

THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WEDNESDAY, APRIL 17, 2019

At 7:30 p.m., Mayor Jerry T. Fiala called the **Regular Meeting of Kent City Council** to order after Chief Tosko recognized Robert Colecchi for his life saving actions. Roll call was taken.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Shaffer; Mr. Roger Sidoti; Mr. Robin Turner; and 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; Mr. John Idone, Parks & Recreation Director; Fire Chief John Tosko; and Ms. Dawn Bishop, Interim Clerk of Council.

ABSENT: None

Mayor Fiala called upon Councilmember Amrhein for his opening remarks. Mr. Amrhein wanted to recognize the Kent Fire Department. The past Monday he came back from Kent State University after working out and walked into his front door met with smoke and heat. The furnace had overheated and melted all the seals and filters. The fire department was there in a matter of minutes, kept a fire from occurring and were very knowledgeable and professional. He would like to give thanks for a job well done. Mr. Amrhein then led the Pledge of Allegiance.

APPROVAL OF MINUTES:

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF March 20, 2019, made by Mr. Amrhein, seconded by Mr. Sidoti, and CARRIED by a voice vote of 9-0.

MOTION TO APPROVE THE MINUTES OF THE CHIP PUBLIC HEARING of March 20, 2019, made by Mr. Amrhein, seconded by Ms. Wallach, and CARRIED by a voice vote of 9-0.

COMMUNICATIONS:

Mayor Fiala read a statement to the audience: *"While the law does not require Council to provide time for public comment, we have historically invited the public to make comments and we appreciate their input. This is the time where residents and others can comment on matters that concern them. However, we will not engage in debate, and as President of Council, I reserve the right to end any public communication that is disruptive, embarrassment, harassment or otherwise objective. We ask that when you come to the microphone that you speak into the microphone clearly, give your name and address and limit comments to three (3) minutes of discussion."* He then asked the Clerk if anyone was signed in. There were five visitors who signed in with the Clerk.

Timothy Novak, 331 Silver Meadows Boulevard, Kent, announced he was running for Council Ward 2.

Julia Weisman, 829 Bryce Road, Kent, thanked Council for their hard work first of all. She's recently been having problems with a neighbor's improvised fire pit. She spoke about the public health concerns that open burning carries for herself and other citizens. Ms. Weisman had facts and information speaking to this topic for Council (**Attachment #1.**) Ms. Weisman said she knows that it's very difficult to balance the individual wishes of a citizen with what is good for society. She had to call the fire department last fall

because they had a new neighbor next door that used a makeshift fire pit of bricks around a hole in the ground and were using a leaf blower and a liquid accelerant. Sparks were going as high as the roof. Ms. Weisman said her household had to call again recently when the neighbors were starting a fire and it was very smoky. After the fire department came out, the neighbors started taunting her and told her to 'keep it up, keep your head down' as she was working in her garden with her mouth covered so she could breathe, and then her neighbors told her to 'kill yourself skank.' She called Councilperson Rosenberg and Chief Tosko, and said they were both very helpful. Ms. Weisman had to call again last Saturday where the neighbors again had a very smoky fire. She was inside her home with the windows closed and still had to use her rescue inhaler. The fire department extinguished the fire then and she was grateful for that. She is here to voice her concerns in the writing and implementation of policy and her husband will speak further on that.

Mark Weisman, 829 Bryce Road, Kent, said as an attorney and a former assistant law director for the city, he has read the fire code carefully. He thinks it is very well written but doesn't believe it is being enforced or possibly even understood by authorities. The code criminalizes open burning, makes it a misdemeanor and punishable by fine and potential jail time to both the owner and occupant of the premises. They hadn't called the police, their primary concern was getting the fires extinguished. Mr. Weisman said the code and what the fire department have don't jive. The fire department has a sheet, which was given to the Weismans by Chief Tosko and it says recreational fires are allowed and goes through and cites selections from the fire code. Mr. Weisman said 'recreational fire' doesn't appear in the code and open fires are not permitted. Mr. Weisman said the neighbor's pit in the ground is regulated by the code and state laws and requires it be 50' from a structure, from a vehicle. Their yard is 59' wide, as is the neighbor's, and so it is mathematically impossible for their fire to be in compliance. Mr. Weisman is looking for guidance tonight, should he call the police, will police come out and issue a citation. He's not looking to get people in trouble, he just wants a nice peaceful place where his wife can breathe easily, children can, etc. He wanted to thank Councilperson Rosenberg for how helpful she was.

Mayor Fiala told Mr. Weisman to continue to call the police department out.

Mr. Weisman said his wife spoke to a police officer on an informal basis and he advised her that unless the fire was 30' high they wouldn't do anything about that and they were discouraged about that.

Mr. Ruller said after he was called by Ms. Rosenberg, he spoke to a lieutenant on staff and he was going to make sure that the night shift supervisor was aware of the situation so if a call came in, they would be aware this was an ongoing situation. He understands that you hate to get the police involved if you don't have to, but as the mayor suggested, they probably want to call the police out from now on.

Ms. Jones said she is working with Lt. Jeff Tyler in response to this issue and they realize there are contradictions in what they are telling people and are working on having one piece of paper for the fire department to give out.

Tom Myers, 1750 Oak Hill Drive, Kent, read his statement (**Attachment #2.**)

John Flynn, 1491 River Edge Drive, Kent, wanted to lend his support to the zoning request and wanted to remind Council of testimony heard in the committee meeting on why this is a good thing.

Written Communications were reported by Interim Clerk Bishop and placed on file in the Clerk's office as follows:

1. Sustainability Commission Meeting Agenda for April 1, 2019 and the Minutes of March 4, 2019 received on March 28, 2019.
2. Planning Commission Staff Report and Meeting Agenda for April 2, 2019 received March 26, 2019.
3. Board of Zoning Appeals Staff Report and Meeting Agenda for April 15, 2019 received April 4, 2019.

Oral Communications received after the Agenda was published were placed on file in the Clerk's office as follows:

1. Civil Service Commission Agenda for a Special Meeting for April 15, 2019 received April 11, 2019.
2. Park and Recreation Board Packet for April 18, 2019 received April 15, 2019.
3. Liquor License Request for 116 Kent LLC located at 295 S Water Street Suite 116, Kent, received April 15, 2019. Chief Lee had no objections.

MOTION TO HAVE THE CLERK OF COUNCIL RETURN THE LIQUOR LICENSE TRANSFER REQUEST TO THE OHIO DEPARTMENT OF LIQUOR CONTROL WITH NO OBJECTION made by Mr. Kuhar, seconded by Mr. DeLeone, and CARRIED by a voice vote of 9-0.

City Manager's Report was called for by Mayor Fiala.

1. Request Council's authorization to accept a \$600 donation from the Kent Environmental Council to Kent Parks and Recreation for the Xtinguish Burning River Torch Festival. (Draft #2019-44)
2. Request Council's authorization of the Kent School Board appointment of Jake Ferlito to the Kent Parks and Recreation board.
3. Request Council's authorization to schedule the annual joint meeting of the City and Franklin Township.
4. Request Committee of the Whole time to allow KSU President, DR. Warren, to offer remarks as she leaves Kent for retirement in June.
5. Request Finance Committee time to consider a modification in the Law Director job description related to prosecutorial duties.
6. Request Finance Committee time to consider a 2019 Budget Appropriations Amendment.
7. Request Finance Committee time to authorize the submission of the proposed 2019 OPWC grand funding request.
8. Request Community Development Committee time to consider changes proposed by staff related to permit and overnight parking in downtown.
9. Request Community Development Committee time to consider proposed revisions to the City's Neighborhood Grant Program.
10. Request Streets, Sidewalks, and Utilities Committee time to consider an updated water tower lease agreement between the City and AT&T.
11. Request Streets, Sidewalks, and Utilities Committee time to consider an easement with KSU for the water tower lease.
12. Request Streets, Sidewalks, and Utilities Committee time to consider an updated City-KSU Bike Share Agreement.
13. Request Streets, Sidewalks, and Utilities Committee time to authorize the project legislation for ODOT to repave SR59 from the City line to S. Mantua Street.
14. Request Land Use Committee time to consider approval of proposed updates to the 208

Water/Sewer Service District plan.

MOTION TO APPROVE ITEMS #1-14 OF THE CITY MANAGER'S REPORT made by Mr. Amrhein, seconded by Ms. Wallach. Motion CARRIED by a voice vote of 9-0.

STANDING COMMITTEES/ LEGISLATION

COMMITTEE OF THE WHOLE:

MOTION TO APPROVE THE COMMITTEE OF THE WHOLE MEETING MINUTES OF April 3, 2019 made by Mr. Amrhein, seconded by Mr. Kuhar, and CARRIED by a voice vote of 9-0.

Recommended Action:

1. Authorize Insertion of Names into Legislation

MOTION TO APPROVE THE RECOMMENDED ACTION ITEM made by Mr. Amrhein, seconded by Mr. Kuhar, and CARRIED by a voice vote of 9-0.

Draft No. 2019-46: A RESOLUTION APPOINTING PAUL G SELLMAN III TO THE BOARD OF ZONING APPEALS, AND DECLARING AN EMERGENCY was read by title only by Clerk Bishop per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Ms. Wallach. On Roll call, voting "Yes:" Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-46 made by Mr. Ferrara and seconded by Mr. Sidoti. On Roll call, voting "Yes:" Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

RESOLUTION NO. 2019-46 PASSED as stated by Clerk Bishop.

Draft No. 2019-47: A RESOLUTION APPOINTING RENEE RUCHOTZKE TO THE SUSTAINABILITY COMMISSION, AND DECLARING AN EMERGENCY was read by title only by Clerk Bishop per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Ms. Wallach and seconded by Mr. Ferrara. On Roll call, voting "Yes:" Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-47 made by Ms. Wallach and seconded by Mr. Ferrara. On Roll call, voting "Yes:" Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein. The Motion CARRIED by a roll call vote of 9-0.

RESOLUTION NO. 2019-47 PASSED as stated by Clerk Bishop.

Draft No. 2019-48: A RESOLUTION APPOINTING GREG SEIFERT TO THE BOARD OF BUILDING APPEALS, AND DECLARING AN EMERGENCY was read by title only by Clerk Bishop per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Kuhar and seconded by Mr. Sidoti. On Roll call, voting "Yes:" Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-48 made by Mr. Ferrara and seconded by Mr. Sidoti. On Roll call, voting "Yes:" Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone. The Motion CARRIED by a roll call vote of 9-0.

RESOLUTION NO. 2019-48 PASSED as stated by Clerk Bishop.

COMMUNITY DEVELOPMENT COMMITTEE:

MOTION TO APPROVE THE COMMUNITY DEVELOPMENT COMMITTEE MEETING MINUTES OF April 3, 2019 and the RECOMMENDED ACTION ITEMS made by Mr. Kuhar, seconded by Mr. Amrhein, and CARRIED by a voice vote of 9-0.

Recommended Action:

1. Authorize Special Event Permit for Kent Torch Fest
2. Authorize Special Event Street Closure Expansion for Wizardly World
3. Authorize Special Event Permit for KSU Flashes Forever Alumni Event
4. Authorize Haymaker Farmer's Market Sub Lease Renewal
5. Accept E Main St Neighborhood Project "Purpose and Needs" Statement

Draft No. 2019-36: AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE A NEW SPECIAL EVENT APPLICATION FROM THE CITY OF KENT PARKS AND RECREATION DEPARTMENT FOR THE KENT TORCH FEST TO BE HELD ON THURSDAY, JUNE 20, 2019, AND THE TEMPORARY CLOSURE OF WEST MAIN STREET FROM RIVER TO WATER STREET, AND DECLARING AN EMERGENCY was read by title only by Clerk Bishop per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Ms. Shaffer and seconded by Mr. Ferrara. On Roll call, voting "Yes": Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-36 made by Ms. Wallach and seconded by Mr. Ferrara. On Roll call, voting "Yes": Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE NO. 2019-36 PASSED as stated by Clerk Bishop.

Draft No. 2019-37: AN ORDINANCE AUTHORIZING AN EXPANDED STREET CLOSINGS FOR WIZARDLY WORLD OF KENT THAT WILL BE HELD ON SATURDAY, JULY 27, 2019, AND TO PROVIDE 48 HOUR NOTIFICATION OF THE STREET CLOSINGS TO ALL RESIDENTS, AND DECLARING AN EMERGENCY was read by title only by Clerk Bishop per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Mr. Sidoti. On Roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-37 made by Ms. Wallach and seconded by Mr. Ferrara. On Roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE NO. 2019-37 PASSED as stated by Clerk Bishop.

Draft No. 2019-38: AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE A NEW SPECIAL EVENT APPLICATION FROM KENT STATE UNIVERSITY OFFICE OF ALUMNI RELATIONS KNOWN AS "FLASHES FOREVER" TO BE HELD ON WEDNESDAY, MAY 8 2019, AND THE TEMPORARY CLOSURE OF NORTH WATER STREET, BETWEEN MAIN AND COLUMBUS STREETS, AND DECLARING AN EMERGENCY was read by title only by Clerk Bishop per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Mr. Kuhar. On Roll call, voting "Yes": Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-38 made by Mr. Ferrara and seconded by Mr. Sidoti. On Roll call, voting "Yes": Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE NO. 2019-38: PASSED as stated by Clerk Bishop.

Draft No. 2019-39: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO RENEW THE AGREEMENT WITH THE HAYMAKER FARMERS' MARKET FOR THE SUB-LAND LEASE OF A PARKING LOT LOCATED NORTH OF SUMMIT STREET, WEST OF FRANKLIN AVENUE, AND EAST OF AKRON BARBERTON CLUSTER RAILWAY COMPANY'S MAIN LINE TRACK, CONTAINING 0.168 ACRES, FOR THE PERIOD OF MAY 4, 2019 THROUGH OCTOBER 26, 2019; CONTINGENT ON THE CONTINUATION OF THE CITY'S LEASE WITH THE AKRON BARBERTON CLUSTER RAILWAY COMPANY, FOR THE AMOUNT OF \$1.00; AND DECLARING AN EMERGENCY was read by title only by Clerk Bishop per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Ms. Shaffer and seconded by Mr. Ferrara. On Roll call, voting "Yes": Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-39 made by Ms. Shaffer and seconded by Mr. Ferrara. On Roll call, voting "Yes": Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE NO. 2019-39: PASSED as stated by Clerk Bishop.

Draft No. 2019-40: A RESOLUTION ACCEPTING THE EAST MAIN STREET PURPOSE AND NEED STATEMENT IN ORDER TO DEFINE THE MOST SIGNIFICANT NEEDS FOR THE EAST MAIN STREET IMPROVEMENT PROJECT was read by title only by Clerk Bishop per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Ms. Shaffer. On Roll call, voting "Yes": Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-40 made by Ms. Shaffer and seconded by Mr. Sidoti. On Roll call, voting "Yes": Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti. The Motion CARRIED by a roll call vote of 9-0.

RESOLUTION NO. 2019-40: PASSED as stated by Clerk Bishop.

FINANCE COMMITTEE:

MOTION TO APPROVE THE FINANCE COMMITTEE MEETING MINUTES OF April 3, 2019 and APPROVE FIRST RECOMMENDED ACTION ITEM made by Mr. DeLeone, seconded by Mr. Ferrara, and CARRIED by a voice vote of 8-1, Mr. Kuhar voting "no." Mr. Kuhar said all contracts should be transparent and open to bids.

MOTION TO APPROVE RECOMMENDED ACTIONS TWO AND THREE made by Mr. DeLeone, seconded by Ms. Shaffer, and CARRIED by a voice vote of 9-0.

Recommended Actions:

1. Authorize the Canoe Livery Lease Contract
2. Authorize the Renewal of Kent Parks and Rec Fitness Center Lease
3. Approve 2019 Budget Appropriations Amendment

Draft No. 2019-41: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO RENEW THE AGREEMENT WITH KENT STATE UNIVERSITY CROOKED RIVER ADVENTURES TO OPERATE A CANOE/KAYAK LIVERY AT JOHN BROWN TANNERY PARK, FOR A LONG TERM LEASE PROPOSING A FIVE (5) YEAR TERM WITH A FIVE (5) YEAR RENEW OPTION, WAIVING COMPETITIVE BIDDING, AND DECLARING AN EMERGENCY was read by title only by Clerk Bishop per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Ms. Shaffer and seconded by Mr. Kuhar. On Roll call, voting "Yes": Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-41 made by Ms. Wallach and seconded by Mr. Ferrara. Mr. Kuhar reiterated his opinion on the need for competitive bidding. On Roll call, voting "Yes": Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner; voting "No": Mr. Kuhar. The Motion CARRIED by a roll call vote of 8-1.

ORDINANCE NO. 2019-41: PASSED as stated by Clerk Bishop.

Draft No. 2019-42: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A RENEWAL OF THE LEASE AGREEMENT WITH DONO DEVELOPMENT LIMITED PARTNERSHIP FOR PROPERTY LOCATED AT 1205 WEST MAIN STREET, KENT, OHIO AND DECLARING AN EMERGENCY was read by title only by Clerk Bishop per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Kuhar and seconded by Mr. Ferrara. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-42 made by Mr. Kuhar and seconded by Mr. Ferrara. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE NO. 2019-42: PASSED as stated by Clerk Bishop.

Draft No. 2019-43: AN ORDINANCE AMENDING ORDINANCE NO. 2018-142, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 19, 2018; 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, 2019; AND DECLARING AN EMERGENCY was read by title only by Clerk Bishop per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-43 made by Mr. Kuhar and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE NO. 2019-43: PASSED as stated by Clerk Bishop.

Draft No. 2019-44: AN ORDINANCE ACCEPTING A DONATION OF \$600.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT FROM KENT ENVIRONMENTAL COUNCIL, AND DECLARING AN EMERGENCY was read by title only by Clerk Bishop per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Ms. Shaffer and seconded by Mr. Ferrara. On Roll Call, voting "Yes": Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-44 made by Ms. Shaffer and seconded by Mr. Ferrara. On Roll Call, voting "Yes": Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE NO. 2019-44: PASSED as stated by Clerk Bishop.

HEALTH AND SAFETY COMMITTEE:

There were no meeting minutes or actions to be approved.

LAND USE COMMITTEE:

MOTION TO APPROVE THE LAND USE COMMITTEE MEETING MINUTES OF APRIL 3, 2019 and RECOMMENDED ACTION made by Mr. Ferrara, seconded by Mr. Sidoti, and CARRIED by a voice vote of 9-0.

Recommended Action:

1. Authorize 200 West Williams Rezone Request

Draft No. 2019-45: AN ORDINANCE AMENDING THE CITY'S ZONING DISTRICTS MAP TO ALLOW A 3.191 ACRE PARCEL ON WEST WILLIAMS TO BE RE-ZONED FROM ITS CURRENT "INDUSTRIAL (I)" ZONING DESIGNATION TO "COMMERCIAL-DOWNTOWN (C-D)", AND DECLARING AN EMERGENCY was read by title only by Clerk Bishop per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Kuhar and seconded by Ms. Rosenberg. On Roll Call, voting "Yes": Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-45 made by Ms. Shaffer and seconded by Ms. Rosenberg.

Ms. Wallach said she voted against the rezoning in committee only because she wished to put it off for a little bit and continue focus on the Mill District but will vote for rezoning now, with the hope they continue the Mill District development focus.

Mr. Turner said he still had concern over best use but will also support rezoning and totally understands Mr. Myers' point; hoping to meet overall goals and objectives in planning for the community.

Mr. Kuhar said as a resident of that neighborhood for most of his life, he would like to see that property be 'green and grow' with development to that neighborhood.

Ms. Shaffer said as her ward borders that area, she is in support of the rezoning but she does want to restate whatever development occurs, she will fight to make sure it is consistent with the Bicentennial Plan and the needs of the neighborhood.

On Roll Call, voting "Yes": Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, MR. Amrhein, Mr. DeLeone, Mr. Ferrara.

ORDINANCE NO. 2019-45: PASSED as stated by Clerk Bishop

STREETS, SIDEWALKS AND UTILITIES COMMITTEE:

There were no meeting minutes of actions to be approved.

SPECIAL COMMITTEE REPORTS: NONE

UNFINISHED BUSINESS:

NEW BUSINESS:

ITEMS NEEDING COUNCIL ACTION OR REFERRAL

MOTION THAT THE CITY ADMINISTRATION GET BACK TO THE RESIDENTS ON BRYCE WITH A UNIFORM POLICY FOR POLICE AND FIRE RESPONSE TO OPEN BURN CALLS made by Mr. Ferrara, seconded by Ms. Shaffer with Police and Fire a uniform policy and procedure on how to address open burning.

Mayor Fiala believed he heard the administration was working on that.

Ms. Jones said yes they are.

Mr. Turner was interested in the number of times this was a problem in that community and can remember having the same problem on the south end at one time. One thing that was brought up then was whether there was actually a witnessed allergic or asthmatic reaction someone was having in the area and that would change how they might handle a call or situation. He would like clarification if that is actually the case.

Mr. Sidoti said he is extremely disappointed in the lack of dignity shown by residents who don't really care about their neighbors. To hear about someone yelling at a neighbor and being so disrespectful, how can we get into people's minds and hearts that there are different more respectful ways of doing things. He apologizes that they were treated that way.

The Motion CARRIED by a voice vote of 9-0.

***SCHEDULE FUTURE COUNCIL MEETINGS
COUNCILMEMBERS' COMMENTS***

MAYOR'S REPORT:

Mayor Fiala said as we are upon the Easter season and Passover season, however you choose to celebrate, celebrate your way, respect others, and if nothing else sit down to a nice family dinner.

Mayor Fiala is doing his food drive, city against city, Ravenna and Kent. Drop off period will be April 27 from 10-1 at Kent Social Services.

Ethics Report is due in May.

EXECUTIVE SESSION:

MOTION TO MOVE INTO EXECUTIVE SESSION IMMEDIATELY FOLLOWING IN ACCORDANCE WITH ORC §121.22 (G)(1) & (3): (1)*"To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing"* AND (3)*"Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action"* made by Mr. Amrhein and seconded by Mr. Kuhar. On Roll Call voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

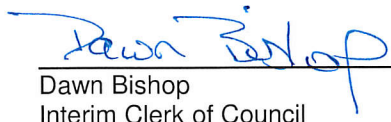
The Mayor announced he was giving everyone 5 minutes to clear the room.

At 9:05 p.m., MOTION TO COME OUT OF EXECUTIVE SESSION AND RECONVENE THE REGULAR MEETING IN OPEN FORUM made by Mr. Ferrara, seconded by Mr. DeLeone and CARRIED by a voice vote of 9-0.

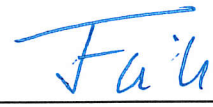
MOTION TO ADVERTISE A FULL TIME COUNCIL CLERK POSITION made by Mr. Ferrara, seconded by Mr. Kuhar, and CARRIED by a voice vote of 9-0.

MOTION TO DESTROY THE BALLOTS OF APRIL 17, 2019 MEETING made by Mr. Kuhar, seconded by Mr. Ferrara, and CARRIED by a voice vote of 9-0.

Mayor Fiala adjourned the meeting at 9:08 P.M.



Dawn Bishop
Interim Clerk of Council



Jerry T. Fiala
Mayor and President of Council