THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WEDNESDAY, MAY 17, 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, Mr. John Kuhar, 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. 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.

Mayor Fiala called upon Councilmember Wallach for her opening remarks. Ms. Wallach had no comments, then she then led the Pledge of Allegiance.

APPROVAL OF MINUTES:

MOTION TO APPROVE THE MINUTES OF THE WORK SESSION OF APRIL 19, 2017; REGULAR COUNCIL MEETING OF APRIL 19, 2017; SPECIAL JOINT COUNCIL MEETING WITH FRANKLIN TOWNSHIP OF MAY 3, 2017; AND PUBLIC HEARING OF MAY 3, 2017; made by Mr. DeLeone, seconded by Mr. Kuhar, and carried by a voice vote of 8-0-1 with Ms. Wallach abstaining.

COMMUNICATIONS:

Mayor Fiala called for audience comments. 12 visitors signed-in with Clerk to speak.

1. MJ Eckhouse of 123 E. Crain Ave., Kent thanked Council for their efforts and reiterated how transgenders can still be discriminated against in Kent and the state of Ohio. There is a need for public accommodations, non-denominational protections and a clear remedy of enforcement. MJ was grateful for Council unanimously adding in protections in housing and employment, but there needs to be a way to meaningfully enforce the words. As part of Kent for Equality, they would like to make Kent stand out by celebrating PRIDE month in June by adopting a fully comprehensive LGBT law during the month and join the 20 other Cities in Ohio who already have these enforcements.
2. Jay Plymale of 7437 Birkner, Kent expressed his concerns of passing a zoning code change in the R4 area. He does not want to see spot zoning or “down” zoning as the University continues to advertise for more students and will continue growing.
3. Rudolph Butler of 5936 Horning Rd., Kent currently lives in a multi-unit house since 1963, which was a residential area, but not anymore. All the interests were in adding multi-units and the R4 doesn’t allow him to sell and get a decent price for his property.
4. Christopher Myers of 220 E. Elm, Kent read from the attached statement ***(See Attachment #1)*** and held up a large, double-sided poster. He reiterated his complaints and **2 Points of Order** were called by Clerk Grimm for the use of insulting and vulgar language towards Mr. Ferrara and for Mr. Ferrara responding which both violated Council’s Standing Rules.
5. Dennis Krupa of 5868 Rhodes Rd., Kent supports the conditional zoning amendment as it gives a forum for people to speak. Status is part of representation as communities grow and change. This would allow focus for strategies much more efficiently and he urged Council to pass the zoning code amendment.
6. Bobbi Ullinger of 409 Majors Lane, Kent recapped how 1 month ago the community celebrated the passage of including sexual orientation and gender identity for employment and housing and how the matter was then referred back to committee for Council to consider extending the language to include public accommodations and enforcement. Bobbi requests that we make sure progress is made on this. Public accommodations are important, it is not right for them to be kicked out of a business. Kent is a bubble and wants to ensure the City reflects what is going on in the community

and help eliminate the stigma. There is hope.

7. Maureen Gartland of 5885 Horning Road, Kent spoke positively to the zoning code amendment as the changes would allow for a broader perspective and a less isolating vision.
8. David Reith of 520 Harvey St., Kent referred to the 1005 E. Main St. project and his attendance at the Planning Commission meeting. He understands that hands are tied by the laws but is frustrated with out-f-towners destroying signature neighborhoods for the sake of making money. This type of development brings traffic congestion, fire, theft, burglary, littering et al. He would rather see something like a presidential KSU home or non-denominational chapel or a sculpture garden. He offered that Council could issue support to solve the problems in the form of a Proclamation published to aid homeowners to maintain property as it is.
9. Maria Pizzino of 1737 Holly Lane, Kent posed questions regarding the zoning change. Text amendments will affect their purpose as the property was purchased as an investment. What is the basis of emergency legislation and moratorium and were the facts considered? What influenced decisions, were they facts and did they consider all the factors? Ms. Pizzino cited a case from New York City. What motivated the restrictions on R3A and R4, who is being protected and what is the economic impact on the city? Why can't the area be rezoned as a City park? She felt Council had a greater interest in the residents outside the city limits, inhibit development and increase the tax base. She also believes that the people who have spoken out are focused on their own interests, not the residents. Maybe the property should be purchased from the Pizzino's.
10. Elisa Pizzino of 1737 Holly Lane, Kent explained how her home is not in Kent, only property. She recapped the open forum where township residents were very vocal regarding their adjacent properties in the R4 & CR districts. She felt the landowners were not considered during the Planning Commission meeting as only 1 property owner voiced their opinion out of 15 people who spoke. Ms. Pizzino objects to the proposed amendments, specifically allow comments from outside and changing the R4 to a conditionally permitted use. She reminded Council of their emergency moratorium being temporary v. permanent and this is exactly what the City would be doing is they pass these amendments. Why reflect greater concern from outside residents and inhibit development that is antagonistic and detrimental. Has Council considered they may be setting a precedent to consider other areas of development where non-residents border City property owners?
11. Nancy Pizzino of 1737 Holly Lane, Kent is opposed to the text amendments and wonders why we are considering outside the City limits v. our residents.
12. Mary Organ of 5876 Horning Road, Kent thanked Council and wanted to speak in favor of all 3 of the zoning code text amendments. It doesn't preclude but adds a type of development. She is 5 houses from the City limit and always considered herself a resident of Kent. She lives, works and owns a business in Kent and plans on staying another 15-20 years. These amendments allow her the opportunity to make comments. She appreciates the Community Development Department's efforts in putting forth these changes and protections from developers.

Written Communications were reported by Ms. Grimm as follows:

1. Planning Commission Agenda for May 2, 2017 was received on April 26, 2017 and placed on file in the Clerk's office.
2. Sustainability Commission Meeting Packet for May 2, 2017 was received on April 26, 2017 and was placed on file in the Clerk's office.
3. Architectural Review Board Meeting Packet for May 1, 2017 was received on April 26, 2017 and was placed on file in the Clerk's office.
4. Standing Rock Cemetery Meeting Minutes for February 9, 2017 & March 9, 2017 were received on May 3, 2017 and placed on file in the Clerk's office.
5. A Liquor License request was received on April 24, 2017 for Moran Foods, LLC DBA Save A Lot #645, 1430 Water St. Chief Lee had no objections. Deadline for return is May 22, 2017.

MOTION TO RETURN THE LIQUOR LICENSE TRANSFER REQUEST TO THE OHIO DEPARTMENT OF LIQUOR CONTROL BY THE CLERK OF COUNCIL WITH NO OBJECTION made by Mr. Amrhein, seconded by Mr. Kuhar. Motion carried by a voice vote of 9-0.

On Roll call, voting “Yes”: Mr. Ferrara, 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 9-0.

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. Architectural review Board Agenda for May 16, 2017 received on May 10, 2017.
2. Parks and Recreation Board packet for May 18, 2017 received on May 15, 2017.
3. Board of Zoning Appeals minutes of April 17, 2017 received May 16, 2017.
4. Planning Commission summary minutes of March 21, 2017 received May 17, 2017.
5. Copy of a letter from the Board of Elections to Mr. Jim Silver requesting his ruling on Kent City’s Charter as it pertains to candidates.
6. Standing Rock Cemetery minutes of April 13, 2017 received May 17, 2017.
7. Reminder that City Offices will be closed Monday, May 29th in observance of Memorial Day.

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

1. Request Council’s authorization to accept a donation of medical supply equipment (Lifepak, First Aid Kits, Tourniquets) from University Hospital, estimated at $42,025 for use by the Kent Fire Department (Draft #17-39)
2. Request Council’s authorization for the Kent Fire Department to submit a FEMA Fire Prevention Grant in an amount up to $8,500 for smoke detectors that would be given to residents in need. (Draft #17-40)
3. Request Council’s authorization for the City Clerk to schedule a public hearing to consider amendments to Kent City Code related to private fence specifications required around swimming pools.
4. Request Community Development Committee time to consider proposed modifications to Kent City Code related to private fence specifications required around swimming pools.
5. Request Community Development Committee time to receive a report from the staff on the parking meter revenue and costs in downtown Kent.
6. Request Community Development Committee time for the semi-annual review and certification of the City’s EDA funds.
7. Request Streets, Sidewalks and Utilities Committee time to consider the proposed City Code updates for small cell wireless antennas in the City.
8. Request Streets, Sidewalk, & Utilities Committee for consideration of a new event street request from the Haymaker Farmer’s Market to close a portion of Franklin Street on August 18, 2017 to host a Farmer’s Market 25th year celebration.
9. Request Health and Safety Committee time to consider a proposed agreement between the City of Kent Health Department and Kent State University to combine public health resources under the designation of an academic health department.
10. Request Health and Safety Committee time for consideration of a request from Kent Parks and Recreation for approval to sell alcohol at a proposed Queen of Hearts event scheduled for July 23rd in Fred Fuller Park.
11. Request Finance Committee time to consider loan modification options for the Wells Sherman House.
12. Request Finance Committee time to consider a request from Kent Parks and Recreation to approve a “Resolution of Necessity” as a first step in the possible placement of a voted bond issue to finance a new Community Recreation Facility on the November ballot.
13. Request Council's authorization to renew the 6 parking permits on Portage Street for use by the St. Patrick School staff during the 2017-18 school year.
14. Request Council’s authorization for an Executive Session for a matter of City litigation.

MOTION TO APPROVE ITEMS #1-12 OF THE CITY MANAGER’S REPORT made by Mr. Amrhein, seconded by Mr. DeLeone. Motion carried by a voice vote of 9-0.

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

MOTION TO APPROVE ITEM #14 **TO RECESS INTO AN EXECUTIVE SESSION IMMEDIATELY AFTER THE REGULAR MEETING IN ACCORDANCE WITH OHIO REVISED CODE SECTION 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. Ferrara, 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 9-0.

STANDING COMMITTEES/ LEGISLATION

COMMITTEE OF THE WHOLE:

MOTION TO APPROVE THE COMMITTEE MEETING MINUTES OF MAY 3, 2017 made by Mr. Ferrara, seconded by Mr. Amrhein, and carried by a voice vote of 8-0-1 with Ms. Wallach abstaining.

MOTION TO APPROVE THE THREE (3) RECOMMENDED ACTIONS made by Mr. DeLeone, seconded by Mr. Kuhar, and carried by a voice vote of 9-0.

RECOMMENDED ACTION APPROVED ABOVE:

1) To approve changes to Council's Standing Rules
2) To authorize Rick Bissler to be re-appointed to the Portage Area Regional Transportation Authority (PARTA) Board with an emergency clause.
3) Approve changing to calendar year terms for all Boards, Commissions & Committees.

Draft No. 17-34: A RESOLUTION APPOINTING RICK BISSLER TO THE PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY (PARTA) BOARD, 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": Mr. Kuhar, 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 9-0.

MOTION TO ADOPT DRAFT No. 17-34 made by Mr. Ferrara and seconded by Ms. Shaffer. On Roll call, voting "Yes": Ms. Long, 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.

RESOLUTION No. 2017-34: A RESOLUTION APPOINTING RICK BISSLER TO THE PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY (PARTA) BOARD, AND DECLARING AN EMERGENCY *PASSED* as stated by Ms. Grimm.

COMMUNITY DEVELOPMENT COMMITTEE:

MOTION TO APPROVE THE COMMITTEE MEETING MINUTES OF MAY 3, 2017 made by Mr. Kuhar, seconded by Mr. DeLeone, and carried by a voice vote of 8-0-1 with Ms. Wallach abstaining.

MOTION TO APPROVE THE TWO (2) RECOMMENDED ACTIONS made by Mr. Kuhar, seconded by Ms. Shaffer and carried by a voice vote of 9-0:

1) To authorize the proposed text amendments to Zoning Code Chapter 1134: R-3A Zoning District, and Chapter 1135: R-4 Zoning District to change multifamily housing from a permitted use

to a conditionally permitted use and amending Zoning Code Chapter 1171: Conditionally Permitted Use Regulations to include additional conditions, and revoke the temporary moratorium with an emergency clause.

2) To authorize the 2017 Celebrate Kent Funds as presented.

Draft No. 17-35: AN ORDINANCE AMENDING THE CITY OF KENT'S ZONING CODE CHAPTER 1134 R-3A: EXTENDED HIGH DENSITY RESIDENTIAL ZONING DISTRICT TO CHANGE "MULTIFAMILY HOUSING" FROM A "PERMITTED USE" TO A "CONDITIONALLY PERMITTED USE" AND REVOKING THE TEMPORARY MORATORIUM, 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, Mr. Kuhar, and Ms. Long. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 17-35 made by Ms. Shaffer and seconded by Mr. Ferrara. On Roll call, voting "Yes": Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Long, and Ms. Shaffer. The motion carried by a roll call vote of 9-0.

RESOLUTION No. 2017-35: AN ORDINANCE AMENDING THE CITY OF KENT'S ZONING CODE CHAPTER 1134 R-3A: EXTENDED HIGH DENSITY RESIDENTIAL ZONING DISTRICT TO CHANGE "MULTIFAMILY HOUSING" FROM A "PERMITTED USE" TO A "CONDITIONALLY PERMITTED USE" AND REVOKING THE TEMPORARY MORATORIUM, AND DECLARING AN EMERGENCY *PASSED* as stated by Ms. Grimm.

Draft No. 17-36: AN ORDINANCE AMENDING THE CITY OF KENT'S ZONING CODE CHAPTER 1135 R-4: MULTIFAMILY RESIDENTIAL ZONING DISTRICT TO CHANGE "MULTIFAMILY HOUSING" FROM A "PERMITTED USE" TO A "CONDITIONALLY PERMITTED USE", 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": Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Long, Ms. Shaffer, and Mr. Sidoti. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 17-36 made by Mr. Kuhar and seconded by Mr. Sidoti. On Roll call, voting "Yes": Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Long, Ms. Shaffer, Mr. Sidoti, and Mr. Turner. The motion carried by a roll call vote of 9-0.

RESOLUTION No. 2017-36: AN ORDINANCE AMENDING THE CITY OF KENT'S ZONING CODE CHAPTER 1135 R-4: MULTIFAMILY RESIDENTIAL ZONING DISTRICT TO CHANGE "MULTIFAMILY HOUSING" FROM A "PERMITTED USE" TO A "CONDITIONALLY PERMITTED USE", AND DECLARING AN EMERGENCY *PASSED* as stated by Ms. Grimm.

Ms. Shaffer commented that these amendments are a good thing and are "pro-growth".

Mr. Kuhar said this is a tough decision for him and would like to see the City remain homogenous and well-sculptured.

Draft No. 17-37: AN ORDINANCE AMENDING THE CITY OF KENT'S ZONING CODE CHAPTER 1171 "CONDITIONALLY PERMITTED USE REGULATIONS" TO INCLUDE ADDITIONAL CONDITIONS, 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 Ms. Shaffer. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Long, 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. 17-37 made by Mr. Kuhar and seconded by Mr. Ferrara. On Roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, and Mr. Amrhein. The motion carried by a roll call vote of 9-0.

RESOLUTION No. 2017-37: AN ORDINANCE AMENDING THE CITY OF KENT'S ZONING CODE CHAPTER 1171 "CONDITIONALLY PERMITTED USE REGULATIONS" TO INCLUDE ADDITIONAL CONDITIONS, AND DECLARING AN EMERGENCY *PASSED* as stated by Ms. Grimm.

Draft No. 17-44: A RESOLUTION APPROVING A REQUEST FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ASSISTANCE FOR PROGRAM YEAR (PY) 2017 UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, INCLUDING THE PY2017 ANNUAL ACTION PLAN AND AUTHORIZING THE EXECUTION AND FILING OF THE PY2017 ANNUAL ACTION PLAN, INCLUDING RELATED CERTIFICATIONS, AND UPON AWARDING OF THE GRANT, AUTHORIZING APPROPRIATION OF FUNDS 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. Ferrara. On Roll call, voting "Yes": Mr. Ferrara, 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 9-0.

MOTION TO ADOPT DRAFT No. 17-44 made by Mr. Ferrara and seconded by Mr. Kuhar. On Roll call, voting "Yes": Mr. Kuhar, 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 9-0.

RESOLUTION No. 2017-44: A RESOLUTION APPROVING A REQUEST FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ASSISTANCE FOR PROGRAM YEAR (PY) 2017 UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, INCLUDING THE PY2017 ANNUAL ACTION PLAN AND AUTHORIZING THE EXECUTION AND FILING OF THE PY2017 ANNUAL ACTION PLAN, INCLUDING RELATED CERTIFICATIONS, AND UPON AWARDING OF THE GRANT, AUTHORIZING APPROPRIATION OF FUNDS AND DECLARING AN EMERGENCY *PASSED* as stated by Ms. Grimm.

FINANCE COMMITTEE:

MOTION TO APPROVE THE COMMITTEE MEETING MINUTES OF MAY 3, 2017 made by Mr. DeLeone, seconded by Mr. Ferrara, and carried by a voice vote of 9-0.

MOTION TO APPROVE THE RECOMMENDED ACTION made by Mr. DeLeone, seconded by Mr. Ferrara, and carried by a voice vote of 9-0.

RECOMMENDED ACTION APPROVED ABOVE:

1) To authorize the 2017 Budget Appropriations Amendment as submitted with an emergency clause.

Draft No. 17-38: 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; SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; FUND 201, WATER; FUND 202, SEWER; 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. Kuhar and seconded by Mr. Ferrara. On Roll call, voting "Yes": Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, and Ms. Long. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 17-38 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. Long, and Ms. Shaffer. The motion carried by a roll call vote of 9-0.

RESOLUTION No. 2017-38: 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; SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; FUND 201, WATER; FUND 202, SEWER; AND FUND 301, CAPITAL; AND DECLARING AN EMERGENCY *PASSED* as stated by Ms. Grimm.

Draft No. 17-39: A RESOLUTION ACCEPTING A DONATION OF MEDICAL SUPPLY EQUIPMENT (LIFEPAK, FIRST AID KITS AND TOURNIQUETS) FROM UNIVERSITY HOSPITAL ESTIMATED AT $42,025.00 TO THE CITY OF KENT POLICE DEPARTMENT, 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, Mr. Kuhar, Ms. Long, Ms. Shaffer, and Mr. Sidoti. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 17-39 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. Long, Ms. Shaffer, Mr. Sidoti, and Mr. Turner. The motion carried by a roll call vote of 9-0.

RESOLUTION No. 2017-39: A RESOLUTION ACCEPTING A DONATION OF MEDICAL SUPPLY EQUIPMENT (LIFEPAK, FIRST AID KITS AND TOURNIQUETS) FROM UNIVERSITY HOSPITAL ESTIMATED AT $42,025.00 TO THE CITY OF KENT POLICE DEPARTMENT, AND DECLARING AN EMERGENCY *PASSED* as stated by Ms. Grimm.

Draft No. 17-40: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT A GRANT FOR SMOKE DETECTORS FOR A TOTAL VALUE OF APPROXIMATELY $8,500 FROM THE FEMA FIRE PREVENTION GRANT TO BE GIVEN TO KENT RESIDENTS IN NEED OF SMOKE DETECTORS, 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. Kuhar. On Roll call, voting “Yes”: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Long, 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. 17-40 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting “Yes”: Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, and Mr. Amrhein. The motion carried by a roll call vote of 9-0.

RESOLUTION No. 2017-40: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT A GRANT FOR SMOKE DETECTORS FOR A TOTAL VALUE OF APPROXIMATELY $8,500 FROM THE FEMA FIRE PREVENTION GRANT TO BE GIVEN TO KENT RESIDENTS IN NEED OF SMOKE DETECTORS, AND DECLARING AN EMERGENCY *PASSED* as stated by Ms. Grimm.

HEALTH AND SAFETY COMMITTEE:

MOTION TO APPROVE THE COMMITTEE MEETING MINUTES OF MAY 3, 2017 made by Mr. Amrhein, seconded by Mr. DeLeone, and carried by a voice vote of 8-0-1 with Ms. Wallach abstaining.

MOTION TO APPROVE THE RECOMMENDED ACTION made by Mr. Amrhein, seconded by Ms. Wallach, and carried by a voice vote of 8-0-1 with Mr. Kuhar abstaining.

RECOMMENDED ACTION APPROVED ABOVE:

1) To authorize the License to Occupy the Public Right of Way for Standing Rock Gallery handicap ramp installation with an emergency clause.

Draft No. 17-41: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LICENSE AGREEMENT BETWEEN JOHN M. AND RITA M. KUHAR 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 Ms. Shaffer. On Roll call, voting "Yes": Mr. Ferrara, Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone; Mr. Kuhar abstained. The motion carried by a roll call vote of 8-0-1.

MOTION TO ADOPT DRAFT No. 17-41 made by Mr. Ferrara and seconded by Ms. Shaffer. On Roll call, Mr. Kuhar abstained; 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 8-0-1.

RESOLUTION No. 2017-41: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LICENSE AGREEMENT BETWEEN JOHN M. AND RITA M. KUHAR AND THE CITY OF KENT, 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 MAY 3, 2017 made by Mr. Sidoti, seconded by Mr. DeLeone, and carried by a voice vote of 8-0-1 with Ms. Wallach abstaining.

MOTION TO APPROVE THE TWO (2) RECOMMENDED ACTIONS made by Mr. Sidoti, seconded by Mr. Ferrara, and carried by a voice vote of 9-0.

RECOMMENDED ACTIONS APPROVED ABOVE:

1) To defer discussion on the proposed City Code updates for Small Cell Wireless Antennas to the June meeting.
2) To approve the submission of the proposed projects for OPWC funding with an emergency clause.

Draft No. 17-42: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SUBMIT ON BEHALF OF THE CITY OF KENT, AN APPLICATION TO THE OHIO PUBLIC WORKS COMMISSION (OPWC) FOR THE HUDSON ROAD WATER MAIN PROJECT FOR A GRANT UP TO $350,000 AND A NO-INTEREST LOAN IN THE AMOUNT OF $150,000; AND FURTHER AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, IN THE EVENT THE APPLICATION IS APPROVED, TO EXECUTE THE SUBSEQUENT AGREEMENT; AUTHORIZE THE APPROPRIATION THERETO, 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. Long, 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. 17-42 made by Ms. Shaffer 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. Long. The motion carried by a roll call vote of 9-0.

RESOLUTION No. 2017-42: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SUBMIT ON BEHALF OF THE CITY OF KENT, AN APPLICATION TO THE OHIO PUBLIC WORKS COMMISSION (OPWC) FOR THE HUDSON ROAD WATER MAIN PROJECT FOR A GRANT UP TO $350,000 AND A NO-INTEREST LOAN IN THE AMOUNT OF $150,000; AND FURTHER AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, IN THE EVENT THE APPLICATION IS APPROVED, TO EXECUTE THE SUBSEQUENT AGREEMENT; AUTHORIZE THE APPROPRIATION THERETO, AND DECLARING AN EMERGENCY *PASSED* as stated by Ms. Grimm.

Draft No. 17-43: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SUBMIT ON BEHALF OF THE CITY OF KENT, AN APPLICATION TO THE OHIO PUBLIC WORKS COMMISSION (OPWC) FOR THE MIDDLEBURY ROAD RESURFACING PROJECT FOR A GRANT UP TO $175,000 AND A NO-INTEREST LOAN IN THE AMOUNT OF $150,000; AND FURTHER AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, IN THE EVENT THE APPLICATION IS APPROVED, TO EXECUTE THE SUBSEQUENT AGREEMENT; AUTHORIZE THE APPROPRIATION THERETO, 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. Sidoti. On Roll call, voting "Yes": Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Long, and Ms. Shaffer. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 17-43 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Long, Ms. Shaffer, and Mr. Sidoti. The motion carried by a roll call vote of 9-0.

RESOLUTION No. 2017-43: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SUBMIT ON BEHALF OF THE CITY OF KENT, AN APPLICATION TO THE OHIO PUBLIC WORKS COMMISSION (OPWC) FOR THE MIDDLEBURY ROAD RESURFACING PROJECT FOR A GRANT UP TO $175,000 AND A NO-INTEREST LOAN IN THE AMOUNT OF $150,000; AND FURTHER AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, IN THE EVENT THE APPLICATION IS APPROVED, TO EXECUTE THE SUBSEQUENT AGREEMENT; AUTHORIZE THE APPROPRIATION THERETO, AND DECLARING AN EMERGENCY*PASSED* as stated by Ms. Grimm.

SPECIAL COMMITTEE REPORTS: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

MOTION TO HAVE ADMINISTRATION LOOK INTO THE NEED FOR BIKE PATH SIGNS BY THE CANOE LIVERY made by Mr. DeLeone, seconded by Mr. Ferrara. Motion CARRIED with a voice vote of 9-0.

MOTION TO HAVE ADMINISTRATION LOOK INTO THE NEED FOR AN AREA FOR RESIDENTS TO CONDUCT "SAFE ON-LINE-TRANSACTIONS" made by Mr. DeLeone, seconded by Mr. Kuhar. Motion CARRIED with a voice vote of 9-0.

MOTION TO REFER TO COMMITTEE TO HAVE COMPREHENSIVE, NON-DISCRIMINATORY, PUBLIC ACCOMMODATING AND ENFORCEMENT LEGISLATION DRAFTED FOR PRIDE MONTH made by Ms. Shaffer. Mr. Ruller reminded Council that we are already working on this matter and that they are investigating and collecting data from the 16-20 cities who already have legislation in place and the information will not be available until July. There was NO second to the Motion.

COUNCILMEMBERS' COMMENTS:

Ms. Long invited everyone to attend the next Parks and Recreation Board meeting tomorrow at 7:00 p.m.

Mr. Kuhar commented of the graffiti on the rail road tracks and expressed the lack of pride and low intelligence of the artists and reminded them that buildings can be repainted.

MAYOR'S REPORT:

Mayor Fiala commented on his presentation of a Proclamation to our police officers on Monday celebrating "Police Week". He also joked about hell freezing over as the railroad tracks have finally been fixed on Main Street.

At 8:42 p.m. Mayor Fiala moved into Executive Session based on the Motion made at the beginning of the meeting by Mr. Amrhein.

At 9:19 p.m. Council came out of Executive Session and resumed the regular Meeting.

At 9:19 p.m. **MOTION TO APPROVE SETTLEMENT BETWEEN CITY OF KENT AND HILLAL AS A PART OF THE EMINENT DOMAIN ACTION FOR PROPERTY NEEDED FOR THE SUMMIT STREET PROJECT** made by Mr. Ferrara, seconded by Mr. Amrhein. The motion carried by a voice vote of 9-0.

There was no further discussion.

Hearing no further discussion, Mayor Fiala adjourned the regular meeting at 9:20 p.m.

Tara Grimm, CMC	Jerry T. Fiala
Clerk of Council	Mayor and President of Council

KSU caught and cited for violating clean air regulations during the construction of its new architecture building. This rather odd behavior, by a university that teaches environmental laws (They teach that in the School of Public Health.), adversely affected my student ~~tenants~~ across the street by having to live with and breathe contaminated air

Christopher M. Myers
BA, MA, KSU