

THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WEDNESDAY, JANUARY 16, 2019

At 7:35 p.m., Mayor Jerry T. Fiala called the **Regular Meeting of Kent City Council** to order after the Council Work Session on the New City Hall. 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; Ms. Melanie Baker, Public Service Director; Mr. John Idone, Parks & Recreation Director; Tom Wilke, Economic Development Director; and David Coffee, Budget & Finance Director; and Ms. Tara Grimm, MMC, Clerk of Council.

ABSENT: None

Mayor Fiala called upon Councilmember DeLeone for his opening remarks. Mr. DeLeone did not have any comments, then led the Pledge of Allegiance.

APPROVAL OF MINUTES:

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING of December 19, 2018 made by Mr. Sidoti, seconded by Mr. Kuhar CARRIED by a voice vote of 7-0-2 with Mr. DeLeone and Ms. Wallach abstaining.

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 was one (1) visitor who signed in with the Clerk.

Mr. Christopher Myers of 220 E. Elm St., Kent read the first 4-5 paragraphs from a prepared statement. **(See Attachment #1)**

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

1. Health Board Agenda for January 8, 2019, Statistical report, and Minutes of December 11, 2018 received January 3, 2019.
2. Sustainability Commission Meeting Agenda for January 7, 2019 and the Minutes of December 4, 2018 received on January 4, 2019.
3. Letter to Clerk from Board of Elections to verify accuracy of their list of City Officials received January 9, 2019.

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

1. Parks & Recreation Board packet for January 17, 2019 received January 14, 2019.

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

1. Hope has requested Council's authorization of a resolution repealing resolution # 2018-128 and appointing Jona Burton and Dave Mail to the BZA . (Draft #2019-1)
2. John Idone has requested Council's authorization to accept an easement from West River Place (Draft #2019-11), and to grant an easement to West River Place (Draft #2019-12) in support of the planned upgrade to the adjacent hike and bike trail.
3. John Idone has requested Council's authorization to submit a Clean Ohio Trail Fund Grant application for the Brady's Leap segment of the Portage Hike and Bike trail in Kent. (Draft #2019-13)
4. Request Council's authorization to accept a donation in the amount of \$1,500 for Kent Parks and Recreation from the Henry V. and Frances W. Christenson Foundation. (Draft #2019-7)
5. Request Committee of the Whole time to update the 2019 Pending List.
6. Hope has requested Finance Committee time for Council's consideration of proposed revisions to the Assistant Law Director's compensation.
7. Tom has requested Finance Committee time for Council's consideration of a request from a local business on Mason Avenue to purchase a small piece of surplus City property adjacent to the business.
8. Bridget has requested Community Development Committee time for Council to consider accepting a dedication for a portion of West Main Street from the Klaben Company.
9. Melanie has requested Community Development Committee time for Council's consideration of proposed updates to the Portage County Solid Waste Plan.
10. John Idone has requested Community Development Committee time to provide an update on the status of the implementation of the recommendations from the whitewater park study.
11. Jim Bowling has requested Committee of the Whole time for Council's consideration of a new agreement between the City and the KSU Wick Poetry Center for a community river poem project.
12. Hope has requested Streets, Sidewalks & Utilities Committee time for Council's consideration of a renewal of the AT&T water tower lease.
13. Melanie has requested Land Use Committee time for Council's consideration of proposed updates to the City/County 208 Plan for wastewater services.

MOTION TO APPROVE ITEMS #1 - 13 OF THE CITY MANAGER'S REPORT made by Mr. Amrhein, seconded by Mr. Kuhar. Motion CARRIED by a voice vote of 9-0.

STANDING COMMITTEES/ LEGISLATION

COMMITTEE OF THE WHOLE:

There were no minutes to be approved as they are still "in progress."

There were no recommended actions needing approval.

MOTION TO AUTHORIZE DRAFT No. 2019-1 made by Mr. Ferrara, seconded by Mr. DeLeone, and CARRIED by a voice vote of 9-0.

Draft No. 2019-1: A RESOLUTION REPEALING RESOLUTION NO. 2018-128 AND APPOINTING JONA BURTON AND DAVE MAIL TO THE BOARD OF ZONING APPEALS, AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm 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, and Mr. Amrhein. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-1 made by Mr. Ferrara and seconded by Mr. Kuhar. On Roll call, voting "Yes": Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, and Mr. DeLeone. The Motion CARRIED by a roll call vote of 9-0.

RESOLUTION NO. 2019-1: A RESOLUTION REPEALING RESOLUTION NO. 2018-128 AND APPOINTING JONA BURTON AND DAVE MAIL TO THE BOARD OF ZONING APPEALS, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

COMMUNITY DEVELOPMENT COMMITTEE:

There were no minutes to be approved as they are still "in progress."

Ms. Shaffer requested Item #4 be separated.

MOTION TO APPROVE RECOMMENDED ACTION ITEMS #1-3 made by Mr. Kuhar, seconded by Ms. Wallach, and CARRIED by a voice vote of 9-0.

MOTION TO APPROVE RECOMMENDED ACTION ITEMS #4 made by Mr. Kuhar, seconded by Ms. Wallach, and CARRIED by a voice vote of 8-0-1 with Ms. Shaffer abstaining.

Recommended Action:

1. Approve Dedication of portion of Newcomer Road
2. Authorize submission of the RLF plan to the EDA
3. Approve Easements for 1005 E. Main Street for Waterline and Sidewalk
4. Approve the storm water easement for Unitarian Universalist Church

Draft No. 2019-2: AN ORDINANCE ACCEPTING, FOR DEDICATION PURPOSES, TO THE CITY OF KENT, OHIO, THE STREET RIGHT-OF-WAY AT 4263 NEWCOMER ROAD, AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm 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": Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-2 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Kuhar. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE NO. 2019-2: AN ORDINANCE ACCEPTING, FOR DEDICATION PURPOSES, TO THE CITY OF KENT, OHIO, THE STREET RIGHT-OF-WAY AT 4263 NEWCOMER ROAD, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

Draft No. 2019-3: A RESOLUTION AUTHORIZING THE RENEWAL OF THE CITY'S ECONOMIC DEVELOPMENT AGENCY REVOLVING LOAN FUND PLAN (EDA RLF PLAN) AS AMENDED, AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm 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, and Ms. Rosenberg. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-3 made by Mr. Ferrara and seconded by Mr. Kuhar. On Roll call, voting "Yes": Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, and Ms. Shaffer. The Motion CARRIED by a roll call vote of 9-0.

RESOLUTION NO. 2019-3: A RESOLUTION AUTHORIZING THE RENEWAL OF THE CITY'S ECONOMIC DEVELOPMENT AGENCY REVOLVING LOAN FUND PLAN (EDA RLF PLAN) AS AMENDED, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

Draft No. 2019-4: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT TWO (2) EASEMENTS AT 1005 EAST MAIN STREET, AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm 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": Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, and Mr. Sidoti. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-4 made by Mr. Ferrara and seconded by Mr. Sidoti. On Roll call, voting "Yes": Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, and Mr. Turner. The Motion CARRIED by a roll call vote of 9-0.

RESOLUTION NO. 2019-4: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT TWO (2) EASEMENTS AT 1005 EAST MAIN STREET, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

Draft No. 2019-5: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO GRANT A STORM SEWER EASEMENT TO THE UNITARIAN UNIVERSALIST CHURCH OF KENT, AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm 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": 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. 2019-5 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Mr. Sidoti, and Mr. Turner, Ms. Wallach, and Mr. Amrhein. The Motion CARRIED by a roll call vote of 8-0-1 with Ms. Shaffer abstaining.

RESOLUTION NO. 2019-5: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO GRANT A STORM SEWER EASEMENT TO THE UNITARIAN UNIVERSALIST CHURCH OF KENT, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

Draft No. 2019-11: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT AN GENERAL PURPOSE EASEMENT FROM WEST RIVER PLACE, AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm 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": Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, and Mr. DeLeone. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-11 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The Motion CARRIED by a roll call vote of 9-0.

RESOLUTION NO. 2019-11: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT AN GENERAL PURPOSE EASEMENT FROM WEST RIVER PLACE, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

Draft No. 2019-12: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO GRANT AN ACCESS EASEMENT TO WEST RIVER PLACE, AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm 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. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Kuhar. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-12 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, and Ms. Rosenberg. The Motion CARRIED by a roll call vote of 9-0.

RESOLUTION NO. 2019-12: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO GRANT AN ACCESS EASEMENT TO WEST RIVER PLACE, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

FINANCE COMMITTEE:

There were no minutes to be approved as they are still "in progress."

MOTION TO APPROVE RECOMMENDED ACTION ITEM #1 made by Ms. Wallach, seconded by Mr. Amrhein, and CARRIED by a voice vote of 9-0.

Recommended Action:

1. Approve the City Credit Card Policy with an emergency clause

Draft No. 2019-6: A RESOLUTION ADOPTING THE CITY OF KENT, OHIO CREDIT/DEBIT/PURCHASING CARD POLICY AS APPROVED BY THE CITY MANAGER, OR HIS DESIGNEE, AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm 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": Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, and Ms. Shaffer. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-6 made by Mr. Ferrara and seconded by Mr. Kuhar. On Roll call, voting "Yes": Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, and Mr. Sidoti. The Motion CARRIED by a roll call vote of 9-0.

RESOLUTION NO. 2019-6: A RESOLUTION ADOPTING THE CITY OF KENT, OHIO CREDIT/DEBIT/PURCHASING CARD POLICY AS APPROVED BY THE CITY MANAGER, OR HIS DESIGNEE, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

Draft No. 2019-7: A RESOLUTION ACCEPTING A DONATION IN THE AMOUNT OF \$1,500.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT FROM HENRY V. AND FRANCES W. CHRISTENSON FOUNDATION FOR THE 2019 KENT PARKS & RECREATION BEAUTIFICATION

PROGRAM TO PURCHASE ANNUAL FLOWERS AND TREES IN THE PARKS, AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm 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. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, and Mr. Turner. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-7 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, and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

RESOLUTION NO. 2019-7: A RESOLUTION ACCEPTING A DONATION IN THE AMOUNT OF \$1,500.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT FROM HENRY V. AND FRANCES W. CHRISTENSON FOUNDATION FOR THE 2019 KENT PARKS & RECREATION BEAUTIFICATION PROGRAM TO PURCHASE ANNUAL FLOWERS AND TREES IN THE PARKS, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

Draft No. 2019-13: A RESOLUTION AUTHORIZING KENT PARKS & RECREATION TO SUBMIT AN APPLICATION FOR A 2019 CLEAN OHIO TRAIL FUND GRANT, AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm 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, and Mr. Amrhein. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-13 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, and Mr. DeLeone. The Motion CARRIED by a roll call vote of 9-0.

RESOLUTION NO. 2019-13 A RESOLUTION AUTHORIZING KENT PARKS & RECREATION TO SUBMIT AN APPLICATION FOR A 2019 CLEAN OHIO TRAIL FUND GRANT, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

HEALTH AND SAFETY COMMITTEE:

There were no minutes to be approved as they are still "in progress."

MOTION TO APPROVE RECOMMENDED ACTION ITEM #1 made by Mr. Amrhein, seconded by Mr. Ferrara, and CARRIED by a voice vote of 9-0.

Recommended Action:

1. Authorize Police towing contract terms, rates & fees by increasing rates from \$90 to \$125 for towing, increasing rates from \$12 to \$20 for impound storage, strike language in KCO Section 137.11 regarding towing companies maintaining an impound lot within the city, and revise KCO Section 356.02 to allow towing on first offense, with an emergency clause.

Mr. Kuhar MOVED TO AMEND this Ordinance to restore the Ordinance the way the Chief had originally presented it. The discussion and making of the Motion was out of sequence.

Mr. Kuhar stated he did some of his own research into local towing companies and found that the Chief of Police in Ravenna said the average tow is about \$100 to start with and there is no mileage fee paid. The City of Springfield and Mogadore charge \$95; all the rates in the area, with the exception of Streetsboro, come to an average of \$103. Chief Lee was right on. None of the towing rates in municipalities are regulated, nor do the surrounding areas charge mileage for the police tow. The Chief's recommendation, that we trust her expertise on, of \$100, then add the mileage, which no one else charges, totals about \$110.

Our police tows would be about 25% more than a non-police tow. Non-police tows according to his research are \$80-\$82 and vary from \$70 to \$90; motoring clubs prices are all over. A tow driver charging \$85 is driving a new truck, is happy about it and making money. We can't expect people to pay the same amount here as they do in Cleveland. We want to be fair to the tow truck drivers but also to the citizens of Kent. He knows if he was rear-ended and needed a police tow, he wouldn't want to be punished even more. The \$20 storage fee seems average.

The Mayor clarified that Mr. Kuhar wants to change the \$125 back down to \$100.

Mr. Kuhar stated yes, raise the original \$90 to \$100, not \$125 and still allow the mileage charge.

Ms. Rosenberg agreed with Mr. Kuhar. It sounds like most of these are accidents that are getting towed and doesn't want it to appear to our residents that there is a punitive penalty for getting into an accident here in Kent; her concern is that it would seem as we are more expensive here than other communities. In light of what area cities are charging and the research the law director and the Chief performed was adequate coming in at the \$100 goal and supports it.

Ms. Wallach stated she is not in support of the amendment. When the tow trucks are performing a city tow, it is not always for an accident, it is for people parking in incorrect parking places and they are taking a risk that those people are going to come and get their car. A lot of time people do not come and get their car, then the tow companies are responsible for the vehicle. She doesn't see a problem with charging a little extra for the towing.

Mr. DeLeone asked for clarification that this is only for a police tow on City property, not private property. On private property, a tow truck driver can charge whatever they want, within reason

Mr. Kuhar further commented that the maximum amount mandated by the State is \$229.00 for towing vehicles weighing up to 10,000 lbs.

Mr. DeLeone just wanted to ensure there was a differentiation.

Ms. Shaffer asked for clarification if mileage is charged with every tow. Ms. Jones replied "Yes."

Mr. Kuhar also replied "Yes, on top of the \$100.00 charge."

Mr. Sidoti questioned, also for clarification, if this includes the ability to still charge the extra money for the "flat bed" tow truck.

Mr. Kuhar replied "Yes."

Ms. Shaffer was leaning towards the amendment and wishes some median ground could be found. It is a big jump and should be an average for cities in the area like Stow, Cuyahoga Falls...

Mr. Kuhar replied he didn't get Cuyahoga Falls.

Mr. Ferrara called a POINT OF ORDER.

Ms. Shaffer stated she needed more information and then asked if Mr. Kuhar did a comparison with our comparable immediate surrounding cities.

Mr. Kuhar reiterated he looked at Stow, Mogadore, Ravenna and Springfield.

Mayor Fiala stated we need to "get out of a committee meeting."

MOTION TO AMEND AS STATED ABOVE CARRIED by a voice vote of 8-1 with Ms. Wallach voting "No".

Clerk Grimm reminded Council they were out of sequence and they needed to read in the draft first, then move to amend the draft before voting on the amendment and then the draft as amended.

Draft No. 2019-8: AN ORDINANCE AMENDING SECTION 137.11 TITLED "MOTOR VEHICLE TOWING," AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm 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. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner Ms. Wallach, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO AMEND DRAFT NO. 2019-8 TO RESTORE THE EXHIBIT FOR THIS ORDINANCE AS 1ST PRESENTED BY CHIEF LEE FOR RAISING THE STANDARD POLICE TOWING FEE FROM \$90 TO \$100, NOT \$125, THE SECTION IS TO READ: SECTION 137.11(c)(1) \$100.00 made by Mr. Kuhar, seconded by Mr. Rosenberg CARRIED by a voice vote of 8-1 with Ms. Wallach voting "No" as stated above.

MOTION TO ADOPT DRAFT No. 2019-8 **AS AMENDED** made by Mr. Sidoti and seconded by Mr. DeLeone. On Roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Kuhar. The Motion CARRIED by a roll call vote of 8-1 with Ms. Wallach voting "No".

ORDINANCE NO. 2019-8: AN ORDINANCE AMENDING SECTION 137.11 TITLED "MOTOR VEHICLE TOWING," AND DECLARING AN EMERGENCY PASSED AS AMENDED as stated by Clerk Grimm.

Draft No. 2019-9: AN ORDINANCE AMENDING SECTION 356.02 TITLED "IMPOUNDING OF VEHICLES; PUBLIC PROPERTY," AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm 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": Ms. Shaffer, Mr. Sidoti, Mr. Turner Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, and Ms. Rosenberg. The Motion CARRIED by a roll call vote of 9-0.

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

ORDINANCE NO. 2019-9: AN ORDINANCE AMENDING SECTION 356.02 TITLED "IMPOUNDING OF VEHICLES; PUBLIC PROPERTY," AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

LAND USE COMMITTEE:

There were no meeting minutes or actions to be approved.

STREETS, SIDEWALKS AND UTILITIES COMMITTEE:

There were no minutes to be approved as they are still "in progress."

MOTION TO APPROVE RECOMMENDED ACTION ITEM #1 made by Mr. Sidoti, seconded by Mr. Ferrara, and CARRIED by a voice vote of 8-0-1 with Mr. Amrhein abstaining.

Recommended Action:

1. Authorize the PARTA/City of Kent Bus Shelter Agreement with an emergency clause

Draft No. 2019-10: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT WITH PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY (PARTA) AND THE CITY OF KENT TO JOINTLY INSTALL BUS PASSENGER SHELTERS, AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm 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": Mr. Turner Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, and Mr. Sidoti. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2019-10 made by Mr. DeLeone and seconded by Mr. Sidoti. On Roll call, voting "Yes": Ms. Wallach, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, and Mr. Turner. The Motion CARRIED by a roll call vote of 8-0-1 with Mr. Amrhein abstaining.

RESOLUTION NO. 2019-10: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT WITH PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY (PARTA) AND THE CITY OF KENT TO JOINTLY INSTALL BUS PASSENGER SHELTERS, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

SPECIAL COMMITTEE REPORTS: NONE

UNFINISHED BUSINESS: NONE

NEW BUSINESS:

Ms. Wallach stated how climate change is upon us now and can no longer put it off for 5 or 10 years and would like to refer to the Sustainability Committee to go around the City and find out ways we can reduce our carbon footprint.

MOTION TO HAVE THE SUSTAINABILITY COMMISSION FIND WAYS TO REDUCE THE CITY'S CARBON FOOTPRINT made by Ms. Wallach, seconded by Ms. Shaffer.

Ms. Wallach added "the time is now"; we have to start doing things now to help with climate change.

Ms. Shaffer added that this should not be on just the Sustainability Commission but add the City Manager to direct City Staff to also look at things we can do.

Ms. Rosenberg questioned if we have something now, if this was similar to the Paris Accord, and if this is a redundancy.

Ms. Shaffer stated it links to it, then added that we want action.

Ms. Wallach stated with the Paris Accord, you have to go through this whole thing, and this is just "what can we do now."

Mayor Fiala asked if this is different from #2 on Council's Pending List. He read Item #2 from the January 9th Agenda "Sustainability Commission to come up with at least ten actions that can be adopted to fend off global warming, posting the same with the media (7/14 & 2/16) TW; Further discussions on sustainability (7/16) HS. (Combined 2117)".

Some Councilmembers can be heard saying "it's similar, about the same."

Ms. Wallach replied these would be actions for the public.

MOTION CARRIED by a voice vote of 9-0.

Mr. Kuhar had 2 items.

MOTION TO PUT INTO COMMITTEE A DISCUSSION ON OPERATING COUNCIL AS NON-PARTISAN made by Mr. Kuhar.

Ms. Jones and the Mayor both commented that this is a Charter issue.

Mr. Kuhar replied, "OK, I have to go to the Charter about that; how do I go to the Charter about that?"

Mayor Fiala and others replied "The Charter Review Committee."

Ms. Jones further commented that this would need to be put on the ballot similar to how we did for Ms. Wallach's recall issue.

Mayor reiterated that "Hope said we can do it by putting it on the ballot ourselves."

Mr. Kuhar stated he just wants a committee discussion as he is not saying we may not want to do that, but everybody around us does that.

MOTION seconded by Mr. Ferrara.

Mr. Kuhar continued how it would open an opportunity for our community; at a discussion with the Board of Elections, they were surprised with the forward thinking community we have, that we had not already done this because of the diversity in this City. Instead of having a democrat run against republican, we go to non-partisan and people who want to run can run for their wards and for their positions.

Mr. Ferrara added that the streets do not care if the streets are republican or democrat, they just want to be plowed. The national issues amongst parties do not matter for what we do amongst the City on a day-to-day basis; it makes sense.

Ms. Shaffer stated she was not going to support this Motion and respectfully disagrees; people need information about their candidates and one piece of information is the party which they belong to. We do not have that ability to do that with judges, which leaves a significant amount of information out for people to decide on. It is hard for a citizen to evaluate a candidate without that type of additional information.

Mr. Turner pointed out how this issue has come up before and would limit his ability to be partisan. There is already an instrument which exists for people who do not want to run as a democrat or republican; just don't choose a party. Partisan elections do have an impact. You don't have to vote. It is unfortunate if it is forced on him; he likes to affiliate and likes being a democrat.

Mr. DeLeone is all for talking about this in committee; a candidate can run non-partisan and still be a democrat.

Mr. Ferrara feels the irony of being a progressive city and put forth the initiative to support the LGBTQ community because we don't want to have people "labeled and discriminated against because of how they label themselves" and on the other hand, we are saying "you have to label yourself as a democrat or a republican." We can't even say his, her or use masculine or feminine pronouns anymore because people do not want to be gender identified. He just can't help but note the irony of it and thinks it is rather cynical.

Mr. Rosenberg was supporting the Motion as the two best candidates can be from the same party, but one would have to be eliminated in a primary.

Mr. Sidoti commented on how with the structure of the elections, it is usually over in the March primary whether we even have a general election because of the way the structure is. He thinks we need to have this conversation and is unsure where he stands on this.

Mr. Kuhar rebutted that this is not a judgeship where there is no information on the person's candidacy. Like Ms. Rosenberg brought up, two good candidates could run against each other even if they are in the same party and that's a plus.

Mayor Fiala CALLED THE QUESTION and asked for a voice vote. He then asked for a show of hands.

MOTION CARRIED by a voice vote and then a show of hands vote 5-4.

Mr. Kuhar's 2nd item was, after doing his research, to ask administration to look into finding ways to shorten the length of time cars sit in a storage yard and the time it takes to notify the lienholder.

COUNCILMEMBERS' COMMENTS:

Mr. Sidoti thanked the administration and Architectural Review Board for attending the Work Session. We have come a long way and believes in our Boards & Commissions system and need to use their expertise and feedback on the front end as well as the back end; otherwise we shouldn't have these Boards if we are not going to use their expertise.

Ms. Shaffer commented on the shoveling of her sidewalk issue and stated she is "Guilty as charged." Her reasons why were because she was out of town that weekend and when she returned, it was too late to run the snow blower. She is compassionate and feels this is an important issue. She stated she is not a hypocrite, lives alone, works 3 jobs and did not anticipate a 2nd snow event. Ms. Shaffer then thanked Mr. Christopher Myers for shoveling her sidewalk as she does not have that same type of relationship with her neighbors as he does. She also offered to compensate Mr. Myers because she is on Council and cannot accept it as a gift. She will work harder or better at finding a method for clearing her sidewalks when she is not available and welcomed any recommendations.

Mr. Ferrara replied to Ms. Shaffer's comments with "Well said" and echoed Mr. Sidoti's comments. We should have another Work Session on the New City Hall with more time allotted and invite the Architectural Review Board to participate again, if they are willing.

MAYOR'S REPORT:

Mayor Fiala requested a Motion to Destroy the Ballots form the December 5, 2018 meeting.

MOTION TO DESTROY THE BALLOTS IN 30 DAYS FROM THE DECEMBER 5, 2018 MEETING made by Ms. Shaffer, seconded by Mr. Ferrara and CARRIED by a voice vote of 9-0.

At 8:20 p.m., after hearing no further business, Council moved into 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, seconded by Mr. Kuhar. On Roll call voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Mr. Shaffer, Mr. Sidoti, Mr. Turner, and Ms. Wallach. Motion CARRIED 9-0.

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

At 9:40 p.m., MOTION TO COME OUT OF EXECUTIVE SESSION AND RECONVENE THE REGULAR MEETING IN OPEN FORUM made by Mr. Sidoti, seconded by Mr. Ferrara and CARRIED by a voice vote of 9-0.

No action was taken.

At 9:41 p.m. MOTION TO ADJOURN made by Mr. Amrhein, seconded by Mr. Ferrara and *CARRIED* by a voice vote of 9-0.

Clerk of Council
(*As transcribed by Tara Grimm, MMC*)

Jerry T. Fiala
Mayor and President of Council

ATTACHMENT #1

Kent Ordinance 521.15 snow removal

From: Christopher Myers (kitmyers23@yahoo.com)
 To: rullerd@kent-ohio.org
 Cc: bwinges@thebeaconjournal.com; mshearer@recordpub.com; news@wkyc.com
 Date: Wednesday, January 16, 2019, 11:24 AM EST

16 January 2019

Well, Mr. Ruller, last evening, contrary to Kent City Ordinance 521.15, the snow was still there on the public sidewalk in front of the home of Councilperson Heidi Shaffer.

I would like to be able to speak directly with Ms. Shaffer about this and other things but I can't, as she, in the City's bizarre police report against me stated that she has stopped responding to me, stating no specifics as to just why that is. She is supposed to be my councilperson but, alas, I guess she just considers me to be a non-person and I must defend myself against her rather, to overuse a word, bizarre attack against me in that police report. I will work against her should she file for re-election. No, I will not run. These bones are eighty-two years old and I served my time on council many years ago.

But back to the snow on her walk. Is she ill? Is there a valid reason for her walk going uncleared? The ordinance does not leave room for those questions. It is just slam, bam, the City service department is going to clear your walk and charge you. I think that is wrong, but that is the way it is written. If you are going to have it that way you need to enforce it that way. There can be no favorites, and, Mr. Ruller, your saying you were sending the compliance officer out to advise her is contrary to how the ordinance is written. The problem, of course, is would you do that for everyone? Would you do it for me? Ha!

Council is too quick to dictate "thou shalt" and "thou shalt not" such as this and your trash can ultimatums. Were someone to report trash cans left out after 7:00 on trash day would you, Mr. Ruller, send the compliance officer out to advise them? Were someone to report all the uncleared sidewalks would you send him out to advise them? Would you do it for me? That's a joke, Mr. Ruller. With your turning me in to the mayor, the law director, and the CLERK, of all people, for protesting on the corner of S. DePeyster and Haymaker, protesting YOU DIDN'T EVEN KNOW WHAT, you have shown your bias against me. You even let Tom Euclide blow you off by his not making his detailed report to you as he was supposedly supposed to do based on your report to council, a copy of which I have. Doug Kubinsky in Kent State's Legal Affairs Office could find no such report and you even told me Euclide never sent one. I question your being a member of Kent State's search committee for a new President. I just don't think you have shown the integrity or the courage for making a valid judgement call regarding such an important position.

On my street we do a pretty good job of looking in on each other if something seems amiss. I take my neighbor's trash can in if he is away and I shovel his walk. My neighbors shovel my walk if they can get to it before I can. A trash can left out screams that the person may not be home and that is an invitation to someone with malice in his/her heart. I am glad I don't live on Heidi's street. Her walk up to her porch has not been cleared and her house is dark. I fear for her. Does anyone know if she is OK? I don't believe it is like her to go away and not make provision for having her walk kept clear.

Mr. Ruller, if you are awake you must fully understand the genesis of my fight with the City. It all goes back to your nonchalance when Kent State was wreaking havoc on my student tenants with clouds of flying filth from its architecture building site and then later from my daring to use the dreaded "asinine word" when speaking to Council about Kent State's knowingly thumbing its nose at required environmental protections, protections spelled out in its contract with Gilbane Building Company. For that one word I was labeled as "vulgar" by your clerk. For the record, Kent State was cited for the violation at which time water trucks began circling the block to keep the clouds of dust from further inundating my student rental and my fine tenants (see attached video and citation). Also for the record, Councilperson Turner at a later date also used the dreaded "asinine word" and somehow escaped the clerk's "vulgar" label. He was, I believe, out sick at the time I used the dreaded word and he was surprised when he was cut short for using it, but as I said, he was not labeled in the minutes of the meeting as being vulgar, as was my fate. Why is that? Obviously to protect one's own. That is bias! That is favoritism! It has no place in government! I am not negatively criticizing Mr. Turner. He is one of the best there is sitting around those tables. I just wish he would speak up about the bias shown as I wish the two who approached me privately about the clerk would speak publicly.

ATTACHMENT #1

Time to loosen up, folks. Live, love, and laugh, for life is short. Be careful before you mess with people because paybacks can be a you-know-what and sometimes those paybacks are well deserved. Just don't blow clouds of dirt at my tenants and don't call me vulgar for using a perfectly legitimate word in the English language and perhaps we can get along just fine. As you and Kent State have noted, I do have my limits and will fight back rather than cower in a corner like a milquetoast. I do have some pride left in these old bones. I refuse to be on record as being vulgar and I refuse to have a carefully crafted police report, full of the sound and the fury, against me until the super-nova makes a cinder of the Earth.

Your clerk called me vulgar in the minutes of a meeting and six of the seven of you at the following meeting, when the minutes came up for approval, without question, voted to approve those minutes. Did those six even read them? Didn't even one of those six know that "asinine" is a legitimate word in the English language? I fought that designation of being vulgar and there began the clerk's changing or omitting or not even coming anywhere near what I spoke of at following meetings and did it month after month after month. Why? Think about it. The sad part is that as a result the public is left uninformed of the truth.

My Bachelor's degree is in English with an art history minor. My Master's field of study was sociology with a criminal corrections concentration. I did a field placement at the Federal Bureau of Prisons Community Treatment Center in Kansas City, Missouri. I then worked as a corrections planner for the Summit County Criminal Justice Commission and later as Senior Planner for the Criminal Justice Co-ordinating Council of Greater Cleveland. Both were Ohio Regional Planning Units for the dispensing of United States Department of Justice Law Enforcement Assistance Administration funds in the areas of juvenile delinquency, adult corrections, the police, and the courts. I taught part time at Cleveland State University. I did post-graduate work in criminal justice and abnormal psychology at Kent State, the latter because I wanted to know what was wrong with my friends!

I now await the wrath of Law Director Jones who will probably try to make me out as the bad guy. Go ahead, Ms. Jones; you've done it before. And Councilman Ferrara could well once again make phone calls and start an email thread calling for a secret executive committee meeting to determine "action" to be taken. So be it!

I speak my piece publicly. The City will not. They refuse to discuss it publicly with me. They prefer to hide in secret executive session. Therein lies the difference between us. I cannot believe the rabid attack on me by the clerk with the full support of some of you and the rest of you supporting it by your silence. The swamp is not just a D.C. quagmire.

Pay attention to the political ads of Lou Perez. He has the City fathers and mothers pegged.

Honesty and truth are here to stay. Are YOU?

This morning I shoveled the public walk across the front of Heidi's house and spread non-corrosive organic fortified ice melt on the thick layer of ice beneath the snow. You could have done it, Ruller. Compassionate City - my ass...

Christopher M. Myers, Citizen
220 E. Elm St.
Kent, OH 44240
(330) 678-6984



Fugitive dust notice to KSU Page2.png
163.5kB



Fugitive dust violation notice to KSU.png
657kB



Kent State clean air violation video.mp4
17.4MB

**THE CITY OF KENT, OHIO
SPECIAL CITY COUNCIL MEETING for a
COUNCIL WORK SESSION
WEDNESDAY, JANUARY 16, 2019**

At 7:00 p.m., Mayor Fiala called the **COUNCIL WORK SESSION** with Brandstetter Carroll Inc. to order.

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; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Mr. David Coffee, Finance Director; Ms. Melanie Baker, Public Service Director; Mr. Tom Wilke, Economic Development Director; Mr. John Idone, Parks & Recreation Director; Howard Boyle, Dennis Saxe, Kevin Koogle and Dave Basista, members of the Architectural Review Board; and Ms. Tara Grimm, MMC, Clerk of Council.

ABSENT: None

*****THERE IS NO AUDIO RECORDING FOR THIS MEETING as it was a round table discussion led by Ms. Baker and Ms. Nozik.**

Ms. Nozik of Brandstetter Carroll, Inc. and Ms. Baker had several large picture boards for Council and the Architectural Review Board's viewing.

A summary of the roundtable discussion was provided to the Clerk by Ms. Nozik:

BCI has received some individual comments relating to the schematic design of the Kent City Hall. At the Council Meeting today, we opened up a roundtable discussion so all Council members could provide comment together. Members of the Architectural Review Board were present as well.

COMMENTS:

- Want this to look like a City Hall. Should be a prominent structure to last 100 years. The Kent City Hall has moved locations several times over the course of history, and in many make-shift buildings. Now is the time to make a lasting and appropriate structure.
 - Consider elements from other iconic buildings downtown.
 - Window patterns, light, color.
 - Post Office Renovation: arched windows
- Howard Boyle offered to lead a walking tour to see key buildings downtown.
- Consider making the west windows at Council Chambers into one large expanse of glass.
- Consider solar panels on the east wing roof, facing south. Want to be able to see them.
- This is a prominent site – must be handled appropriately.
- Like the arched windows on the Whitefish, Montana example shown.
- The back side (parking level entrance) must be as nice as the front. WOW factor.
- Other buildings in town have divided window panes.
- West-facing building. Capture sunset. Like the arched windows.
- Rotunda design has just been started - is not fully committed. Do not want un-used space in the rotunda. Open it up to be more usable. Could be a space for weddings, meetings, and overflow for Council meetings.

- Two main entries need to be considered equally.
- The current design looks like a collection of separate forms.
- The punched windows look like a jail or a school.
- Square off the corner at the rotunda. Center the doors.
- Should feel welcoming at the street.
- Would like to see something with the roof line. Staggered building lines.
- Include some elements of the fire station.
 - Metal roofs, stone bands, window trim.
- Make it look like part of the "campus" of city buildings.
- Like the prominence of the rotunda. Need the focal point.
- Add awnings at the entrance to get out of the weather.
- Needs to be brick. Red brick.
- Want a City Hall that fits in the community well, but also one that stands out.
- Can we add a second floor balcony in Council Chambers?
- Private bathroom for Council is unnecessary.
- The tree inside the rotunda is neat, but an extravagance.
- The outside should look more like the older downtown buildings.
- The large cornice competes with the rest of the building.

Mayor Fiala stated we are out of time, thanked Ms. Nozik and adjourned the Council Work Session at 7:32 p.m.

Acting Clerk of Council
(As transcribed by Tara Grimm, MMC)

Jerry T. Fiala
Mayor and President of Council