**THE CITY OF KENT, OHIO**
**REGULAR COUNCIL MEETING**
**WEDNESDAY, JUNE 21, 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. John Kuhar, Ms. Melissa Long, 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. Jim Bowling, City Engineer; Mr. David Coffee, Finance Director; Ms. Melanie Baker, Public Service Director; Mr. John Idone, Parks and Recreation Director; and Ms. Tara Grimm, CMC, Clerk of Council.

**ABSENT:** Mr. Garret Ferrara and Ms. Heidi Shaffer

Mayor Fiala called upon Councilmember Amrhein for his opening remarks. Mr. Amrhein had no comments, then he then led the Pledge of Allegiance.

MOTION TO EXCUSE MR. FERRARA FROM TONIGHT'S MEETING was made by Mr. DeLeone, seconded by Mr. Amrhein, and carried by a voice vote of 7-0.

**APPROVAL OF MINUTES:**
MOTION TO APPROVE THE MINUTES OF THE PUBLIC HEARING OF MAY 17, 2017; REGULAR COUNCIL MEETING OF MAY 17, 2017; AND PUBLIC HEARING OF JUNE 7, 2017; made by Mr. Amrhein, seconded by Mr. DeLeone, and carried by a voice vote of 6-0-1 with Mr. Sidoti abstaining.

Ms. Shaffer arrived at 7:33 p.m.

**COMMUNICATIONS:**
Mayor Fiala called for audience comments. 3 visitors signed-in with Clerk to speak.

1. Ms. Lorraine McCarty of 210 Orchard St., Kent read from a lengthy prepared statement. ***(See Attachment #1)***. Mayor Fiala permitted her a few extra moments because his timer interrupted her speaking. At the end of her statement a Point of Order was called by Clerk Grimm on Ms. McCarty for extending her additional time by addressing and polling the audience. Ms. McCarty was asked to please take a seat as her time was finished and is not allowed to address the audience, only the Mayor.

2. MJ Eckhouse of 123 E. Crain Ave., Kent and representing Kent for Equality reminded Council how we have been speaking for a few months on comprehensive, non-discriminatory protections and enforcements for the LGBTQ community. He referred to Akron, Cleveland, North Olmsted and Bixley passing such legislation. The LGBTQ community is excited to learn that this topic is on next month's committee agenda; progress and research still needs to be done thoroughly. If we have a problem, we need to fix it.

3. Ms. Mary Organ of 5876 Horning Road, Kent wanted to express her appreciation for the Community Development Department; specifically the time, effort and thoroughness Ms. Susel, Ms. Barone, Ms. Phile, and Ms. Hadden have shown. She commended Ms. Susel for meeting with her this week and spending extra time to answer questions and listen to proactive ideas, even when Ms. Susel really didn't have the time to. Ms. Organ referred to the few pretentious Planning Commission meetings recently and how City Staff were responsible, accessible, respectful, and thoroughly served the public.

**Written Communications** were reported by Ms. Grimm as follows:

1. Planning Commission Agenda for June 6, 2017 was received on May 31, 2017; Minutes for May 2, 2017 was received on June 14, 2017 and was placed on file in the Clerk's office.
2. Sustainability Commission Meeting Packet for June 5, 2017 was received on June 1, 2017 and was placed on file in the Clerk's office.
3. Health Board Agenda Packet for June 13, 2017 was received on June 8, 2017 and was placed on file in the Clerk's office.
4. Board of Zoning Appeals Staff Report and Agenda for May 19, 2017 was received on May 12, 2017 and was placed on file in the Clerk's office.
5. Standing Rock Cemetery Meeting Minutes for May 11, 2017 were received on June 7, 2017 and placed on file in the Clerk's office.
6. Parks and Recreation Board Packet for June 15, 2017, not May 18th as presented (typographical error) was received on June 14, 2017 and placed on file in the Clerk's office.

**Oral Communications** were reported by Ms. Grimm regarding correspondence received after the agenda was written and were placed on file in the Clerk's office:

1. Board of Zoning Appeals minutes of May 15, 2017 were received May 20, 2017.

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

1. Request Council's authorization to accept a donation of $200 from Judith Swearingen representing the Beech/Norwood Neighborhood for a memorial tree at Fred Fuller Park in memory of Mary Lou White. (Draft # 17-49)
2. Request Council's authorization to hold a public hearing and Special Council meeting in July for the proposed 2018 County Tax Budget.
3. Request Community Development Committee time tor discussion of enforcement options and public accommodations language related to the sexual orientation and gender identity.
4. Request Community Development Committee time to consider the acceptance of a proposed street right of way dedication at Lappin Farm on Newcomer Road.
5. Request Community Development Committee time for an update on the City Administrative Building project.
6. Request Streets, Sidewalks and Utilities Committee time to amend the City's right of way license agreement for the expanded patio area at Panini's restaurant.
7. Request Streets, Sidewalks and Utilities Committee time to consider a license agreement for the floral shop on South Water Street at School Street for planter boxes in the public right of way.
8. Request Streets, Sidewalks, and Utilities Committee time to consider a request from the Kent Chamber of Commerce to schedule a Queen of Hearts event that would involve using City right of way and the sale of alcohol.
9. Request Finance Committee time to consider legislation authorizing Kent Parks and Recreation's proposed new Rec Center bond issue be forwarding to the County Board of Elections for placement on the November 2017 ballot.
10. Request Finance Committee time to consider the proposed 2018 County Tax Budget.
11. Request Finance Committee time to authorize scheduling the annual City surplus property auction for 2017.
12. Request Finance Committee time to consider proposed 2017 budget amendments.
13. Request Council's authorization to extend the FOP Units contract terms for 90 days from August 31, 2017 to November 30, 2017 to allow for completion of current contract negotiations.
14. Request Council's authorization to renew the 6 parking permits on Portage Street for use by the St. Patrick School staff during the 2016-17school year.
15. Request Council's authorization for an Executive Session to discuss land acquisition for Parks and Recreation.

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MOTION TO APPROVE ITEMS #1 & 2, and Items #4 - 14 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 SEPARATE AND TABLE ITEM #3 OF THE CITY MANAGER'S REPORT made by Mr. Kuhar, seconded by Mr. Turner.

Mr. Kuhar stated that in light of the "Feds" writing new laws and reviewing the enforcement options and public accommodations relating to the sexual orientation and gender identity, he would like to give this topic a rest and move on it again after the "Feds" have reviewed it.

Mr. Turner clearly stated he does NOT support this Motion, but merely seconded it to hear the arguments against it.

Ms. Shaffer also stated that she does not support this Motion either, although values the input from the State and Federal government.

Mr. Sidoti felt Council needed to put this into committee to look at options, which doesn't mean we are looking to bring legislation forward right away. We need to have the conversation, and if need be, can stall or table the issue after committee time.

Ms. Shaffer asked if Item #3 could be read to the Public so they know exactly what we are talking about.

Mayor Fiala asked Clerk Grimm to read Item #3 only.

Ms. Grimm read the following: "Item #3 - Request Community Development Committee time tor discussion of enforcement options and public accommodations language related to the sexual orientation and gender identity."

MOTION TO SEPARATE AND TABLE ITEM #3 OF THE CITY MANAGER'S REPORT made by Mr. Kuhar and seconded by Mr. Turner, FAILED by a voice vote of 1-7.

MOTION TO APPROVE ITEM #3 OF THE CITY MANAGER'S REPORT made by Mr. Amrhein, seconded by Mr. DeLEONE. Motion CARRIED by a voice vote of 7-1.

MOTION TO APPROVE ITEM #15 ***TO RECESS INTO AN 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 Ms. Shaffer. On Roll call, voting "Yes": Mr. DeLeone, Mr. Kuhar, 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:*** *None*

***COMMUNITY DEVELOPMENT COMMITTEE:***
MOTION TO APPROVE THE COMMITTEE MEETING MINUTES OF JUNE 7, 2017 AND THE ONE (1) RECOMMENDED ACTION made by Mr. Kuhar, seconded by Mr. DeLeone, and carried by a voice vote of 7-0-1 with Mr. Sidoti abstaining.
*Recommended Action:*

1) To authorize the proposed text amendments to Zoning Code Chapter 1161.20 and declaring an emergency.

***Draft No. 17-45:*** AN ORDINANCE AMENDING SECTION 1161.20 ENTITLED "SWIMMING POOLS" OF THE KENT CODIFIED ORDINANCES, 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 Ms. Shaffer and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Kuhar, 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. 17-45 made by Mr. DeLeone and seconded by Mr. Sidoti. On Roll call, voting "Yes": Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, and Mr. Kuhar, The motion carried by a roll call vote of 8-0.

***ORDINANCE No. 17-45****:* AN ORDINANCE AMENDING SECTION 1161.20 ENTITLED "SWIMMING POOLS" OF THE KENT CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY *PASSED* as stated by Ms. Grimm.

***FINANCE COMMITTEE:***

Ms. Wallach requested the minutes reflect "Wells Sherman House" on the "Actions Recommended" Section of the minutes.

Clerk Grimm agreed to make the changed if approved by Council.

Mr. Kuhar objected to Action Item #1 and asked for it to be separated out.

MOTION TO APPROVE THE COMMITTEE MEETING MINUTES OF JUNE 7, 2017 WITH THE ADDITIONS OF THE WORDS "WELLS SHERMAN HOUSE" made by Mr. DeLeone, seconded by Mr. Kuhar, and carried by a voice vote of 7-0-1 with Mr. Sidoti abstaining.

MOTION TO SEPARATE AND APPROVE ITEMS # 2 AND #4 OF THE RECOMMENDED ACTIONS made by Mr. DeLeone, seconded by Mr. Kuhar, and carried by a voice vote of 8-0.

RECOMMENDED ACTION APPROVED ABOVE:

2) Certify the semi-annual EDA Revolving Loan Fund Report for October 2016 – March 2017.
4) Approve the 2017 budget appropriations as presented, with an emergency clause.

MOTION TO SEPARATE AND APPROVE ITEM # 1 OF THE RECOMMENDED ACTIONS made by Mr. DeLeone, seconded by Ms. Shaffer, and carried by a voice vote of 7-1, with Mr. Kuhar voting "No".

RECOMMENDED ACTION APPROVED ABOVE:

1) Authorize a loan payment deferment of $125.00 for 2 years and resume at $100.00 per month thereafter <u>for the Wells Sherman House.</u>

Mr. Kuhar felt that we are doing a disservice to our taxpaying public by deferring a loan and then allowing lower payments.

MOTION TO SEPARATE AND APPROVE ITEM # 3 OF THE RECOMMENDED ACTIONS made by Mr. DeLeone, seconded by Ms. Shaffer, and carried by a voice vote of 8-0.

RECOMMENDED ACTION APPROVED ABOVE:

3) Authorize a resolution of necessity submit to the electors the question of issuing $17,500,000 of bonds for the purpose of constructing, furnishing, equipping and otherwise improving a health and wellness center and acquiring and improving sites for that center, with an emergency clause.

Ms. Long requested Council look at the proposal's revenue issue and commented that the seniors need to be considered and this is the time to do it.

Ms. Shaffer asked Ms. Long what she feels is the difference between a "senior" center and "senior programming" and what is the need for "separate" facilities. She has worked with Aurora and they have a very well blended facility. She felt this proposed Health and Wellness Center has been planned for growth and flexibility.

Mr. Kuhar is opposed to the Bond issue. He discussed how he spoke with family members who had lost money on their investment in a senior center, as well as discussing the issue with a Kent State Analyst. He does not feel the money is there as it is projected to be.

Ms. Long clarified that she is in no way opposed; that was not the gist of her comments. She wants the facility to be used as a way to provide and include seniors and feels that is not going to happen.

Ms. Sidoti feels that the voters should have the final say and that the estimated millage should be announced in the motion.

Mr. Silver interjected that this Resolution is ONLY for permission to seek information from the County Auditor. We have no idea what the millage will be until they return that information to us when we pass this Resolution.

***Draft No. 17-46:*** A RESOLUTION CERTIFYING THAT THE CITY'S REVOLVING LOAN PLAN IS CONSISTENT WITH AND SUPPORTIVE OF THE AREA'S COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY AND IS BEING OPERATED IN ACCORDANCE WITH THE POLICIES AND PROCEDURES CONTAINED IN THE REVOLVING LOAN PLAN AND THAT THE LOAN PORTFOLIO MEETS THE STANDARDS CONTAINED WITHIN SAID PLAN, 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": Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Kuhar, and Ms. Long. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 17-46 made by Ms. Shaffer and seconded by Mr. Sidoti. On Roll call, voting "Yes": Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Kuhar, Ms. Long, and Ms. Shaffer. The motion carried by a roll call vote of 8-0.

**RESOLUTION No. 17-46: A RESOLUTION CERTIFYING THAT THE CITY'S REVOLVING LOAN PLAN IS CONSISTENT WITH AND SUPPORTIVE OF THE AREA'S COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY AND IS BEING OPERATED IN ACCORDANCE WITH THE POLICIES AND PROCEDURES CONTAINED IN THE REVOLVING LOAN PLAN AND THAT THE LOAN PORTFOLIO MEETS THE STANDARDS CONTAINED WITHIN SAID PLAN, AND DECLARING AN EMERGENCY** *PASSED* as stated by Ms. Grimm.

***Draft No. 17-47:*** A RESOLUTION DETERMINING TO SUBMIT TO THE ELECTORS THE QUESTION OF ISSUING $17,500,000 OF BONDS FOR THE PURPOSE OF CONSTRUCTING, FURNISHING, EQUIPPING AND OTHERWISE IMPROVING A HEALTH AND WELLNESS CENTER AND ACQUIRING AND IMPROVING SITES FOR THAT CENTER, 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 Ms. Shaffer and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Ms. Long, Ms. Shaffer, and Mr. Sidoti; Voting "No": Mr. Kuhar. The motion carried by a roll call vote of 7-1.

MOTION TO ADOPT DRAFT No. 17-47 made by Mr. DeLeone and seconded by Ms. Shaffer. On Roll call, voting "Yes": Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Ms. Long, Ms. Shaffer, Mr. Sidoti, and Mr. Turner; Voting "No": Mr. Kuhar. The motion carried by a roll call vote of 7-1.

**RESOLUTION No. 2017-47: A RESOLUTION DETERMINING TO SUBMIT TO THE ELECTORS THE QUESTION OF ISSUING $17,500,000 OF BONDS FOR THE PURPOSE OF CONSTRUCTING, FURNISHING, EQUIPPING AND OTHERWISE IMPROVING A HEALTH AND WELLNESS CENTER AND ACQUIRING AND IMPROVING SITES FOR THAT CENTER, AND DECLARING AN EMERGENCY** *PASSED* as stated by Ms. Grimm.

***Draft No. 17-48:*** AN ORDINANCE AMENDING ORDINANCE NO. 2016-99, THE CURRENT APPROPRIATION ORDINANCE, PASSED NOVEMBER 16, 2016, AS AMENDED BY ORDINANCE NO. 2017-10, PASSED FEBRUARY 15, 2017, AND AS AMENDED BY ORDINANCE NO. 2017-15, PASSED MARCH 15, 2017, AND AS AMENDED BY ORDINANCE NO. 2017-38, PASSED MAY 17, 2017 SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; FUND 201, WATER; FUND 202, SEWER; FUND 208 STORM WATER; AND FUND 301, CAPITAL; 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. Kuhar, 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. 17-48 made by Mr. DeLeone and seconded by Mr. Sidoti. On Roll call, voting "Yes": Mr. DeLeone, Mr. Kuhar, 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. 2017-48: AN ORDINANCE AMENDING ORDINANCE NO. 2016-99, THE CURRENT APPROPRIATION ORDINANCE, PASSED NOVEMBER 16, 2016, AS AMENDED BY ORDINANCE NO. 2017-10, PASSED FEBRUARY 15, 2017, AND AS AMENDED BY ORDINANCE NO. 2017-15, PASSED MARCH 15, 2017, AND AS AMENDED BY ORDINANCE NO. 2017-38, PASSED MAY 17, 2017 SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; FUND 201, WATER; FUND 202, SEWER; FUND 208 STORM WATER; AND FUND 301, CAPITAL; AND DECLARING AN EMERGENCY** *PASSED* as stated by Ms. Grimm.

***Draft No. 17-49:*** ACCEPTING A DONATION IN THE AMOUNT OF $200.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT FROM JUDITH SWEARINGEN FOR A TREE AT FRED FULLER PARK IN MEMORY OF MARY LOU WHITE, 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. Kuhar, 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. 17-49 made by Mr. DeLeone and seconded by Mr. Sidoti. On Roll call, voting "Yes": Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Kuhar, The motion carried by a roll call vote of 8-0.

***RESOLUTION No. 17-49: A RESOLUTION*** **ACCEPTING A DONATION IN THE AMOUNT OF $200.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT FROM JUDITH SWEARINGEN FOR A TREE AT FRED FULLER PARK IN MEMORY OF MARY LOU WHITE, AND DECLARING AN EMERGENCY** *PASSED* as stated by Ms. Grimm.

***HEALTH AND SAFETY COMMITTEE:***
MOTION TO APPROVE THE COMMITTEE MEETING MINUTES OF JUNE 7, 2017 made by Mr. Amrhein, seconded by Mr. DeLeone, and carried by a voice vote of 7-0-1 with Mr. Sidoti abstaining.

MOTION TO APPROVE THE TWO (2) RECOMMENDED ACTIONS made by Mr. Amrhein, seconded by Mr. DeLeone, and carried by a voice vote of 8-0.

RECOMMENDED ACTION APPROVED ABOVE:

1) Authorize City Of Kent - Kent State University Public Health Agreement.
2) Permit Alcohol Sales in Fred Fuller Park for one-time only at The Queen of Hearts Event.

***Draft No. 17-50:*** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT BETWEEN CITY OF KENT'S HEALTH DEPARTMENT AND KENT STATE UNIVERSITY COLLEGE OF PUBLIC HEALTH FOR THE CREATION OF A PUBLIC HEALTH PROGRAM, 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": Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Kuhar and Ms. Long. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 17-50 made by Mr. Sidoti and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Kuhar, Ms. Long, and Ms. Shaffer. The motion carried by a roll call vote of 8-0.

**ORDINANCE No. 2017-50: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LICENSE AGREEMENT BETWEEN CITY OF KENT'S HEALTH DEPARTMENT AND KENT STATE UNIVERSITY COLLEGE OF PUBLIC HEALTH FOR THE CREATION OF A PUBLIC HEALTH PROGRAM, AND DECLARING AN EMERGENCY** *PASSED* as stated by Ms. Grimm.

***Draft No. 17-51:*** A RESOLUTION TO AUTHORIZE A ONE-TIME ONLY PERMIT FOR ALCOHOL SALES BY A THIRD PARTY DURING THE QUEEN OF HEARTS EVENT TO BE HELD ON JULY 23, 2017 IN THE CITY OF KENT'S FRED FULLER PARK, 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. Amrhein. On Roll call, voting "Yes": Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Kuhar, Ms. Long, Ms. Shaffer, and Mr. Sidoti. The motion carried by a roll call vote of 8-0.

Mr. Kuhar questioned if the State is liable or we are when allowing this type of thing to happen.

Mr. Silver stated it is the State laws.

MOTION TO ADOPT DRAFT No. 17-51 made by Mr. Sidoti and seconded by Mr. DeLeone. On Roll call, voting "Yes": Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Kuhar, Ms. Long, Ms. Shaffer, Mr. Sidoti, and Mr. Turner. The motion carried by a roll call vote of 8-0.

**RESOLUTION No. 2017-51: A RESOLUTION TO AUTHORIZE A ONE-TIME ONLY PERMIT FOR ALCOHOL SALES BY A THIRD PARTY DURING THE QUEEN OF HEARTS EVENT TO BE HELD ON JULY 23, 2017 IN THE CITY OF KENT'S FRED FULLER PARK, AND DECLARING AN EMERGENCY** *PASSED* as stated by Ms. Grimm.

***LAND USE COMMITTEE*:** None

***STREETS, SIDEWALKS AND UTILITIES COMMITTEE:***
MOTION TO APPROVE THE COMMITTEE MEETING MINUTES OF JUNE 7, 2017 made by Ms. Wallach, seconded by Mr. DeLeone, and carried by a voice vote of 7-0-1 with Mr. Sidoti abstaining.

MOTION TO APPROVE THE TWO (2) RECOMMENDED ACTIONS made by Ms. Wallach, seconded by Mr. DeLeone, and carried by a voice vote of 8-0.

RECOMMENDED ACTIONS APPROVED ABOVE:

1) Authorize City Code Updates for Small Cell Wireless Antennas.
2) Approve the Street Closure Request for the Haymaker Farmer's Market 25th Anniversary Celebration.

***Draft No. 17-52:*** AN ORDINANCE AMENDING CHAPTER 937 ENTITLED "USE OF PUBLIC WAYS BY SERVICE PROVIDERS", 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. Kuhar, Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, and Ms. Wallach. The motion carried by a roll call vote of 8-0.

Ms. Long questioned one more time that we have no choice to allow these towers.

Mr. Silver stated it is "State mandated and passing this Ordinance make OUR laws better."

MOTION TO ADOPT DRAFT No. 17-52 made by Mr. DeLeone and seconded by Mr. Kuhar. On Roll call, voting "Yes": Mr. DeLeone, Mr. Kuhar, 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. 2017-52: AN ORDINANCE AMENDING CHAPTER 937 ENTITLED "USE OF PUBLIC WAYS BY SERVICE PROVIDERS", AND DECLARING AN EMERGENCY** *PASSED* as stated by Ms. Grimm.

***Draft No. 17-53:*** A RESOLUTION AUTHORIZING THE KENT POLICE CHIEF OR HER DESIGNEE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE HAYMAKER FARMERS' MARKET AND/OR ITS REPRESENTATIVE FOR A SPECIAL EVENT PERMIT TO BE HELD ON AUGUST 18, 2017 IN DOWNTOWN 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. Kuhar and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Kuhar, 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. 17-53 made by Mr. Kuhar and seconded by Mr. DeLeone. On Roll call, voting "Yes": Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Kuhar, The motion carried by a roll call vote of 8-0.

**RESOLUTION No. 2017-43: A RESOLUTION AUTHORIZING THE KENT POLICE CHIEF OR HER DESIGNEE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE HAYMAKER FARMERS' MARKET AND/OR ITS REPRESENTATIVE FOR A SPECIAL EVENT PERMIT TO BE HELD ON AUGUST 18, 2017 IN DOWNTOWN KENT, AND DECLARING AN EMERGENCY** *PASSED* as stated by Ms. Grimm.

**SPECIAL COMMITTEE REPORTS:** None

**UNFINISHED BUSINESS:**

Ms. Wallach asked for an update on the City Broadband possibilities, like Fairlawn had recently installed.

Ms. Ruller stated this is not an active item at this moment, however he will check with Gary Bishop, IT Director and report back to Council.

Ms. Wallach said regulations are causing the companies to cut back on their services.

**NEW BUSINESS:**

MOTION TO REFER TO COMMITTEE FOR THE CONSIDERATION OF A PROCLAMATION OR RESOLUTION SUPPORTING ACTION ON THE PARIS ACCORD made by Ms. Shaffer, seconded by Mr. Sidoti. Motion CARRIED with a voice vote of 8-0.

Ms. Shaffer thinks we should have affirmation and thanked the Kent Environmental Council and the Sustainability Commission for their efforts in keeping us a "green city".

Mr. Sidoti commented on the historical significance and how our leadership should be honored; we need to celebrate the positives.

Mr. Turner felt the City should take a stand on this topic. We historically are a sustainable city, and this is important to maintain. Our current President has moved the U.S. off of its leadership role. This is a critical issue that we should stand up for what we believe in.

Ms. Shaffer commented that she requested Clerk Grimm do some research for her on other municipalities that have passed such a Proclamation or Resolution. She requested Ms. Grimm share that information with all of Council via email tomorrow.

Ms. Long read from a prepared statement based on an article in the Record Courier. ***(See Attachment #2).***

MOTION TO FORM A COMMITTEE FOR SENIOR RESIDENTIAL HOUSING made by Ms. Long, seconded by Ms. Shaffer.

Ms. Wallach reminded Council of obligations of this committee becoming a legal entity.

MOTION TO FORM A COMMITTEE FOR SENIOR RESIDENTIAL HOUSING made by Ms. Long, seconded by Ms. Shaffer, *FAILED* by a voice vote of 2-6.

MOTION TO REFER TO THE COMMUNITY DEVELOPMENT COMMITTEE FOR THE DISCUSSION ON SENIOR HOUSING made by Ms. Wallach, seconded by Mr. Kuhar, and *PASSED* by a voice vote of 8-0.

Mr. Kuhar asked to make a motion to have administration look into with Ms. Baker, the solar water heating of facilities.

Mr. Silver stated a motion was not needed and Mr. Ruller informed Mr. Kuhar they would prepare a report.

***COUNCILMEMBERS' COMMENTS:***

Ms. Long read from another prepared statement ***(See Attachment #3).***

Mr. Sidoti referred to an article he shared with Council for informational purposes only ***(See Attachment #4).*** He discussed the One Kent Initiative and the look about how narratives impact our community. The article was from 1986 and is germane to today in all communities.

**MAYOR'S REPORT:**

Mayor Fiala commented on a presentation given to the Mayor and Chamber of Mansfield and other entities by Mr. Ruller and him. They seemed very happy and felt what we provided was very informational.

At 8:26 p.m. Mayor Fiala moved into Executive Session based on the Motion made at the beginning of the meeting by Mr. Amrhein.

At 8:50 p.m. Council came out of Executive Session and resumed the regular Meeting.

There was no action taken.

Hearing no further discussion, Mayor Fiala adjourned the regular meeting at 8:51 p.m.

Tara Grimm, CMC
Clerk of Council

Jerry T. Fiala
Mayor and President of Council

For Kent City Council June 21, 2017
Lorraine McCarty, Board Member of Kent Environmental Council - speaking for the KEC Board

While there have been support and objections reported about leaving the Paris Accord, we at KEC feel that continuing the tenets of the Accord is critical. We have already seen dangerously elevated temperatures, rising sea levels, extreme precipitation, severe droughts and other destructive weather patterns—these will only get worse Here in Ohio, there are indications of shifts in our flora, fauna, crops, and insect populations. Despite what climate deniers say, 95% of all environmental scientists agree that these climate changes have been scientifically proved to be manmade— thru ice core samples, tree ring data and carbon dating tests and other scientific tests. We have only one planet and need to protect it for ourselves and for future generations.

Certain aspects of the decision to withdraw from the Paris Climate accord are are effective immediately but full withdrawal cannot occur until November 4, 2020, one day after our next presidential election.

In the wake of this withdrawal, leaders across the U.S. have pledged to boost their climate efforts. Immediately, a group which includes 30 mayors, three governors, 80 university presidents and over 100 businesses, was put together by Michael Bloomberg, envoy to the climate change agreement. They began negotiating with the United Nations to accept its emissions reduction plan. There is currently no mechanism to do this other than reporting how they are hitting their targets as part of the US figures. They and many more have vowed to follow the Paris policies in spite of the withdrawal. Hundreds of mayors have vowed to honor the climate commitments, and a growing number of states have indicated the same. An alliance between California, Washington, New York, and nine other states quickly vowed to drop emissions by 26-28 percent from 2005 levels. Those states represent some of the largest US economies, and a considerable portion of the overall emissions. Many big companies are already spending billions to cut down on their emissions and this withdrawal will probably not stop these plans.

Hawaii has become the first state to actually vote to commit to the climate change agreement. Two Hawaii bills codify the state legislature's commitment to the Paris Climate Accord, and further commits Hawaii to reduce emissions by publishing greenhouse gas contribution levels every five year to promote "environmental integrity". As a state composed of low lying islands, Hawaii is particularly vulnerable to climate changes and rising sea levels. The state hopes to protect forests, wetlands, corals, and nature preserves while providing incentives for companies to

become carbon-neutral. The legislation also created a Carbon Farming Task Force to support the development of sustainable agriculture practices in Hawaii.

Closer to home, Ohio Representative Tim Ryan tweeted that "Clean energy jobs are booming. #ParisAgreement would have allowed leverage to drive these jobs to places that need them -- like Youngstown." It is important to note that renewable energy is already creating jobs 12 times faster than the rest of the economy—at a rate of 20% a year—which does not seem to be the bad investment President Trump claims it is.

Even closer to home, Akron 's Mayor Dan Horrigan signed an executive order on June 12, 2017 pledging to abide by the international agreement, He called on all employees and city contractors to be more environmentally aware and to take action to reduce greenhouse gases. He directed them to "consider environmental impacts when implementing policies, proposing new legislation, awarding contracts and making decisions that effect the city, its neighborhoods and its citizens."

The Kent Environmental Council believes that this is what our community needs to do as well and we are hoping that something similar can be enacted in Kent. To try to kick this problem down the road instead of addressing it now is foolish. We need to promote energy conservation and the use of clean energy sources in all the ways that we can. If all our officials take climate change into consideration in all their decisions, I am sure that we can make our contribution to address this worldwide crisis. This might include negotiating contracts with local utilities to supply us with greater amounts of renewable energy, retrofitting older city buildings with solar panels, making sure supply chains are climate-friendly, assuring that we continue to be a Tree City, providing incentives to area manufacturers to operate in environmentally conscious and protective ways, purchasing a natural gas fueled vehicle (which one council person suggested the last time I presented on carbon emissions here at council), etc. Members of KEC are willing to meet with council members to learn your thoughts on this, to have further discussions, to work with you, and help the city explore our climate future.

Sources: New York Times—June 1 & 2 & 7, 2017. Record Courier— June 3, 2017, Akron Beacon Journal—June 5 and June 13, 2017, NPR—June 14, 2017, LA Times—June 15, 2017, Fortune—January 2017.

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June 21, 2017

Take a look at this article from June 19, 2017 in the Record Courier. Stow sees the advantage of looking for Senior Living opportunities. We here in Kent need to do this as of yesterday. I brought a company here in the winter to look at what we had to offer in land and now after the conference with KSU and their telling us/council that they might put some of their land back on the tax duplicate we need to form a committee made up of council interested persons, city administrator, and Tom Wilke to start to look for companies that would provide moderate to up scale senior housing in configurations of condo to assisted living to nursing care and beyond. I have been involved in this field for over 20 years and I can tell you the need is only going to grow. There is a great demand for this type of housing in the corporation limits and many want to see access to the KSU campus and the downtown area. So I am proposing the formation of such a committee.

Councilperson Melissa M. Long

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## Plea hearing set for man linked to IS extremists

COLUMBUS (AP) — A federal judge has set a June plea hearing for an Ohio man accused of trying to travel to Libya to join the Islamic State group.

Documents filed in federal court last week say Aaron Daniels, of Columbus, will plead guilty to one count of attempting to provide material support to a foreign terrorist organization.

Authorities allege Daniels wired $250 to an Islamic State operative in January 2016 and told an undercover informant he

# Stow project to boost revenue

## $25 million senior residential development is planned

By JEFF SAUNDERS
Stow Sentry

STOW — A senior residential development planned on Allen Road could be a financial boon, especially for the Stow-Munroe Falls School District.

Thomas Finley, a partner in Beachwood-based developer Omni Senior Living, said it is estimated that the development is a $25 million to $29 million project that would raise more than $500,000 in property taxes, plus a payroll that will be more than $2 million, which would result in more than $40,000 in employee withholding taxes for the city based on the city's 2 percent tax rate.

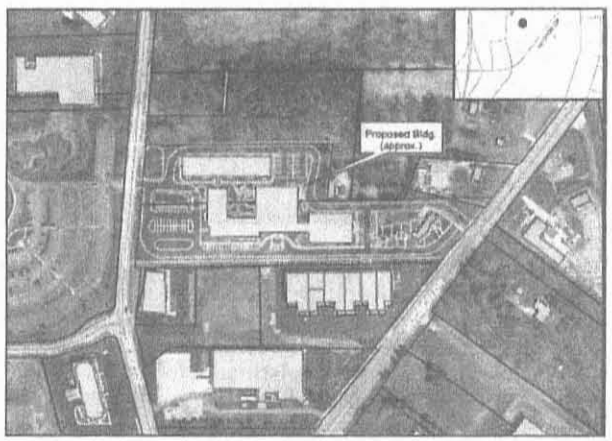
According to the Summit County Fiscal Office's online property tax calculator, such a development would generate between $620,000 and $720,000 in new property tax revenue annually, including nearly $400,000 to about $460,000 for the Stow-Munroe Falls City Schools and about $83,000 to nearly $100,000 for the city. The remainder would go to the county, the Stow-Munroe Falls Public Library and the Summit Metro Parks. Summit County Deputy Fiscal Officer Sarah Hegnauer said the fiscal office's tax settlement department determined the figures are "factual."

Mark Fritz, the school district's director of operations, said the additional revenue would be welcome.

"Obviously the district can use funding to help maintain buildings and to provide educational materials for the kids and support for the staff and the teachers," said Fritz. "With the state cuts [to public schools] all the time and the federal cuts, this money will help."

Finley said Omni hopes to have the property cleared and graded by the end of this year and start construction during the first three months of 2018.

The development will also be just north of Northeast Ohio Eye Surgeons practice and across the street from the Cleveland Clinic-Akron General Wellness Center. The wellness center is at 4300 Allen Road.




Courtesy of the City of Stow

**Stow City Council approved this site plan for a 148-unit senior residential development on eight acres across Allen Road from the Cleveland Clinic-Akron General Wellness Center on June 8. It is estimated to be at least a $25-million project with construction expected to begin in early 2018.**

Finley said the development will provide a full range of services for seniors. A 142-unit main building will include 82 independent living and 42 assisted living units and an 18-bed memory care section.

In addition, six independent living villas are planned to the east, near Hudson Drive.

"It will be an age-in-place continuum care," said Finley, adding "that continuum of care in a long-term community, I think, is important to the residents and to a successful development."

There will be access to the development from both Allen Road and Hudson Drive and a circulation drive around the entire site will provide access to the main building from the north and south. Stormwater management will be accommodated through the use of detention basins and underground storage.

Finley also said the project is the first of what Omni hopes will eventually be three phases. He said Omni is negotiating to purchase a 1.7-acre parcel behind the eye clinic for 10 additional independent living villas as the second phase.

"The marketing report says there is a high demand for that type of building in the area," he said.

For the third phase, he said, Omni is negotiating to purchase an additional 4.5 acres to the north, but what would be built there would depend on future demand.

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June 21, 2017

After Last nights planning commission meeting I'm not sure how many persons from University Hts. Or Horning Rd. area will be willing to vote for a bond levy that will raise their property taxes or in the near future a property tax to build a new city hall. People in the city think City Council are not thinking straight. They are loosing faith in our city administrations values, they think we all are more interested in development instead of the needs and ideas of the residents. We need the confidence of the residents and voters to pass all of this. Look at revenue sheet from Parks and Recreation and see the large amount of yearly revenue from the Silver Sneakers program. $230,000 annually and we will bill their (the seniors) medicare and/or private insurance for the programs of exercise and wellness at the new facility.

If we/council do not plan to include a senior center in the new Health and Wellness Center , more than one room as suggested in the plans, we will be saying to every senior property owner in the city:

l) Pass the bond levy and see your taxes go up

2) Join the health and wellness center and participate in the Silver Sneakers program so the center can bill your insurance

3) BUT then a boost out the door with no Senior Center for socialization or programs and/or fun!!

Remember there were over 54 people at last nights planning meeting and 90% were over 65 yr of age.

Councilperson Melissa M. Dorey

MEG GREENFIELD

# Why Nothing Is 'Wrong' Anymore

There has been an awful lot of talk about sin, crime and plain old antisocial behavior this summer—drugs and pornography at home, terror and brutality abroad. Maybe it's just the heat; or maybe these categories of conduct (sin, crime, etc.) are really on the rise. What strikes me is our curiously deficient, not to say defective, way of talking about them. We don't seem to have a word anymore for "wrong" in the moral sense, as in, for example, "theft is wrong."

Let me quickly qualify. There is surely no shortage of people condemning other people on such grounds, especially their political opponents or characters they just don't care for. Name-calling is still very much in vogue. But where the concept of wrong is really important—as a guide to one's own behavior or that of one's own side in some dispute—it is missing; and this is as true of those on the religious right who are going around pronouncing great masses of us sinners as it is of their principal antagonists, those on the secular left who can forgive or "understand" just about anything so long as it has not been perpetrated by a right-winger.

There is a fairly awesome literature that attempts to explain how we have changed as a people with the advent of psychiatry, the weakening of religious institutions and so forth, but you don't need to address these matters to take note of a simple fact. As a guide and a standard to live by, you don't hear so much about "right and wrong" these days. The very notion is considered politically, not to say personally, embarrassing, since it has such a repressive, Neanderthal ring to it. So we have developed a broad range of alternatives to "right and wrong." I'll name a few.

**The very notion has become politically and personally embarrassing**

**Right and stupid:** This is the one you use when your candidate gets caught stealing, or, for that matter, when anyone on your side does something reprehensible. "It was really so dumb of him"—head must shake here—"I just can't understand it." Bad is dumb, breathtakingly dumb and therefore unfathomable; so, conveniently enough, the effort to fathom it might just as well be called off. This one had a big play during Watergate and has had mini-revivals ever since whenever congressmen and senators investigating administration crimes turn out to be guilty of something similar themselves.

**Right and not necessarily unconstitutional:** I don't know at quite what point along the way we came to this one, the avoidance of admitting that something is wrong by pointing out that it is not specifically or even inferentially prohibited by the Constitution or, for that matter, mentioned by name in the criminal code or the Ten Commandments. The various parties that prevail in civil-liberty and civil-rights disputes before the Supreme Court have gotten quite good at making this spurious connection: it is legally permissible, therefore it is morally acceptable, possibly even good. But both as individuals and as a society we do things every day that we know to be wrong even though they may not fall within the class of legally punishable acts or tickets to eternal damnation.

**Right and sick:** Crime or lesser wrongdoing defined as physical and/or psychological disorder—this one has been around for ages now and as long ago as 1957 was made the butt of a great joke in the "Gee Officer Krupke!" song in "West Side Story." Still, I think no one could have foreseen the degree to which an originally reasonable and humane assumption (that some of what once was regarded as wrongdoing is committed by people acting out of ailment rather than moral choice) would be seized upon and exploited to exonerate every kind of misfeasance. This route is a particular favorite of caught-out officeholders who, when there is at last no other recourse, hold a press conference, announce that they are "sick" in some wise and throw themselves and their generally stunned families on our mercy. At which point it becomes gross to pick on them; instead we are exhorted to admire them for their "courage."

**Right and only to be expected:** You could call this the tit-for-tat school; it is related to the argument that holds moral wrongdoing to be evidence of sickness, but it is much more pervasive and insidious these days. In fact it is probably the most popular dodge, being used to justify, or at least avoid owning up to, every kind of lapse: the other guy, or sometimes just plain circumstance, "asked for it." For instance, I think most of us could agree that setting fire to live people, no matter what their political offense, is—dare I say it?—wrong. Yet if it is done by those for whom we have sympathy in a conflict, there is a tendency to extenuate or disbelieve it, receiving it less as evidence of wrongdoing on our side than as evidence of the severity of the provocation or as enemy-supplied disinformation. Thus the hesitation of many in the antiapartheid movement to confront the brutality of so-called "necklacing," and thus the immediate leap of Sen. Jesse Helms to the defense of the Chilean government after the horrifying incineration of protesters there.

**Right and complex:** This one hardly takes a moment to describe; you know it well. "Complex" is the new "controversial," a word used as "controversial" was for so long to flag trouble of some unspecified, dismaying sort that the speaker doesn't want to have to step up to. "Well, you know, it's very complex . . ." I still can't get this one out of my own vocabulary.

In addition to these various sophistries, we also have created a rash of "ethics committees" in our government, of course, whose function seems to be to dither around writing rules that allow people who have clearly done wrong—and should have known it and probably did—to get away because the rules don't cover their offense (see Right and not necessarily unconstitutional). But we don't need any more committees or artful dodges for that matter. As I listen to the moral arguments swirling about us this summer I become ever more persuaded that our real problem is this: the "still, small voice" of conscience has become far too small—and utterly still.



Regular City Council Meeting
Wednesday, June 21, 2017