

Standing Committees & Legislation

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

MOTION TO APPROVE AUGUST 2, 2023 COMMITTEE MEETING MINUTES MADE BY Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 6-0-2. Mr. Kuhar and Ms. Wallach voted 'abstain'.

MOTION TO APPROVE ACTION(S) RECOMMENDED MADE BY Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 8-0-0.

Action(s) Recommended:

1. Authorize staff to further review Ward revisions and report back to Council with findings for future approval.

Health & Safety Committee Chair Amrhein/ Vice-Chair Sidoti

MOTION TO APPROVE THE AUGUST 2, 2023 COMMITTEE MEETING MINUTES MADE BY Mr. Jack Amrhein, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote

of 6-0-2. Mr. Kuhar and Ms. Wallach voted 'abstain'.

MOTION TO APPROVE ACTION(S) RECOMMENDED MADE BY Mr. Jack Amrhein, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 8-0-0.

Action(s) Recommended:

1. Authorize the Health Board's proposal to limit the number of retail stores selling tobacco and vape products, with an emergency clause.
2. Authorize the renewal of the School Resource Officer, with the emergency clause.
3. Authorize the temporary exception of allowing the use of Budweiser products in the DORA during the planned visit of Budweiser Clydesdales on August 16, 2023.

Draft 2023-049 AN ORDINANCE ADOPTING CHAPTER 772 OF THE KENT CODIFIED ORDINANCES TO ESTABLISH TOBACCO RETAILER DENSITY AND PROXIMITY PROVISIONS, 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 2023-049 MADE by Mr. John Kuhar, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2023-049 MADE by Mr. John Kuhar, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2023-049 has passed.

Draft 2023- 050 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPROVE AND EXECUTE AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF KENT, OHIO, AND THE KENT CITY BOARD OF EDUCATION REGARDING THE SCHOOL RESOURCE OFFICER PROGRAM, EXTENDING THIS AGREEMENT UNTIL MAY 23, 2024, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2023- 050 MADE by Mr. John Kuhar, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2023- 050 MADE by Mr. John Kuhar, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2023-050 has passed.

Land Use Committee Chair Ferrara/ Vice-Chair Shaffer Bish

MOTION TO APPROVE THE AUGUST 2, 2023 COMMITTEE MEETING MINUTES MADE BY Ms. Heidi Shaffer Bish, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote

of 6-0-2. Mr. Kuhar and Ms. Wallach voted 'abstain'.

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

Action(s) Recommended:

1. Authorize the proposed Zoning Text amendments, with the emergency clause

Draft 2023-051 AN ORDINANCE AUTHORIZING AMENDMENTS TO THE CITY OF KENT'S ZONING CODE IN ORDER TO INCORPORATE CLARIFYING LANGUAGE IN CERTAIN EXISTING SECTIONS AND TO ADD NEW REGULATIONS, 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 2023-051 MADE by Mr. John Kuhar, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2023-051 MADE by Mr. John Kuhar, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2023-051 has passed.

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

MOTION TO APPROVE THE AUGUST 2, 2023 COMMITTEE MEETING MINUTES MADE BY Mr. Roger Sidoti, SECONDED by Mr. Michael DeLeone and CARRIED by a voice vote of 6-2-0. Mr. Kuhar and Ms. Wallach voted 'abstain'.

MOTION TO APPROVE ACTION(S) RECOMMENDED MADE BY Mr. Roger Sidoti, SECONDED by Ms. Gwen Rosenberg and CARRIED by a voice vote of 8-0-0.

Action(s) Recommended:

1. Authorize the new street closure for the "Flashes First" student welcome event on August 24, 2023, with the emergency clause.
2. Approve the City/County project agreement for the Stow/Summit Street Bridge & Pedestrian improvement project, with the emergency clause.
3. Authorize the acceptance and allocation of the ODOT grant funds and approve the necessary agreements to administer and manage the SR 59 Alternative Transportation Improvement Project, with the emergency clause.

Draft 2023-052 AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE A NEW SPECIAL EVENT APPLICATION FROM JOE ROBINSON TO BE HELD ON THURSDAY, AUGUST 24, 2023, AND THE TEMPORARY CLOSURE OF NORTH WATER STREET BETWEEN EAST MAIN STREET AND COLUMBUS STREET, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS OF Draft 2023-052 MADE by Mr. Michael DeLeone, SECONDED by Ms. Gwen Rosenberg. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi

Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2023-052 MADE by Mr. Michael DeLeone, SECONDED by Ms. Heidi Shaffer Bish. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2023-052 has passed.

Draft 2023- 053 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF KENT AND PORTAGE COUNTY FOR THE STOW/SUMMIT STREET BRIDGE AND PEDESTRIAN IMPROVEMENT PROJECT AGREEMENT, 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- 053 MADE by Ms. Gwen Rosenberg, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2023- 053 MADE by Ms. Gwen Rosenberg, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2023-053 has passed.

Draft 2023-054 AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT AND ALLOCATE AN ODOT GRANT FOR THE SR59 ALTERNATIVE TRANSPORTATION IMPROVEMENT PROJECT IN THE AMOUNT OF \$666,000 AND TO ENTER INTO A NEW LOCAL PUBLIC AGENCY AGREEMENT WITH ODOT FOR THE ADMINISTRATION OF THE GRANT, AND ALSO TO ENTER INTO AN AGREEMENT WITH PARTA AND FRANKLIN TOWNSHIP FOR THE NEW PROJECT DESIGN WORK, 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 2023-054 MADE by Mr. John Kuhar, SECONDED by Ms. Gwen Rosenberg. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2023-054 MADE by Mr. John Kuhar, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2023-054 has passed.

Finance Committee Chair DeLeone/ Vice-Chair Wallach

MOTION TO APPROVE AUGUST 2, 2023 COMMITTEE MEETING MINUTES MADE BY Mr. Michael DeLeone, SECONDED by Mr. Jack Amrhein and CARRIED by a voice vote of 6-0-2. Mr. Kuhar and Ms. Wallach voted 'abstain'.

MOTION TO APPROVE ACTION(S) RECOMMENDED MADE BY Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti and CARRIED by a voice vote of 8-0-0.

Action(s) Recommended:

1. Authorize the submission of the tobacco use grant and, if approved, authorize acceptance and allocation of the grant funds, with the emergency clause.
2. Authorize the submission of the Ohio Ambulance Service Transportation grant request and authorize its acceptance and allocation with the emergency clause.
3. Certify and authorize the submission of the proposed property tax liens, with the emergency clause.

Draft 2023-055 AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT AND APPROPRIATE THE EXTENDED TOBACCO USE GRANT IN THE AMOUNT OF \$117,000 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 2023-055 MADE by Ms. Heidi Shaffer Bish, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2023-055 MADE by Mr. Michael DeLeone, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2023-055 has passed.

Draft 2023-056 AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT AND APPROPRIATE A PROJECT DAWN STIPEND IN THE AMOUNT OF \$2,000 FOR DRUG OVERDOSE AWARENESS DAY DECLARED BY THE STATE OF OHIO ON AUGUST 31, 2023, 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 2023-056 MADE by Mr. Michael DeLeone, SECONDED by Ms. Tracy Wallach. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2023-056 MADE by Ms. Heidi Shaffer Bish, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2023-056 has passed.

Draft 2023- 057 AN ORDINANCE AUTHORIZING THE CITY OF KENT TO APPLY FOR AN HB 45 AMBULANCE TRANSPORTATION PROGRAM FOR EMS/COVID "PREMIUM PAY" THROUGH COVID, STATE AND LOCAL FISCAL RECOVERY FUNDS DISTRIBUTED BY THE US TREASURY, 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- 057 MADE by Mr. Michael DeLeone, SECONDED by Ms. Tracy Wallach. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2023- 057 MADE by Ms. Gwen Rosenberg, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2023-057 has passed.

Draft 2023-058 AN ORDINANCE AUTHORIZING THE CERTIFICATION OF NON-PAYMENT OF WATER USE CHARGES, WASTEWATER USE CHARGES, STORM WATER UTILITY CHARGES AND RECYCLING/SOLID WASTE COLLECTION CHARGES TO THE COUNTY AUDITOR IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY FOR THE NON-PAYMENT OF SAID CHARGES, 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 2023-058 MADE by Mr. Michael DeLeone, SECONDED by Ms. Tracy Wallach. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2023-058 MADE by Ms. Gwen Rosenberg, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2023-058 has passed.

Draft 2023- 059 AN ORDINANCE AUTHORIZING THE CERTIFICATION OF DELINQUENT HEALTH DEPARTMENT VIOLATION CITATIONS TO THE COUNTY AUDITOR IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY SERVED BY THE HEALTH DEPARTMENT VIOLATIONS-CITATIONS, 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- 059 MADE by Ms. Gwen Rosenberg, SECONDED by Ms. Tracy Wallach. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2023- 059 MADE by Ms. Gwen Rosenberg, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2023-059 has passed.

Draft 2023-060 AN ORDINANCE AUTHORIZING THE CERTIFICATION OF NON-PAYMENT OF BILLS FOR RESIDENTS RESULTING FROM THE 2022 ANNUAL CONCRETE REPAIR PROGRAMS OF UNPAID CONCRETE SIDEWALK REPAIR ACCOUNTS, TO THE COUNTY AUDITOR, IN ORDER TO ALLOW FOR THE

PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY FOR THE NON-PAYMENT OF SIDEWALK REPAIRS, 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 2023-060 MADE by Ms. Gwen Rosenberg, SECONDED by Mr. Roger Sidoti. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

MOTION TO ADOPT Draft 2023-060 MADE by Ms. Gwen Rosenberg, SECONDED by Mr. Michael DeLeone. On Roll Call Voting "Yes" Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. John Kuhar, Ms. Gwen Rosenberg, Ms. Heidi Shaffer Bish, Mr. Roger Sidoti, Mr. Robin Turner, Ms. Tracy Wallach. The motion was CARRIED by a roll call vote of 8-0-0.

Ordinance 2023-060 has passed.

Unfinished Business

Ms. Shaffer Bish said it's a step in the right direction to address the ongoing issue in the Shaw Drive/ Sunnybrook area and involve all stakeholders in the discussion. Moving the matter to the committee will allow for a more thorough examination of the evidence and possible solutions.

MOTION TO SEND TO COMMITTEE A DISCUSSION ABOUT LAND O' LAKES AND SHAW AVE. RESIDENTS MADE BY Mr. Robin Turner, SECONDED by Ms. Tracy Wallach and CARRIED by a voice vote of 8-0-0.

The council members expressed empathy for the affected residents and recognized the need to work with both the company and the community to find a resolution. There were discussions about the emotional aspect of the issue, the need to invite representatives from Land O'Lakes to listen to the concerns directly, and the importance of involving legal experts to determine the city's role and potential actions.

New Business

Ms. Wallach began a discussion about 24-hour parking on the streets and the need to review its implementation, potential consequences, and whether there should be specific regulations or signage in place.

The council members shared their experiences and concerns regarding this issue, such as the possibility of abandoned vehicles, storage issues, and the impact on snowplowing during winter months.

The decision was made to move the discussion to the committee for further examination, allowing for a more comprehensive review of the implications of the 24-hour parking rule. Overall, the council members recognized the importance of finding a balance between accommodating residents' needs and preventing potential problems associated with long-term parking on streets.

MOTION TO SEND TO COMMITTEE A DISCUSSION ABOUT THE 24 PARKING LAW MADE BY Ms. Tracy Wallach, SECONDED by Ms. Heidi Shaffer Bish and CARRIED by a voice vote of 8-0-0.

Councilmember's Comments

Councilmember Sidoti commended the positive audit report received from the State Auditors. He

highlighted the professionalism and thoroughness demonstrated by the auditors, particularly in scrutinizing the management of public funds. Mr. Sidoti praised the Administration and the finance department for their diligent work, emphasizing that the absence of any audit report findings reflects the high integrity within the City.

Councilmember Shaffer Bish expressed her enthusiasm for the recent event involving the Clydesdale horse in downtown Kent. She mentioned that she and her husband had the opportunity to witness the Clydesdale and the impressive crowd it attracted. Ms. Shaffer Bish noted that despite the event taking place on a Wednesday night rather than a typical weekend night, the turnout was significant. She highlighted the positive atmosphere and the number of people enjoying the downtown area, which she found heartening. Ms. Shaffer Bish concluded by remarking on the special and vibrant nature of the community in Kent.

Mayor's Report

Mayor Fiala announced an upcoming event called "Dogs Days of Summer" scheduled for the coming Saturday from 11 AM to 4 PM. He invited everyone to bring their dogs to the event, which would feature various activities for both dogs and their owners. The mayor emphasized that Kent still had a lot of ongoing activities that continued to attract people downtown and create an enjoyable atmosphere for the community.

MOTION TO ENTER EXECUTIVE SESSION MADE BY Mr. Jack Amrhein, SECONDED by Mr. Michael DeLeone and roll call was taken.

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

Absent: Mr. Garret Ferrara

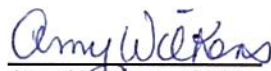
Conferences with an attorney for the public body concerning disputes involving the public body that are subject of pending or imminent court action.

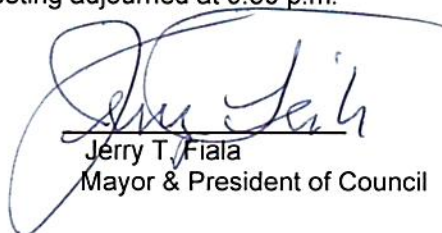
MOTION TO RETURN TO REGULAR COUNCIL MEETING at 9:20 p.m. MADE BY Mr. Roger Sidoti, SECONDED by Mr. Robin Turner and CARRIED by a voice vote of 8-0-0.

No action, information only.

MOTION TO ACCEPT THE RESIGNATION OF ALISA TRIVIGO FROM THE PLANNING COMMISSION (PREVIOUSLY REPORTED DURING THE WRITTEN COMMUNICATION PORTION OF THE MEETING) MADE BY Mr. Amrhein seconded by Ms. Rosenberg and CARRIED by a voice vote of 8-0-0.

Hearing no further business, the meeting adjourned at 9:30 p.m.


Amy Wijkens, CMC
Clerk of Council


Jerry T. Fiala
Mayor & President of Council

Statement for August 16, 2023 Council Meeting

During the Land O'Lakes shutdown in June, we had the peace and quiet we used to enjoy in our neighborhood. This is very incriminating evidence against LOL. Please stop treating this problem as a new mysterious frontier of low frequency noise. As Gwen Rosenberg said at a previous council meeting: noise is noise is noise. This noise is loud, and present only when LOL is operating, specifically when their oscillating evaporator fans are on.

It is important to note that the Kent noise ordinance does not specify decibel limits or frequency types. It does, however, specify that noise is unlawful if (1) the sound is audible during overnight hours past the property line on which the source of the sound is located and (2) if the noise disturbs, annoys, or endangers the comfort, health, peace, or safety of persons within the City. Each of these violations is occurring. This invasive noise is disturbing and present only when LOL is operating.

LOL refused to include any of our residents in their meetings with city officials and they declined invitations to the 2 meetings we had in our neighborhood. A good neighbor would want to listen to what we are experiencing and work with us to reach a resolution. A good neighbor would not create suspicion and mistrust through exclusion. A good neighbor would listen to our experiences and participate in a rational discussion on how to isolate and correct the problem.

It has been said that the "first step in solving any problem is recognizing there is one." LOL does not seem to believe there is a real problem. We cannot rely on incomplete and inconclusive results from one company when the health of residents is at stake. Please, vote to take this issue to a committee. Meet with us. We have compelling sound data, audio recordings, and photo evidence to present to council. We challenge LOL and the city administration to apply a common-sense approach. Please, come to our neighborhood both during the day and night. Experience the noise from outside and inside our homes when LOL is operating and hear the quiet when LOL is shutdown. Let us prove to you that LOL is the source of the noise, they are violating the noise ordinance, and abatement is required.

A path to resolution must be a priority. Because this is a health issue, we will not back down. Every time a property sells, new people are impacted. These homes are selling for over \$300,000. Please do not let LOL continue to violate the noise ordinance and ruin the tranquility of our neighborhood.

Attachment #2 from Melissa Celko

August 16, 2023

Kent City Council

320 South Depeyster Street

Kent, Ohio 44240

This is a request for City Council to review ordinance 351.13 which applies to a 24 hour limit to vehicle parking on city streets.

351.13 TWENTY-FOUR HOUR PARKING LIMIT.

No person shall park or store any motor vehicle, vehicle or part thereof on any public street, alley, avenue, court, boulevard, drive or any other type of thoroughfare or right of way or part thereof within the City for more than twenty-four consecutive hours, which period shall include moving any vehicle or part thereof to another such public thoroughfare or right of way for parking or storage purposes. (Ord. 1964-19. Passed 4-6-64.)

This ordinance is currently only applied when a complaint is made and therefore is not applied evenly and consistently. Here are some considerations that should be reviewed relevant to the ordinance;

1. There appears to be no signage in Kent that would alert either residents or visitors to the time limit of parking.
2. The 24-hour time limit does not allow for circumstances that are common in Kent in 2023, including,
 - a. Lack of sufficient driveway parking,
 - b. More than one car per household,
 - c. Work from home employees.
3. Visitors that decide to take a ride share home instead of driving while intoxicated, may need more than 24 hours to retrieve their vehicle and should not be penalized for making this choice.

Please consider the revision of this time limit to accommodate the common issues related to parking that were not present in 1964 when the ordinance was first adopted.

Thank you!



Melissa Celko

545 Pioneer Street

Kent, Ohio