

**THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WEDNESDAY, JANUARY 18, 2017**

At 7:30 p.m., Mayor Jerry T. Fiala called the **Regular Meeting of Kent City Council** to order. Roll call was taken.

PRESENT: Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Melissa Long, 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; Mr. Jim Silver, Law Director; Ms. Bridget Susel, Community Development Director; Mr. Tom Wilke, Economic Development Director; Mr. Jim Bowling, City Engineer; Mr. David Coffee, Finance Director; and Ms. Tara Grimm, CMC, Clerk of Council.

ABSENT: Mr. John Kuhar

MOTION TO EXCUSE MR. KUCHAR FROM TONIGHT'S MEETING was made by Mr. DeLeone, seconded by Mr. Ferrara, and carried by a voice vote of 8-0.

Mayor Fiala called upon Councilmember Shaffer to give opening remarks. Ms. Shaffer displayed a Chinese newspaper and mentioned that the article was on the City of Kent, and unfortunately none of us are able to read it. She then led the Pledge of Allegiance and.

APPROVAL OF MINUTES:

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF DECEMBER 14, 2016 made by Ms. Shaffer, seconded by Mr. Ferrara, and carried by a voice vote of 7-0-1, with Ms. Wallach abstaining.

MOTION TO APPROVE THE MINUTES OF THE PUBLIC HEARING OF JANUARY 4, 2017 made by Ms. Shaffer, seconded by Mr. Ferrara, and carried by a voice vote of 7-0-1, with Ms. Wallach abstaining.

COMMUNICATIONS:

Mayor Fiala called for audience comments. 2 visitors signed-in with Clerk to speak.

Mr. Christopher Myers of 220 E. Elm St., Kent, read from a prepared statement. **(See Attachment #1)**

Mr. Christopher Blue of 290 Spaulding, #103, Kent, stated the last time he attended a council meeting was June 2015. He asked for an update on the crosswalk lights and left turn lane lights at the corner of Spaulding and Main which have not worked correctly or been replaced for 2 years.

Council allowed Mr. Bowling to respond to Mr. Blue. Mr. Bowling stated there had been some delay but the project is set to go out for bid this March with construction this May.

Written Communications were reported by Ms. Grimm as follows:

1. Application received for vacancy on the Planning Commission on January 5, 2017.
2. Application received for vacancy on the Stormwater Review Board on January 5, 2017.
3. Holiday Wishes card received from Senator Eklund and family on December 22, 2016.

Oral Communications were reported by Ms. Grimm regarding correspondence received after the agenda was written:

1. Resignation letter received January 12, 2017 from Susan Whiting for her position on the Community Reinvestment Area Housing Council.
2. Health Board Agenda for the January meeting and minutes from December 13, 2016 were received on January 12, 2017 and placed on file.
3. Standing Rock Cemetery minutes of November 10, 2016 and December 8, 2016 were received January 18, 2017 and placed on file.

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

1. Request Council's consideration of a request from Jim Bowling to authorize the purchase of right of way from Walgreens for the Portage Hike and Bike Trail extension from the Esplanade to Franklin Avenue. (Draft #17-03, 17-06)
2. Request Council's authorization for Kent Parks and Recreation to accept a donation from the Henry V. and Frances W. Christenson Foundation in the amount of \$1,500 for the beautification of Kent parks. (Draft #17-04)
3. Request Committee of the Whole time to review the status of the pending list items.
4. Request Streets, Sidewalks and Utilities Committee time consider updates required by the EPA to the City's stormwater management regulations.
5. Request Streets, Sidewalks & Utilities Committee time to consider proposed modifications to the City's recycling code requirements for multi-family properties.
6. Request Streets, Sidewalks & Utilities Committee time to consider City Code updates required to confirm to changes in State legislation regarding small cell wireless antenna's installed in the public right of way.
7. Request Finance Committee time for a review of parking meter revenues and expenses.
8. Request Health & Safety Committee time for consideration of another round of the Police parking ticket amnesty program (last round in 2012) and discussion of an opportunity to forward unpaid City parking tickets to the Ohio Bureau of Motor Vehicles (BMV) for collections assistance.
9. Request Community Development Committee time for an update on the status of the new City Hall project.
10. Request Council's authorization for an executive session to consider two separate proposals for the purchase of two different City properties.
11. Authorize the City Clerk to schedule a public hearing for the 2017 CDBG work program.

MOTION TO APPROVE ITEMS #1 – 9 & 11 OF THE CITY MANAGER'S REPORT made by Mr. Amrhein, seconded by Mr. DeLeone. Motion carried by a voice vote of 8-0.

MOTION TO RECESS INTO AN EMERGENCY EXECUTIVE SESSION IMMEDIATELY AFTER THE REGULAR MEETING IN ACCORDANCE WITH OHIO REVISED CODE SECTION 121.22 G(2): TO CONSIDER THE PURCHASE OF PROPERTY FOR PUBLIC PURPOSES, THE SALE OF PROPERTY AT COMPETITIVE BIDDING, OR THE SALE OR OTHER DISPOSITION OF UNNEEDED, OBSOLETE,

OR UNFIT- FOR-USE PROPERTY IN ACCORDANCE WITH SECTION 505.10 OF THE REVISED CODE, IF PREMATURE DISCLOSURE OF INFORMATION WOULD GIVE AN UNFAIR COMPETITIVE OR BARGAINING ADVANTAGE TO A PERSON WHOSE PERSONAL, PRIVATE INTEREST IS ADVERSE TO THE GENERAL PUBLIC INTEREST made by Mr. Amrhein, seconded by Mr. Sidoti. On Roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach and Mr. Amrhein. The motion carried by a roll call vote of 8-0.

STANDING COMMITTEES/ LEGISLATION

COMMITTEE OF THE WHOLE:

MOTION TO APPROVE THE COMMITTEE MEETING MINUTES OF JANUARY 4, 2017 made by Mr. Ferrara, seconded by Mr. Sidoti, and carried by a voice vote of 7-0-1 with Ms. Wallach abstaining.

MOTION TO APPROVE THE ONE RECOMMENDED ACTION made by Mr. Ferrara, seconded by Ms. Shaffer, and carried by a voice vote of 8-0.

RECOMMENDED ACTION APPROVED ABOVE:

- 1) To approve emergency use of the Record Courier to advertise for Boards and Commissions vacancies, utilize the Community Development budget for the cost, and to keep applications to various Boards and Commissions on file for 1 year to expedite the hiring process in emergency situations.

COMMUNITY DEVELOPMENT COMMITTEE:

MOTION TO APPROVE THE COMMITTEE MEETING MINUTES OF JANUARY 4, 2017 made by Mr. Ferrara, seconded by Mr. DeLeone, and carried by a voice vote of 7-0-1 with Ms. Wallach abstaining.

MOTION TO APPROVE THE ONE RECOMMENDED ACTION made by Mr. Turner, seconded by Mr. DeLeone, and carried by a voice vote of 8-0.

RECOMMENDED ACTION APPROVED ABOVE:

- 1) Motion to authorize the zoning code text amendments as proposed with an emergency clause.

Draft No. 17-01: AN ORDINANCE AMENDING THE TITLE SECTION AND DEFINITION SECTION OF CHAPTER 1103 OF THE KENT CODIFIED ORDINANCES TO ALLOW THE CLARIFICATION BETWEEN DIFFERENT SECTIONS OF THE KENT ZONING CODE AND DECLARING AN EMERGENCY was read by title only by Ms. 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. Ferrara, Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, and Mr. DeLeone. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 17-01 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The motion carried by a roll call vote of 8-0.

ORDINANCE No. 2017-01: AN ORDINANCE AMENDING THE TITLE SECTION AND DEFINITION SECTION OF CHAPTER 1103 OF THE KENT CODIFIED ORDINANCES TO ALLOW THE CLARIFICATION BETWEEN DIFFERENT SECTIONS OF THE KENT ZONING CODE AND DECLARING AN EMERGENCY PASSED as stated by Ms. Grimm.

Draft No. 17-02: AN ORDINANCE AMENDING SECTION 1122.06 ENTITLED "PARKING REQUIREMENTS" OF THE KENT CODIFIED ORDINANCES TO CHANGE (b) "NUMBER OF SPACES" AND DECLARING AN EMERGENCY was read by title only by Ms. Grimm 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": Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Ms. Long. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 17-02 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, Ms. Long, and Ms. Shaffer. The motion carried by a roll call vote of 8-0.

ORDINANCE No. 2017-02: AN ORDINANCE AMENDING SECTION 1122.06 ENTITLED "PARKING REQUIREMENTS" OF THE KENT CODIFIED ORDINANCES TO CHANGE (b) "NUMBER OF SPACES" AND DECLARING AN EMERGENCY PASSED as stated by Ms. Grimm.

Draft No. 17-03: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A RIGHT OF WAY EASEMENT FOR PURPOSES OF A HIKE AND BIKE TRAIL FROM THE CITY AS GRANTOR, TO KISAMORE ENTERPRISES, LLC AS GRANTEE, AND DECLARING AN EMERGENCY was read by title only by Ms. 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. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Long, Ms. Shaffer, and Mr. Sidoti. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 17-03 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner. The motion carried by a roll call vote of 8-0.

ORDINANCE No. 2017-03: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A RIGHT OF WAY EASEMENT FOR PURPOSES OF A HIKE AND BIKE TRAIL FROM THE CITY AS GRANTOR, TO KISAMORE ENTERPRISES, LLC AS GRANTEE, AND DECLARING AN EMERGENCY PASSED as stated by Ms. Grimm.

FINANCE COMMITTEE:

Draft No. 17-04: AN ORDINANCE 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 CHARITABLE FOUNDATION FOR BEAUTIFICATION IN KENT'S PARKS, AND DECLARING AN EMERGENCY was read by title only by Ms. Grimm per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. DeLeone and seconded by Mr. Sidoti. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, and Ms. Wallach. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 17-04 made by Mr. DeLeone and seconded by Ms. Shaffer. On Roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, and Mr. Amrhein. The motion carried by a roll call vote of 8-0.

ORDINANCE No. 2017-04: AN ORDINANCE 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 CHARITABLE FOUNDATION FOR BEAUTIFICATION IN KENT'S PARKS, AND DECLARING AN EMERGENCY PASSED as stated by Ms. Grimm.

Draft No. 17-06: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT BETWEEN J & W KENT, LLC AND THE CITY OF KENT TO PURCHASE .0193 ACRES OF LAND FOR \$24,550.00 FOR THE GPD-KENT POR BIKE AND HIKE TRAIL, AND DECLARING AN EMERGENCY was read by title only by Ms. 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. Ferrara, Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, and Mr. DeLeone. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 17-04 made by Mr. DeLeone and seconded by Ms. Shaffer. On Roll call, voting "Yes": Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The motion carried by a roll call vote of 8-0.

ORDINANCE No. 2017-06: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT BETWEEN J & W KENT, LLC AND THE CITY OF KENT TO PURCHASE .0193 ACRES OF LAND FOR \$24,550.00 FOR THE GPD-KENT POR BIKE AND HIKE TRAIL, AND DECLARING AN EMERGENCY PASSED as stated by Ms. Grimm.

HEALTH AND SAFETY COMMITTEE had nothing to report.

LAND USE COMMITTEE had nothing to report.

STREETS, SIDEWALKS AND UTILITIES COMMITTEE:

MOTION TO APPROVE THE COMMITTEE MEETING MINUTES OF JANUARY 4, 2017 made by Mr. Sidoti, seconded by Mr. DeLeone, and carried by a voice vote of 7-0-1 with Ms. Wallach abstaining.

MOTION TO APPROVE THE TWO RECOMMENDED ACTIONS made by Mr. Sidoti, seconded by Mr. DeLeone, and carried by a voice vote of 8-0.

RECOMMENDED ACTIONS APPROVED ABOVE:

- 1) MOTION to authorize the street closure request for Potterfest 2017.
- 2) To approve 2 parking spaces on the city right of way during business hours without blocking sidewalks, plowing to not block sidewalks and to follow the rules as set forth in the license to occupy.

Draft No. 17-05: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LICENSE AGREEMENT BETWEEN FIRESTONE COMPLETE AUTO CARE AND THE CITY OF KENT, AND DECLARING AN EMERGENCY was read by title only by Ms. 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, and Ms. Long. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 17-05 made by Mr. DeLeone and seconded by Mr. Ferrara. On Roll call, voting "Yes": Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Long, and Ms. Shaffer. The motion carried by a roll call vote of 8-0.

ORDINANCE No. 2017-05: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LICENSE AGREEMENT BETWEEN FIRESTONE COMPLETE AUTO CARE AND THE CITY OF KENT, AND DECLARING AN EMERGENCY PASSED as stated by Ms. Grimm.

SPECIAL COMMITTEE REPORTS: None

UNFINISHED BUSINESS:

Ms. Wallach questioned the revamping of the Stormwater fund.

Mr. Ruller referred to Mr. Bowling who stated they have been actively working on this for the last 6 months with new aerial mapping for assessments. The last time it was done was in 1999. This will allow for new rates and advertising for bids.

Ms. Wallach also asked about all the trees that were taken down along Lincoln and Summit, including the one that was about 50 feet from the road.

Mr. Bowling explained the trees were taken down in preparation for the Summit Street construction, the driveway relocations and the extensive work limits to grade and lower the hill.

Ms. Wallach asked if and what kind of trees will be replanted.

Mr. Bowling said a significant number of a wide variety of trees will be replanted to suit the area in which they are being replanted.

NEW BUSINESS: None

COUNCILMEMBERS' COMMENTS:

Mr. Ferrara complimented the staff and service department for the beautiful job on the holiday lights throughout the City.

Ms. Long commented on the corrected date for the Parks & Recreation Board meeting, it is tomorrow, January 19th and was not held on the 12th as written on the Calendar.

MAYOR'S REPORT:

Mayor Fiala stated he attended the Martin Luther King Jr. Prayer Day Breakfast along with Mr. DeLeone, Ms. Shaffer, Mr. Turner, Mr. Sidoti and Mr. Amrhein's wife.

The regular meeting adjourned at 8:00 p.m.



Tara Grimm, CMC
Clerk of Council



Jerry T. Fiala
Mayor and President of Council

You mention God when you recite the Pledge of Allegiance so I'll cut right to the nitty-gritty. This is from Matthew and is about betrayal and remorse.

When Judas, who had betrayed him, realized that Jesus had been condemned to die, he was filled with remorse. So he took the thirty pieces of silver back to the leading priests and the elders. "I have sinned," he declared, "for I have betrayed an innocent man."

"What do we care?" They retorted. "That's your problem."

Then Judas threw the silver coins down in the temple and went out and hanged himself.

The leading priests picked up the coins, "It wouldn't be right to put this money in the temple treasury," they said, "since it was payment for murder." After some discussion they finally decided to buy the potter's field, and they made it into a cemetery for foreigners. That is why the field is still called The Field of Blood.

Beverly Warren's Kent State University saved a bundle of money by Thumbing its nose at clean air regulations from The Spring of 2015 until May of 2016 when it and Gilbane Building Company were caught and cited for ~~violating knowingly~~ violating The clean air act. You know this as well as I do, yet you do nothing.

The University saved Thousands upon Thousands of dollars in The construction of The architecture building by its lack of effective dust control procedures, procedures which would have saved a year of grief for my student tenants across The street, tenants who found no solace from the ^{dust} clouds That prevented Their full enjoyment of The premises and filled Their lungs.

Those ^{Kent State} people knew the law. It's right in the contract between Them and Gilbane Building Company.

So what are you going to do about it? Nothing? You know They did it.

Of what are you afraid?

Kent State administrators sold
their souls to save money; those thirty
pieces of silver. Why else would they
have acted in the manner they did? Are
your souls also in the grip of Satan?

I have filed a complaint against
the University with the American Civil
Liberties Union (ACLU) for violating
my and my tenants right to clean air.

Some of you need to speak with
your pastors, rabbis, conscience, gurus,
or whomever you look to for spiritual
guidance.

Betrayal of the meek is especially
repugnant, and for a whole year,
no less. Shame on Kent State University.

~~Thank you.~~

And shame on you. Does the health
and welfare of tax-paying citizens of
a dedicated city street mean nothing
to you?

Thank you.

Christopher M. Myers

Beverly Warner,
Pres, East State University

✓ ~~Owner Representative~~
Michael E. Binder
Exec. Dir., Facilities Planning and Design

✓ Project Manager
Joseph A. Graham
Associate Dir., Architecture and Engineering

✓ Douglas L. Steidl, retired 8/31/16
Dean, College of Architecture & Environmental Design
✓ Overseer of the project
Thomas Euclide
Facilities Planning and Operations
~~The is a change of~~ primary person
responsible for the planning, design,
construction, and general maintenance
of the University.

These are the administrative persons
responsible for the construction of The
Architecture and Environmental Design building.