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

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

PRESENT: Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Ms. Melissa Long, Ms. Heidi Shaffer, Mr. Roger Sidoti, and Mr. Robin Turner.

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; and Ms. Tara Grimm, CMC, Clerk of Council.

ABSENT: Mr. John Kuhar and Ms.Tracy Wallach.

Mayor Fiala called upon Councilmember Long for her opening remarks. She read from a prepared statement ***(See Attachment #1)*** then led the Pledge of Allegiance.

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

APPROVAL OF MINUTES:
MOTION TO APPROVE THE MINUTES OF THE PUBLIC HEARING OF SEPTEMBER 20, 2017, REGULAR COUNCIL MEETING OF SEPTEMBER 20, 2017, AND THE DEMOCRACY DAY PUBLIC HEARING MINUTES OF OCTOBER 5, 2017 made by Ms. Long, seconded by Mr. Amrhein, and CARRIED by a voice vote of 6-0-1 with Mr. Sidoti abstaining.

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

1. Bruce Shaw of 1215 Fairview Drive, Kent summarized his submitted prepared statement ***(See Attachment #2).***
2. Lis Regula of 1433 Cedar Street, Kent stated how she has been a frequent visitor at the microphone and expressed her appreciation for the work that the City of Kent has been doing recently, including the Paris Climate Accord Resolution. She feels there is still much work to be done.

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

1. Sustainability Commission Meeting Agenda for October 2, 2017 and minutes of July 24, 2017 & August 7, 2017 and September 11, 2017, as well as information on the Compact of Mayors received on September 28, 2017.
2. Board of Zoning Appeals Staff Report and Agenda for October 16, 2017 received on October 5, 2017.
3. Health Board Agenda for October 10, 2017, Minutes from September 12, 2017 Meeting, and Statistical Report for September received on October 5, 2017.
4. Planning Commission Agenda October 17, 2017 received on October 10, 2017.

Oral Communications of correspondence received after the agenda was published were reported by Clerk. Grimm and were placed on file in the Clerk's office:

1. Additional Public Records Request received on October 11, 2017 from Amer Cunningham Co., LPA.

2. Civil Service Meeting Agenda for October 16, 2017 received on October 12, 2017.
3. Several emailed public record request from students of Kent State working on a government class project were sent to the Clerk and responded to regarding Parliamentary procedures.
4. Request of the Clerk from the Portage County Board of Elections for any contact information on the Facebook group "Kent Citizens AGAINST becoming a Sanctuary City."
5. Copy of a Thank You letter sent to Chief Lee from Ms. Kenneley on October 12, 2017.

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

1. Request Council's authorization to execute 2 negotiated right of way agreements for the SR43 traffic improvement project. (Draft #17-134, Draft #17-137)
2. Request Council's authorization to proceed with an Ordinance of "Necessity and Intent" for .030 acres of real property required for the SR43 traffic improvement project. (Draft #17-136)
3. Request Council's authorization to accept the donation of 2 live animal traps valued at $89 each ($178 total) for use by the Police Department Animal Control Officer. (Draft #17- 135)
4. Request Council's authorization to appoint Sabrina Christian-Bennett to fill a vacancy on the Kent-Brimfield JEDD.
5. Request Council's authorization to allow the City Clerk to schedule time at the start of the November 1st Committee meeting to introduce a visiting dignitary from Canada.
6. Request Council Work Session time to receive a presentation from Kent State University on the status of their Master Plan Concepts.
7. Request Community Development Committee time for consideration of two easements (stormwater, hike and bike trail) that are required for the redevelopment project at the former LN Gross building.
8. Request Community Development Committee time to update City Council on the RFP for consultant services for Phase 1 of the City Zoning Code update.
9. Request Health & Safety Committee time to consider authorization of the citywide trash collection services bid.
10. Request Finance Committee time for consideration of a proposed AMATS funding request.
11. Request Finance Committee time for consideration of the proposed 2018 Capital Improvement Plan.
12. Request Finance Committee time for consideration of an amendment to the 2017 budget allocation ordinance.
13. Request Council's authorization to spend $750 for food supplies for the public safety crews that will be working the Halloween shifts.
14. Request Council's authorization to extend the terms of the OPBA union contract for 3 months (from November 1, 2017 thru January 31, 2018) to allow for the completion of negotiations to occur.
15. Request an Executive Session for consideration of tentative union negotiation terms.

MOTION TO APPROVE ITEMS #1 - #14 OF THE CITY MANAGER'S REPORT made by Mr. Amrhein, seconded by Mr. DeLeone. Motion CARRIED by a voice vote of 7-0.

MOTION TO APPROVE ITEM #15 FOR AN EXECUTIVE SESSION IMMEDIATELY FOLLOWING THIS MEETING *in accordance with ORC §121.22 Section G, Item (4) "Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment."* made by Mr. Amrhein, seconded by Mr. Sidoti. On Roll call, voting "Yes": Mr. Ferrara, Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Mr. Amrhein, and Mr. DeLeone. The motion CARRIED by a roll call vote of 7-0.

STANDING COMMITTEES/ LEGISLATION

COMMITTEE OF THE WHOLE:
MOTION TO APPROVE THE COMMITTEE MEETING MINUTES OF OCTOBER 4, 2017 made by Mr. DeLeone, seconded by Mr. Ferrara, and CARRIED by a voice vote of 6-0-1 with Mr. Sidoti abstaining.

There were no actions recommended to be approved.

BALLOTING FOR VARIOUS BOARDS AND COMMISSIONS

Mayor Fiala referred to Clerk Grimm to announce the results of the balloting for the Boards & Commissions vacancies:

- Kevin Koogle for the Architectural Review Board
- Tim Sahr for the Board of Zoning Appeals
- Peter Kiersted for the Design and Preservation Committee
- Platt Safford for the unexpired term on the Fair Housing Board
- Janet Dauber for the Fair Housing Board
- Miriam Jackson for the Sustainability Commission

Mr. Silver stated the Income Tax Review Board balloting will be delayed until the next meeting since we have 2 Council members absent and the results were not a majority of all of Council. Therefore, Draft No. 17-124 will need to be delayed.

Clerk Grimm questioned that if we did not have an appointee this evening if it would affect having a quorum for the upcoming Income Tax Board of Review meeting.

Mr. Silver stated "No, the meeting has been moved to December."

Clerk Grimm also announced Mayor Fiala has chosen Sabrina Christian-Bennett as his Mayoral appointment to the Brimfield-Kent JEDD.

MOTION TO AUTHORIZE DRAFT Nos. 17-119, 17-120, 17-121, 17-122, 17-123, 17-25 and 17-126 WITH THE APPROPRIATE NAMES INSERTED made by Mr. DeLeone, seconded by Mr. Amrhein, and CARRIED by a voice vote of 7-0.

MOTION TO DELAY THE VOTING FOR APPOINTMENT TO THE INCOME TAX BOARD OF REVIEW, AND 1ST READING OF DRAFT NO. 17-124 UNTIL A SPECIAL COUNCIL MEETING ON NOVEMBER 1, 2017 made by Mr. Ferrara, seconded by Mr. DeLeone, and CARRIED by a voice vote of 7-0.

Draft No. 17-119: A RESOLUTION APPOINTING KEVIN KOOGLE TO THE ARCHITECTURAL REVIEW 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 Mr. DeLeone. On Roll call, voting "Yes": Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 17-119 made by Mr. DeLeone and seconded by Mr. Sidoti. On Roll call, voting "Yes": Ms. Shaffer, Mr. Sidoti, Mr. Turner, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Ms. Long. The motion CARRIED by a roll call vote of 7-0.

RESOLUTION NO. 2017-119: A RESOLUTION APPOINTING KEVIN KOOGLE TO THE ARCHITECTURAL REVIEW BOARD, AND DECLARING AN EMERGENCY *PASSED* as stated by Ms. Grimm.

Draft No. 17-120: A RESOLUTION APPOINTING TIM SAHR TO THE BOARD OF ZONING APPEALS, 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, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Long, and Ms. Shaffer. The motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 17-120 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Turner, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Long, Ms. Shaffer, and Mr. Sidoti. The motion CARRIED by a roll call vote of 7-0.

RESOLUTION No. 2017-120: A RESOLUTION APPOINTING TIM SAHR TO THE BOARD OF ZONING APPEALS, AND DECLARING AN EMERGENCY *PASSED* as stated by Ms. Grimm.

Draft No. 17-121: A RESOLUTION APPOINTING PETER KIERSTED TO THE DESIGN AND PRESERVATION COMMITTEE, 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. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Long, Ms. Shaffer, Mr. Sidoti, and Mr. Turner. The motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 17-121 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, and Mr. Amrhein. The motion CARRIED by a roll call vote of 7-0.

RESOLUTION NO. 2017-121: A RESOLUTION APPOINTING PETER KIERSTED TO THE DESIGN AND PRESERVATION COMMITTEE, AND DECLARING AN EMERGENCY *PASSED* as stated by Ms. Grimm.

Draft No. 17-122: A RESOLUTION APPOINTING PLATT SAFFORD TO THE FAIR HOUSING 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 Mr. DeLeone. On Roll call, voting "Yes": Mr. Ferrara, Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Mr. Amrhein, and Mr. DeLeone. The motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 17-122 made by Mr. Ferrara and seconded by Mr. Sidoti. On Roll call, voting "Yes": Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The motion CARRIED by a roll call vote of 7-0.

RESOLUTION NO. 2017-122: A RESOLUTION APPOINTING PLATT SAFFORD TO THE FAIR HOUSING BOARD, AND DECLARING AN EMERGENCY *PASSED* as stated by Ms. Grimm.

Draft No. 17-123: A RESOLUTION APPOINTING JANET DAUBER TO THE FAIR HOUSING 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 Mr. DeLeone. On Roll call, voting "Yes": Ms. Shaffer, Mr. Sidoti, Mr. Turner, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Ms. Long. The motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 17-123 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Sidoti, Mr. Turner, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Long, and Ms. Shaffer. The motion CARRIED by a roll call vote of 7-0.

RESOLUTION NO. 2017-123: A RESOLUTION APPOINTING JANET DAUBER TO THE FAIR HOUSING BOARD, AND DECLARING AN EMERGENCY *PASSED* as stated by Ms. Grimm.

Draft No. 17-125: A RESOLUTION APPOINTING MIRIAM JACKSON TO THE SUSTAINABILITY COMMISSION, 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, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Long, Ms. Shaffer, and Mr. Sidoti. The motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 17-125 made by made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Long, Ms. Shaffer, Mr. Sidoti, and Mr. Turner. The motion CARRIED by a roll call vote of 7-0.

RESOLUTION NO. 2017-125: A RESOLUTION APPOINTING MIRIAM JACKSON TO THE SUSTAINABILITY COMMISSION, AND DECLARING AN EMERGENCY *PASSED* as stated by Ms. Grimm.

Draft No. 17-126: A RESOLUTION APPOINTING SABRINA CHRISTIAN-BENNETT BY THE MAYOR OF THE CITY OF KENT TO THE BRIMFIELD-KENT JEDD, 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 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, and Mr. Amrhein. The motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 17-126 made by made by Mr. Ferrara and seconded by Mr. Sidoti. On Roll call, voting "Yes": Mr. Ferrara, Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Mr. Amrhein, and Mr. DeLeone. The motion CARRIED by a roll call vote of 7-0.

RESOLUTION NO. 2017-126: A RESOLUTION APPOINTING SABRINA CHRISTIAN-BENNETT BY THE MAYOR OF THE CITY OF KENT TO THE BRIMFIELD-KENT JEDD, AND DECLARING AN EMERGENCY *PASSED* as stated by Ms. Grimm.

COMMUNITY DEVELOPMENT COMMITTEE:
MOTION TO APPROVE THE COMMITTEE MEETING MINUTES OF OCTOBER 4, 2017 AND THE TWO (2) RECOMMENDED ACTIONS made by Mr. Turner, seconded by Mr. DeLeone, and CARRIED by a voice vote of 6-0-1 with Mr. Sidoti abstaining.

Recommended Actions:

1) Authorize the New Easement Agreement with Portage County Commissioners for City Sewer Maintenance by the City at the Devon Place University Hospital Facility and Declaring an Emergency.
2) Authorize a "Conditional Right Of Access Agreement" as Part of the North Ditch Interim Remedial Action Plan and Declaring An Emergency.

Draft No. 17-127: A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN EASEMENT AND RIGHT OF WAY AGREEMENT WITH PORTAGE COUNTY BOARD OF COMMISSIONERS TO RELOCATE AN EXISTING SANITARY SEWER PIPE, AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. DeLeone and seconded by Mr. Sidoti. On Roll call, voting "Yes": Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 17-127 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Ms. Shaffer, Mr. Sidoti, Mr. Turner, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Ms. Long. The motion CARRIED by a roll call vote of 7-0.

ORDINANCE No. 2017-127: A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN EASEMENT AND RIGHT OF WAY AGREEMENT WITH PORTAGE COUNTY BOARD OF COMMISSIONERS TO RELOCATE AN EXISTING SANITARY SEWER PIPE, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

Draft No. 17-128: A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A RIGHT OF ACCESS AGREEMENT TO THOMAS & BETTS CORPORATION IN ORDER FOR THEM AND THEIR AGENTS AND CONTRACTORS TO REMEDIATE AND INVESTIGATE PETROLEUM RELEASES FROM 800 MOGADORE ROAD, WHICH ARE CROSSING NEARBY CITY PROPERTY AND TO RESTORE SAID PROPERTY, AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. DeLeone and seconded by Mr. Ferrara. On Roll call, voting "Yes": Mr. Sidoti, Mr. Turner, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Long, and Ms. Shaffer. The motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 17-128 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Turner, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Long, Ms. Shaffer, and Mr. Sidoti. The motion CARRIED by a roll call vote of 7-0.

ORDINANCE No. 2017-128: A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A RIGHT OF ACCESS AGREEMENT TO THOMAS & BETTS CORPORATION IN ORDER FOR THEM AND THEIR AGENTS AND CONTRACTORS TO REMEDIATE AND INVESTIGATE PETROLEUM RELEASES FROM 800 MOGADORE ROAD, WHICH ARE CROSSING NEARBY CITY PROPERTY AND TO RESTORE SAID PROPERTY, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

FINANCE COMMITTEE:

MOTION TO APPROVE THE SPECIAL COMMITTEE MEETING MINUTES OF SEPTEMBER 20, 2017, THE MEETING MINUTES FROM OCTOBER 4, 2017 AND THE TWO (2) RECOMMENDED ACTIONS made by made by Mr. DeLeone, seconded by Mr. Ferrara, and CARRIED by a voice vote of 6-0-1 with Mr. Sidoti abstaining.

Recommended actions:

1) Approve the new Labor Contract with the International Association of Fire Fighters (IAFF), and declaring an emergency.
2) Accept the Courts Decision in Kent Investors LLC v. Kent City Planning Commission and the City of Kent and to not appeal the decision, and declaring an emergency

Draft No. 17-129: AN ORDINANCE AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF KENT AND THE CIVILIAN EMPLOYEE UNIT, FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL FOR THE PERIOD OF SEPTEMBER 1, 2017 THROUGH OCTOBER 31, 2020, AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Mr. Sidoti. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Long, Ms. Shaffer, Mr. Sidoti, and Mr. Turner. The motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 17-129 made by Mr. Ferrara and seconded by Mr. Sidoti. On Roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, and Mr. Amrhein. The motion CARRIED by a roll call vote of 7-0.

ORDINANCE No. 2017-129: AN ORDINANCE AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF KENT AND THE CIVILIAN EMPLOYEE UNIT, FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL FOR THE PERIOD OF SEPTEMBER 1, 2017 THROUGH OCTOBER 31, 2020, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

Draft No. 17-130: AN ORDINANCE AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF KENT AND THE DISPATCH UNIT, FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL FOR THE PERIOD OF SEPTEMBER 1, 2017 THROUGH OCTOBER 31, 2020, AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Ferrara, Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Mr. Amrhein, and Mr. DeLeone. The motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 17-130 made by Mr. Ferrara and seconded by Mr. Sidoti. On Roll call, voting "Yes": Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The motion CARRIED by a roll call vote of 7-0.

ORDINANCE No. 2017-130: AN ORDINANCE AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF KENT AND THE DISPATCH UNIT, FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL FOR THE PERIOD OF SEPTEMBER 1, 2017 THROUGH OCTOBER 31, 2020, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

Draft No. 17-131: AN ORDINANCE AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF KENT AND POLICE OFFICER UNIT, FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL FOR THE PERIOD OF SEPTEMBER 1, 2017 THROUGH OCTOBER 31, 2020, AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Ms. Shaffer, Mr. Sidoti, Mr. Turner, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Ms. Long. The motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 17-131 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Sidoti, Mr. Turner, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Long, and Ms. Shaffer. The motion CARRIED by a roll call vote of 7-0.

ORDINANCE No. 2017-131: AN ORDINANCE AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF KENT AND POLICE OFFICER UNIT, FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL FOR THE PERIOD OF SEPTEMBER 1, 2017

THROUGH OCTOBER 31, 2020, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

Draft No. 17-134: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN DIANE L. ROBERTS AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A TEMPORARY EASEMENT OF 0.018 ACRES OF REAL PROPERTY, FOR $500.00 FOR RIGHT-OF-WAY PURPOSE, TO INSTALL, CONSTRUCT AND RECONSTRUCT THE ROADWAY AND SIDEWALKS FOR THE PROJECT POR-43-10.26 KNOWN AS SR 43 TRAFFIC IMPROVEMENT PROJECT; AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Turner, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Long, Ms. Shaffer, and Mr. Sidoti. The motion CARRIED by a roll call vote of 7-0.
MOTION TO ADOPT DRAFT No. 17-134 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Long, Ms. Shaffer, Mr. Sidoti, and Mr. Turner. The motion CARRIED by a roll call vote of 7-0.

ORDINANCE No. 2017-134: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN DIANE L. ROBERTS AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A TEMPORARY EASEMENT OF 0.018 ACRES OF REAL PROPERTY, FOR $500.00 FOR RIGHT-OF-WAY PURPOSE, TO INSTALL, CONSTRUCT AND RECONSTRUCT THE ROADWAY AND SIDEWALKS FOR THE PROJECT POR-43-10.26 KNOWN AS SR 43 TRAFFIC IMPROVEMENT PROJECT; AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

Draft No. 17-135: A RESOLUTION ACCEPTING A DONATION OF TWO (2) LIVE CATCH ANIMAL TRAPS TO THE CITY OF KENT POLICE DEPARTMENT FROM AN ANONYMOUS DONOR TO BE USED AS A HUMANE METHOD OF TRAPPING SMALL ANIMALS, AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, and Mr. Amrhein. The motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 17-135 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Ferrara, Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Mr. Amrhein, and Mr. DeLeone. The motion CARRIED by a roll call vote of 7-0.

RESOLUTION No. 2017-135: A RESOLUTION ACCEPTING A DONATION OF TWO (2) LIVE CATCH ANIMAL TRAPS TO THE CITY OF KENT POLICE DEPARTMENT FROM AN ANONYMOUS DONOR TO BE USED AS A HUMANE METHOD OF TRAPPING SMALL ANIMALS, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

Draft No. 17-136: AN ORDINANCE DIRECTING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE A TEMPORARY EASEMENT IN 0.030 ACRES OF CERTAIN REAL PROPERTY FROM MORGAN NGUYEN PROPERTIES, INC., FOR RIGHT OF WAY PURPOSE, TO INSTALL, CONSTRUCT AND RECONSTRUCT THE ROADWAY AND SIDEWALKS FOR THE PROJECT POR-43-10.26 KNOWN AS SR43 TRAFFIC IMPROVEMENT PROJECT; AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 17-136 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Ms. Shaffer, Mr. Sidoti, Mr. Turner, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Ms. Long. The motion CARRIED by a roll call vote of 7-0.

ORDINANCE No. 2017-136: AN ORDINANCE DIRECTING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE A TEMPORARY EASEMENT IN 0.030 ACRES OF CERTAIN REAL PROPERTY FROM MORGAN NGUYEN PROPERTIES, INC., FOR RIGHT OF WAY PURPOSE, TO INSTALL, CONSTRUCT AND RECONSTRUCT THE ROADWAY AND SIDEWALKS FOR THE PROJECT POR-43-10.26 KNOWN AS SR43 TRAFFIC IMPROVEMENT PROJECT; AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

Draft No. 17-137: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN SOUTHWATER PROPERTIES, LLC, INC. AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A TEMPORARY EASEMENT OF 0.027 ACRES OF REAL PROPERTY, FOR $750.00 FOR RIGHT-OF-WAY PURPOSE, TO INSTALL, CONSTRUCT AND RECONSTRUCT THE ROADWAY AND SIDEWALKS FOR THE PROJECT POR-43-10.26 KNOWN AS SR 43 TRAFFIC IMPROVEMENT PROJECT; AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. DeLeone and seconded by Mr. Ferrara. On Roll call, voting "Yes": Mr. Sidoti, Mr. Turner, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Long, and Ms. Shaffer. The motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 17-137 made by Mr. DeLeone and seconded by Mr. Sidoti. On Roll call, voting "Yes": Mr. Turner, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Long, Ms. Shaffer, and Mr. Sidoti. The motion CARRIED by a roll call vote of 7-0.

ORDINANCE No. 2017-137: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN SOUTHWATER PROPERTIES, LLC, INC. AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A TEMPORARY EASEMENT OF 0.027 ACRES OF REAL PROPERTY, FOR $750.00 FOR RIGHT-OF-WAY PURPOSE, TO INSTALL, CONSTRUCT AND RECONSTRUCT THE ROADWAY AND SIDEWALKS FOR THE PROJECT POR-43-10.26 KNOWN AS SR 43 TRAFFIC IMPROVEMENT PROJECT; AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

HEALTH AND SAFETY COMMITTEE:
MOTION TO APPROVE THE COMMITTEE MEETING MINUTES OF OCTOBER 4, 2017 AND THE ONE (1) RECOMMENDED ACTION made by made by Mr. Amrhein, seconded by Mr. Ferrara, and CARRIED by a voice vote of 6-0-1 with Mr. Sidoti abstaining.

Recommended actions:

1) Authorize the proposed amendment to the City of Kent's Codified Ordinances by reinserting Chapter 351.04(u) to clarify the occupying more than 1 parking spot.

Draft No. 17-132: AN ORDINANCE AMENDING SECTION 351.04 ENTITLED "PROHIBITED STANDING OR PARKING PLACES" OF THE KENT CODIFIED ORDINANCES TO ADD A NEW SECTION (u), AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Long, Ms. Shaffer, Mr. Sidoti, and Mr. Turner. The motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 17-132 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, and Mr. Amrhein. The motion CARRIED by a roll call vote of 7-0.

ORDINANCE No. 2017-132: AN ORDINANCE AMENDING SECTION 351.04 ENTITLED "PROHIBITED STANDING OR PARKING PLACES" OF THE KENT CODIFIED ORDINANCES TO ADD A NEW SECTION (u), AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

***LAND USE COMMITTEE*:**
MOTION TO APPROVE THE COMMITTEE MEETING MINUTES OF OCTOBER 4, 2017 AND THE FOUR (4) RECOMMENDED ACTIONS made by made by Mr. Ferrara, seconded by Mr. DeLeone, and CARRIED by a voice vote of 6-0-1 with Mr. Sidoti abstaining.

Recommended actions:

1) Postpone indefinitely the topic of Simple Recycling and place it on council's pending list as a placeholder.
2) Authorize the proposed amendments to Resolution Draft No. 17-83 as submitted by the Sustainability Commission and inserting "community based" before "climate action plan" in section 1 of the proposed amended draft with an emergency clause.
3) Authorize the 3rd Reading of Resolution Draft No. 17-83 on October 18, 2017 as Amended on October 4, 2017 with an emergency clause.
4) Authorize the MOU with Portage County for the shared use of the Portage Co. Court building's parking lot with an emergency clause.

3RD READING - Draft No. 17-83: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KENT IN SUPPORT OF THE PARIS CLIMATE AGREEMENT, AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm for its **THIRD READING** per Mayor Fiala's request.

MOTION TO ADOPT DRAFT No. 17-83 made by Ms. Shaffer and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Ferrara, Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Mr. Amrhein, and Mr. DeLeone. The motion CARRIED by a roll call vote of 7-0.

RESOLUTION No. 2017-83: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KENT IN SUPPORT OF THE PARIS CLIMATE AGREEMENT, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

STREETS, SIDEWALKS AND UTILITIES COMMITTEE: None

UNFINISHED BUSINESS:
MOTION TO DESTROY THE BALLOTS AFTER 30 DAYS made by Mr. DeLeone, seconded by Mr. Amrhein. The motion CARRIED by a roll call vote of 7-0.

NEW BUSINESS:
Mr. Amrhein informed Council he had been contacted by the Kent Environmental Council regarding naming a portion of the new Hike and Bike Trail after Harold Walker. With our Ordinances and naming rights, he would like to refer it to the Parks and Recreation Committee for further research.

MOTION TO REFER THE REQUEST OF THE KENT ENVIRONMENTAL COUNCIL TO THE PARKS AND RECREATION BOARD FOR FURTHER RESEARCH made by Mr. Amrhein, seconded by Ms. Shaffer and CARRIED by a voice vote of 7-0.

MOTION TO FORM A NEW STANDING COMMITTEE OF COUNCIL CALLED "SENIOR CENTER ADVISORY COMMITTEE" AND TO HAVE ADMINISTRATION LOOK INTO THE REQUIREMENTS AND BUDGETARY REQUIREMENTS TO FORM SUCH A COMMITTEE made by Ms. Long, seconded by Mr. DeLeone for discussion purposes only.

Mr. Amrhein and Mr. Ferrara expressed their opinion on waiting until after the election to see if levy passes for there to even be a Health & Wellness Center to house a Senior Center.

Ms. Long explained she has spoken with Clerk Grimm on the requirements of forming the different types of Committees, then passed out flyers created the Parks and Recreation Department to all of Council ***(See Attachment #3)*** explaining Issue #8, which had been approved by the City's Law Director, Mr. Silver. She wants to have residents also be a part of the committee for an all-inclusive, diverse senior center inside the new Health and Wellness building.

Clerk Grimm clarified the differences in the types of committees and requirements, and how creating a permanent Standing Committee of Council would require a change in the City's Charter.

Mr. Ruller and Mr. Sidoti discussed the need for an ad-hoc committee, but forming it now and getting resident input would be a bit premature before we know if we will be able to build a center which would house the senior center.

Mr. Sidoti felt the Administration and Mr. Idone should talk first before any type of committee is formed and after the election, form an ad-hoc committee so it doesn't require the lengthy process of changing the Charter.

Mr. Ruller asked for clarification on what Ms. Long is asking him to look at since Council was already extremely clear that the City will in no way be funding the new center.

Ms. Shaffer likes the idea of citizen input and would like to see what happens with the election and bring back the issue of creating a senior committee. It is confusing what "it" is and to have citizens involved yet in performing those giant recommendations that Council makes is not conducive.

Mr. Turner referred to Mr. Sidoti's comments on the concept of the senior center and functioning, but we don't even know if we are going to have the space or the money to fund an all-inclusive center. He agreed that we definitely need just a committee for seniors, in general, as currently we have no real voice or way for seniors to be supported in the city.

On Roll call, voting "NO": Mr. Sidoti, Mr. Turner, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Long, and Ms. Shaffer. The motion **FAILED** by a roll call vote of 0-7.

MOTION TO **AMEND** MS. LONG'S ORIGINAL MOTION FOR THE CREATION OF A NEW STANDING COMMITTEE OF COUNCIL CALLED "SENIOR CENTER ADVISORY COMMITTEE" PENDING THE OUTCOME OF THE ELECTION AND TO PLACE THE TOPIC ON COUNCIL'S PENDING LIST made by Mr. Ferrara, seconded by Ms. Shaffer and CARRIED by a voice vote of 7-0.

Mr. Ferrara recognizes the need for a senior advisory committee, but we are doomed to fail if we work backwards in the creation of it at the wrong time.

MOTION TO BRING BACK THE TOPIC OF THE CREATION OF SOME FORM OF "SENIOR CENTER ADVISORY COMMITTEE" FROM COUNCIL'S PENDING LIST FOR DISCUSSION AND RESEARCH AFTER THE ELECTION made by Mr. Sidoti, seconded by Mr. DeLeone, and CARRIED by a voice vote of 7-0.

COUNCILMEMBERS' COMMENTS:
There were no comments from members of Council.

<u>MAYOR'S REPORT:</u>
Mayor Fiala announced he was in Columbus on Tuesday to accept an award for the Dan Smith Park. He was told to present the award to the City Engineer, Mr. Bowling. The Mayor asked Mr. Bowling to come forward, presented the award and thanked Mr. Bowling for his hard work and dedication.

At 8:30 p.m. Mayor Fiala told the audience they had 5 minutes to clear the room so Council could move into the Executive Session as so moved earlier in the meeting.

Again at 8:35 p.m., Mayor Fiala asked the remaining members of the audience to please leave the room so Council could move into the Executive Session.

At 8:59 p.m., Mayor Fiala reconvened the Regular Meeting.

MOTION TO APPROVE THE SITE PLAN SUBMITTED BY THE DEVELOPER, CDC KENT, LLC (A.K.A. CAPSTONE REAL ESTATE INVESTMENTS) ON OR ABOUT JULY 15, 2016 AND SUBJECT TO THE MODIFICATIONS CONTAINED IN THE OCTOBER 19, 2016 PRELIMINARY PLAN FOR 5914 HORNING ROAD SUBJECT TO THE FOLLOWING CONDITIONS:

1. **THE SITE PLAN MUST MEET ALL FIRE DEPARTMENT ACCESSIBILITY REQUIREMENTS;**
2. **THE DEVELOPER MUST PERFORM A SANITARY SEWER STUDY TO VERIFY CAPACITY AND IMPLEMENT/INSTALL ANY IMPROVEMENTS THAT ARE REQUIRED;**
3. **THE DEVELOPER MUST PROVIDE REQUIRED BICYCLE FACILITIES ON THE PROPERTY (THE CODE REQUIRES 11 BICYCLE SPACES);**
4. **THE DEVELOPER MUST PROVIDE 45 PARKING SPACES, 44 OF WHICH MUST BE ON THE SITE AND 1 OF WHICH MAY BE LOCATED AT UNIVERSITY OAKS IN ACCORDANCE WITH KENT CODIFIED ORDINANCE 1167.12;**
5. **THE DEVELOPER MUST PAY A PARK FEE OF $16,800 IN ACCORDANCE WITH THE KENT PARKS AND RECREATION DEPARTMENT'S JULY 28, 2015 MEMO; AND**
6. **THE DEVELOPER MUST SUBMIT PLANS FOR TECHNICAL REVIEW AND APPROVAL.**

FURTHER, THIS APPROVAL WAIVES THE DEVELOPER'S OBLIGATION TO ACQUIRE A VARIANCE FROM THE BOARD OF ZONING APPEALS FOR THE NUMBER OF PARKING SPACES PROVIDED OR THE LOCATION OF SAID PARKING SPACES, OR THE OPEN SPACE REQUIREMENT made by Mr. Ferrara, seconded by Mr. DeLeone. On Roll call, voting "Yes": Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The motion CARRIED by a roll call vote of 7-0.

MOTION TO APPROVE THE NEW 3 YEAR CONTRACT WITH AFSCME made by Mr. Ferrara, seconded by Ms. Shaffer. On Roll call, voting "Yes": Ms. Shaffer, Mr. Sidoti, Mr. Turner, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Ms. Long. The motion CARRIED by a roll call vote of 7-0.

<u>SPECIAL COMMITTEE REPORTS:</u>
Councilmembers Sidoti, Shaffer and Turner gave a status report on the One Kent Initiative and the need to make every single person feel like they are part of the community; the need for a highly organized part-time employee whose primary focus is One Kent; the collaboration with residents, other institutions and groups, using "Heart and Soul's" concept as a template so we are not re-creating the wheel; be a catalyst by creating the facility that citizens might use, enhance City pride; come full circle with the people of Kent; and remember that we can't regulate human behavior. Kent is different and unique; the heart of Kent is its people.

MOTION TO HAVE ADMINISTRATION EXPLORE HIRING A PART-TIME PERSON AND TO IMPLEMENT THE "HEART AND SOUL" CONCEPT made by Mr. Sidoti, seconded by Ms. Shaffer and CARRIED by a voice vote of 7-0.

It was brought to the Mayor's attention that Ms. Wallach had notified Mr. Amrhein by email that she would be unable to attend tonight's meeting.

MOTION TO EXCUSE MS. WALLACH FROM TONIGHT'S MEETING was made by Mr. Amrhein, seconded by Mr. Ferrara, and CARRIED by a voice vote of 7-0.

Hearing no further discussion, Mayor Fiala adjourned the Regular Meeting at 9:47 p.m.

Tara Grimm, CMC
Clerk of Council

Jerry T. Fiala
Mayor and President of Council