

**THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WEDNESDAY, MARCH 15, 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 *(arrived 7:32 p.m.)*

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; Ms. Melanie Baker, Public Service Director; and Ms. Tara Grimm, CMC, Clerk of Council.

ABSENT: Mr. John Kuhar

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

Mayor Fiala called upon Councilmember Sidoti for his opening remarks. Mr. Sidoti commented on what a wonderful job our crew did plowing the streets during this week's snow event. He then led the Pledge of Allegiance.

APPROVAL OF MINUTES:

MOTION TO APPROVE THE MINUTES OF THE WORK SESSION OF FEBRUARY 15, 2017; PUBLIC HEARING OF FEBRUARY 15, 2017; REGULAR COUNCIL MEETING OF FEBRUARY 15, 2017; AND SPECIAL COUNCIL MEETING OF MARCH 1, 2017 made by Ms. Sidoti, seconded by Mr. Ferrara, and carried by a voice vote of 8-0.

COMMUNICATIONS:

Mayor Fiala called for audience comments. 8 visitors signed-in with Clerk to speak.

Barbara Tittle of 909 Middlebury, Kent read verbatim from an email sent to all Councilmembers on March 4, 2017 **(See Attachment #1)**.

David Rosen of 323 College Ct., Kent expressed his concern about the proposed measure for transgender housing and the discrimination transgender citizens' face. He felt that Council has the opportunity to do "good" for the transgender people in our City.

Susan Stanek of 375 Janik Dr., Stouffer Hall, Room 231, Kent spoke about her personal experiences growing up in a conservative church and how those experiences are engrained in her. All people have the right to live where they want to. She feels that in this political climate, the City of Kent needs to take action to protect the transgender community.

Rob Ullinger of 459 Majors Ln., Kent has been a resident of Kent for 39 years, 26 of which he spent as a Kent City fireman. He has been transgender for the past 7 or 8 years and has experienced a great outpouring of support and love and feels fortunate to live in "this little" bubble of Kent where he is either referred to as "Rob" or "Bobbie". He feels thoroughly accepted, and thinks the City should put their name behind the LGBT community and support their rights. Kent needs to "make a stamp" by passing an Ordinance, and offered to talk to any member of Council to further educate them on the LGBT community.

Rachel Mass of 1800 Rhodes Rd., Kent is a 3 year resident. Moving to Kent was an important transition from a very conservative town. The transgender community needs to feel protected and know that housing

is available without the fear of being homeless. Identities are more important than politics and feels issues need to be prioritized.

Alice Frietas of 1287 Anita Ct., Kent and President of “Transfusion” on the Kent State University campus expressed deep concern for the students who feel like everything has been taken away from them. This isn’t an easy issue to become educated on and implored Council to consider the hundreds of people who need a chance, who are not looking for special treatment, but to just live life like any other person. An invitation to attend a Transfusion meeting was passed on to Council for the opportunity to speak with this portion of the community. Kent is their strength. Discrimination and violence is growing.

Linda Miles of 1169 Windward Ln., Kent supports a housing Ordinance. She has 2 Masters Degrees, one in human development and family services. Her thesis project was on LGBTQ youth and how brains are not fully developed until age 25. Kids are overridden by feel-good actions, their braking system is overridden. She would like to share her research so Council could become more educated on the LGBTQ’s suicide ideation, drugs, alcohol, sex, runaways, violence and bullying. The prejudices of the larger society including parents, teachers, peers, and neighbors destroys their sense of self-worth. We need to embrace our youth and provide safe working, living and school environments. The LGBTQ community needs to know the City of Kent will protect them and see this as an opportunity to become an exemplary city.

Kevin Rossi of 1126 Elna Ave., Kent lives here part-time while attending Ohio Wesleyan University. There are very few LGBT on their campus because there are no safe housing options for them. These students have to occupy medical single occupancy on-campus housing, which is more expensive and takes away housing from someone who may medically need it. This is a huge issue for basic rights, not just in Kent, but everywhere.

Written Communications were reported by Ms. Grimm as follows:

1. Board of Zoning Appeals’ November 21, 2016 approved meeting Minutes were received on February 21, 2017 and placed on file in the Clerk’s office.
2. Planning Commission’s November 15, 2016 meeting minutes were received on February 22, 2017 and placed on file in the Clerk’s office.
3. Sustainability Commission Meeting Packet for March 6, 2017 was received on March 1, 2017 and was placed on file in the Clerk’s office.

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

1. Planning Commission’s Agenda for March 21, 2017 was received on March 13th and place on file in the Clerk’s office.

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

1. Request Streets, Sidewalks & Utilities Committee time to consider City Code updates required to confirm to changes in State legislation regarding small cell wireless antennas installed in the public right of way.
2. Request Community Development Committee time for Council to consider the renewal of the lease for the Haymaker’s Farmer’s market.
3. Request Community Development Committee time to authorize the final purchase and loan agreements for the City property on Gougler Avenue.
4. Request Community Development Committee time to receive the final community rec center report from Parks and Recreation Department.
5. Request Community Development Committee time to consider a request to renew the farmland agricultural use designation for the Carter Lumber property on Sunnybrook and Howe Road.
6. Request Health & Safety Committee time to receive the staff report and findings for the traffic safety concerns raised for the intersection of SR261 and Sunnybrook Road.
7. Request Health & Safety Committee time to receive the Fire Department’s 2016 Annual Report and an update on the Department’s strategic planning efforts.

8. Request Finance Committee time to consider possible options to restructure the Wells Sherman House loan.
9. Request Council's authorization to accept the transfer of 3 parcels of property along Gougler Avenue to complete the sale of those properties, as previously approved by Council, for the redevelopment of the L.N. Gross building. The title for those parcels are currently held by the Kent Downtown Community Urban Redevelopment Corporation on the City's behalf and the transfer (at no cost to the City) needs to occur to complete the sale.

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

STANDING COMMITTEES/ LEGISLATION

COMMITTEE OF THE WHOLE:

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

COMMUNITY DEVELOPMENT COMMITTEE:

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

MOTION TO APPROVE THE RECOMMENDED ACTION *ALREADY APPROVED AT SPECIAL COUNCIL MEETING ON MARCH 1, 2017 WITH RESOLUTION NO. 2017-14* made by Mr. Turner, seconded by Ms. Shaffer with no vote required:

- 1) Motion to approve a temporary moratorium on the acceptance of any new land use application seeking a development order and on the acceptance of certain building permit applications for property located within R-4 zoning districts of the City of Kent, and declaring an emergency. ()

FINANCE COMMITTEE:

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

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

RECOMMENDED ACTIONS APPROVED ABOVE:

- 1) Motion to approve the 2017 Budget Appropriations as presented, with an emergency clause.
- 2) Motion to refer the Wells Sherman House loan to Administration to allow restructure of the loan for Wells Sherman Corporation.

Draft No. 17-15: AN ORDINANCE AMENDING ORDINANCE NO. 2016-99, THE CURRENT APPROPRIATION ORDINANCE, PASSED NOVEMBER 16, 2016, AND AS AMENDED BY ORDINANCE NO. 2017-10, PASSED FEBRUARY 15, 2017, SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; FUND 106, PARKS AND RECREATION; FUND 121, STATE AND LOCAL FORFEITS; FUND 122, DRUG LAW ENFORCEMENT; FUND 124, INCOME TAX SAFETY; FUND 128, FIRE & EMS; FUND 201, WATER; FUND 202, SEWER; FUND 208, STORM WATER; AND FUND 301, CAPITAL; AND SO AS TO INCREASE REPAYMENT OF TEMPORARY ADVANCES FROM FUND 208, STORM WATER TO FUND 116, INCOME TAX; 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. 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.

MOTION TO ADOPT DRAFT No. 17-15 made by Mr. DeLeone and seconded by Mr. Ferrara. 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.

ORDINANCE No. 2017-15: AN ORDINANCE AMENDING ORDINANCE NO. 2016-99, THE CURRENT APPROPRIATION ORDINANCE, PASSED NOVEMBER 16, 2016, AND AS AMENDED BY ORDINANCE NO. 2017-10, PASSED FEBRUARY 15, 2017, SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; FUND 106, PARKS AND RECREATION; FUND 121, STATE AND LOCAL FORFEITS; FUND 122, DRUG LAW ENFORCEMENT; FUND 124, INCOME TAX SAFETY; FUND 128, FIRE & EMS; FUND 201, WATER; FUND 202, SEWER; FUND 208, STORM WATER; AND FUND 301, CAPITAL; AND SO AS TO INCREASE REPAYMENT OF TEMPORARY ADVANCES FROM FUND 208, STORM WATER TO FUND 116, INCOME TAX; AND DECLARING AN EMERGENCY *PASSED* as stated by Ms. Grimm.

HEALTH AND SAFETY COMMITTEE:

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

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

RECOMMENDED ACTION APPROVED ABOVE:

- 1) Motion to authorize the 3 smoke-free initiatives of smoke-free multi-unit housing, smoke-free outdoor spaces and smoke-free community events with the emergency clause.

LAND USE COMMITTEE:

Draft No. 17-16: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT FOR THE PURCHASE AND SALE OF REAL ESTATE BETWEEN THE CITY OF KENT AND JOHN FLYNN TO SELL THE REAL PROPERTY KNOWN AS 214 SOUTH WATER STREET, KENT, OHIO FOR \$435,000.00, 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. Shaffer and seconded by Mr. Ferrara. 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.

MOTION TO ADOPT DRAFT No. 17-16 made by Mr. Shaffer and seconded by Mr. Ferrara. 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.

ORDINANCE No. 2017-16: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT FOR THE PURCHASE AND SALE OF REAL ESTATE BETWEEN THE CITY OF KENT AND JOHN FLYNN TO SELL THE REAL PROPERTY KNOWN AS 214 SOUTH WATER STREET, KENT, OHIO FOR \$435,000.00, AND DECLARING AN EMERGENCY *PASSED* as stated by Ms. Grimm.

STREETS, SIDEWALKS AND UTILITIES COMMITTEE:

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

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

RECOMMENDED ACTION APPROVED ABOVE:

- 1) Motion to authorize the proposed changes to the Chapters 921, 1193, 1197 and 1199 for the update to the City's Stormwater Regulations.

Draft No. 17-17: AN ORDINANCE AMENDING CHAPTER 921 ENTITLED "STORM WATER USE" AND CHAPTERS 1193, 1197 AND 1199 ENTITLED "WATER RESOURCE MANAGEMENT" OF THE KENT CODIFIED ORDINANCES, IN ORDER TO KEEP THE CITY OF KENT, OHIO IN COMPLIANCE WITH STATE AND FEDERAL PERMIT REQUIREMENTS FOR WATER RESOURCE MANAGEMENT PRACTICES, 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. 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.

MOTION TO ADOPT DRAFT No. 17-17 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.

ORDINANCE No. 2017-17: AN ORDINANCE AMENDING CHAPTER 921 ENTITLED "STORM WATER USE" AND CHAPTERS 1193, 1197 AND 1199 ENTITLED "WATER RESOURCE MANAGEMENT" OF THE KENT CODIFIED ORDINANCES, IN ORDER TO KEEP THE CITY OF KENT, OHIO IN COMPLIANCE WITH STATE AND FEDERAL PERMIT REQUIREMENTS FOR WATER RESOURCE MANAGEMENT PRACTICES, AND DECLARING AN EMERGENCY *PASSED* as stated by Ms. Grimm.

Mayor Fiala requested Clerk Grimm correct the 2nd page of the Agenda to reflect "March 1st" committee meeting minutes v. "February 1st" minutes for the purpose of public record. Ms. Grimm agreed to make the change.

SPECIAL COMMITTEE REPORTS: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

Ms. Shaffer believes she was the "seconded" of the original motion to bring forth legislation for LGBTQ housing rights. She stated she would like to make a motion to refer the matter back to committee.

MOTION TO REFER BACK TO COMMITTEE FOR THE REINSTITUTION OF AN ORDINANCE AND DISCUSSION ON GENDER IDENTITY IN LINE WITH BECOMING A COMPASSIONATE CITY made by Ms. Shaffer, seconded by Mr. Amrhein.

Ms. Shaffer felt that the people in the audience said it best. She is blown away by some of the personal comments that were made, their passion and tries to put herself in their places. Life here in Kent shouldn't be a struggle and this issue seems to be right in line with becoming a Compassionate City.

Mr. Amrhein agreed with Ms. Shaffer.

Ms. Wallach would like the committee to discuss other ways of supporting the community, maybe by designating an "LGBTQ day" and host events or something. She would like to see a list of apartments and housing that are LGBTQ friendly made available so there is something we can refer to.

Mr. Sidoti felt that we could ask Mr. Silver to help us make some extremely simple, but powerful, language changes for an Ordinance. He reminded Council that we need to wait until committee time to discuss the details.

Mr. Turner referred to Council's inability to act on the Ordinance at the time. We can address this as a Council and a community and create a mechanism to protect us. As a government, we need to address the "Compassionate City" and "One Kent Initiative" to include everybody... we are a cutting edge community.

The MOTION TO REFER BACK TO COMMITTEE FOR THE REINSTITUTION OF AN ORDINANCE AND DISCUSSION ON GENDER IDENTITY IN LINE WITH BECOMING A COMPASSIONATE CITY that was made by Ms. Shaffer, and seconded by Mr. Amrhein *CARRIED* by a voice vote of 8-0.

COUNCILMEMBERS' COMMENTS:

Ms. Long advised Council and the audience that there is a Parks and Recreation Committee meeting tomorrow evening at 7:00 p.m. and would get an Agenda to Ms. Grimm.

Ms. Shaffer added to Mr. Sidoti's opening comments regarding snow removal on our roads by commenting about the sidewalks. She is happy to see the pilot program's instituted changes are working and how wonderful the new machine clears the sidewalks, especially on E. Main St. She remembered driving into town and used to be really ticked off driving around people who had to walk in the streets because of uncleaned sidewalks. It is wonderful to see the sidewalks clear, does her heart good and seems to be working. Ms. Shaffer thanked her colleagues.

MAYOR'S REPORT:

Mayor Fiala asked for a moment of silence in remembrance of Tom Campana, an icon of this community, who passed away at the age of 94. If you played football in Portage County, he was someone to look up to. He made a team out of every football player he took under his arm. He thanked Tom for all he did for our community.

After hearing no further discussion, Mayor Fiala adjourned the meeting at 8:12 p.m.

Tara Grimm, CMC
Clerk of Council

Jerry T. Fiala
Mayor and President of Council