

**THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WEDNESDAY, SEPTEMBER 20, 2017**

At 7:32 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; Fire Chief John Tosko; Police Chief Michelle Lee; Mr. David Coffee, Finance Director; Ms. Melanie Baker, Public Service Director; and Ms. Tara Grimm, CMC, Clerk of Council.

Mayor Fiala called upon Councilmember Ferrara for his opening remarks. Mr. Ferrara mentioned an article in the Record Courier on the studies of how 1 in 6 residents in Portage County live below the poverty level. He spent one hour a day for two days assisting the Ben Curtis Foundation in packing 951 lunches for children. He asked that anyone who has an hour to spare to please consider assisting this foundation. He then led the Pledge of Allegiance.

There was a brief presentation to Council by Betsy Justice from Lovelight, Inc. She had previously provided a PowerPoint document for the Clerk to provide to all members of Council. Ms. Justice read through the presentation (**See Attachment #1**) and ended by requesting Council formally endorse and support the campaign to buy and refurbish the VFW property in Kent to house the STAR Institute. She then challenged the Mayor to challenge other Mayors to see which community can raise the most money along with the community challenge currently between Kent State, Youngstown State, and the University of Akron.

The Mayor then presented a Proclamation to Chief Tosko declaring and supporting October 2017 as Fire Prevention Month. Mayor Fiala read the Proclamation as follows:

WHEREAS, the City of Kent, Ohio is committed to ensuring the safety and security of all those living in and visiting Kent; and

WHEREAS, U.S. fire departments responded to 365,500 home fires in 2015, according to the National Fire Protection Association (NFPA); and

WHEREAS, U.S. home fires resulted in 2,560 civilian deaths in 2015, representing the majority (78 percent) of all U.S. fire deaths; and

WHEREAS, a home fire escape plan includes two exits from every room in the home; a path to the outside from each exit; smoke alarms in all required locations; and a meeting place outside where everyone in the home will meet upon exiting; and

WHEREAS, practicing a home fire escape plan twice a year ensures that everyone in the household knows what to do in a real fire situation;

WHEREAS, Kent's first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, Kent's residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, the 2017 Fire Prevention Month theme, "Every Second Counts: Plan 2 Ways Out!" serves to educate the public about the vital importance of developing a home fire escape plan with all members of the household and practicing it twice a year; and

WHEREAS, the Kent City Council recognizes our first responders and the service they pride to the residents of Kent.

Now, Therefore, I, Jerry T. Fiala, Mayor and President of the Kent City Council do hereby proclaim the month of October, as

"FIRE PREVENTION MONTH 2017"

and urge all the people of the City of Kent to develop a home fire escape plan with all members of the household and practice it twice a year, and to participate in the many public safety activities and efforts of Kent's fire and emergency services during Fire Prevention Month 2017.

APPROVAL OF MINUTES:

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF AUGUST 16, 2017, THE WORK SESSION OF SEPTEMBER 6, 2017 AND THE SPECIAL CITY COUNCIL MEETING OF SEPTEMBER 6, 2017 made by Mr. Ferrara, seconded by Mr. Kuhar, and CARRIED by a voice vote of 9-0.

COMMUNICATIONS:

Mayor Fiala called for audience comments. 10 visitors signed-in with Clerk to speak.

1. Mr. Frank Smith of 1379 Mockingbird in Twin Lakes and owner of 309 University Drive in Kent, complained about: being charged for a 2-yard recycling dumpster for his 4 units; how he only has 3 units, not 4; doesn't have the space to fit a dumpster of that size; is waiting to be contacted by Ms. Baker; and being stuck paying for a recycling container he doesn't have as well as stuck paying for 4 units instead of 3.

Written Communications were reported by Clerk Grimm as follows:

1. Board of Zoning Appeals Meeting Minutes from July 17, 2017 received on August 22, 2017.
2. Architectural Review Board Agenda for September 5, 2017 received on August 30, 2017.
3. Planning Commission transcripts for September 5, 2017, received on August 30, 2017.
4. Sustainability Commission Meeting Agenda for September 11, 2017 and minutes of July 24, 2017 & August 7, 2017, as well as information on Simple Recycling and the Compact of Mayors received on September 6, 2017.
5. Health Board Agenda for September 12, 2017, Minutes from August 2017 Meeting, and Statistical Report for August received on September 7, 2017.
6. Board of Zoning Appeals Agenda and Staff report for September 18, 2017 received on September 12, 2017.
7. Letter from the Ohio EPA received on August 29, 2017 containing a Public Notice regarding the National Pollution Discharge Elimination System permits or modification.
8. Public Records Request received on September 1, 2017 from Amer Cunningham Co., LPA for certified copies of 6 sections of the Codified Ordinances.
9. Letter to the Clerk from Board of Elections received on September 5, 2017 to appear September 6th or 7th between 8:00 a.m. and 4:30 p.m. to view the ballot proofs.

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

1. A copy of a letter from the Board of Elections was received on September 20, 2017 containing all the polling locations within the City of Kent for the election on November 7, 2017.

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

1. Request Community Development Committee time for consideration of two easements required for stormwater and the hike and bike trail in the redevelopment of the former LN Gross building on Gougler Avenue.
2. Request Community Development Committee time for consideration of a sewer easement at the University Hospital property at Devon Place.
3. Request Community Development Committee time to consider a right of access agreement related to the continued remediation work in the North Ditch area behind Kramer Ball Fields.
4. Request Community Development Committee to receive an update on the status of the new City Hall project.
5. Request Land Use Committee time to receive an update from the Sustainability Commission members related to Simple Recycling and local donations.
6. Request Land Use Committee time to receive an update from the Sustainability Commission members related to the Paris Accord and Mayor's Compact.
7. Request Land Use Committee time to consider a revised Memorandum of Understanding between the City of Kent and Portage County for shared parking usage and maintenance of the County courthouse parking lot.
8. Request Finance Committee time for a 2017 Capital Projects status update from the Engineering staff.
9. Request Finance Committee time for consideration of an amendment to the 2017 budget allocation ordinance.
10. Request Health & Safety Committee time for a modification to the City's parking Ordinance related to ticketing when a single vehicle occupies two parking spots.
11. Request an Executive Session to discuss the status of union contract negotiations.

MOTION TO APPROVE ITEMS #1 - #10 OF THE CITY MANAGER'S REPORT made by Mr. Amrhein, seconded by Mr. Ferrara. Motion CARRIED by a voice vote of 9-0.

MOTION TO APPROVE ITEM #11 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. Ferrara. 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.

STANDING COMMITTEES/ LEGISLATION

COMMITTEE OF THE WHOLE:

MOTION TO APPROVE THE COMMITTEE MEETING MINUTES OF SEPTEMBER 6, 2017 made by Mr. DeLeone, seconded by Mr. Ferrara, and CARRIED by a voice vote of 9-0.

There were no actions recommended to be approved.

BALLOTING FOR PLANNING COMMISSION

Mayor Fiala announced the results of the balloting for the Boards & Commissions Vacancies.

- Michael Bruder for Planning Commission's Unexpired term commencing immediately through December 31, 2022
- Jeffrey Clapper for Planning Commission Full-term commencing January 16, 2018 through December 31, 2023

MOTION TO AUTHORIZE DRAFT Nos. 17-103 and 17-104 WITH THE APPROPRIATE NAMES INSERTED made by Ms. Long, seconded by Mr. Kuhar, and CARRIED by a voice vote of 9-0.

Draft No. 17-103: A RESOLUTION APPOINTING MICHAEL BRUDER TO THE PLANNING 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. Kuhar. 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. 17-103 made by Mr. Kuhar 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. 2017-103: A RESOLUTION APPOINTING MICHAEL BRUDER TO THE PLANNING COMMISSION, AND DECLARING AN EMERGENCY PASSED as stated by Ms. Grimm.

Draft No. 17-104: A RESOLUTION APPOINTING JEFFREY CLAPPER TO THE PLANNING 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. 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.

MOTION TO ADOPT DRAFT No. 17-104 made by Mr. Kuhar and seconded by Mr. Ferrara. 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. 2017-104: A RESOLUTION APPOINTING JEFFREY CLAPPER TO THE PLANNING COMMISSION, AND DECLARING AN EMERGENCY PASSED as stated by Ms. Grimm.

COMMUNITY DEVELOPMENT COMMITTEE:

MOTION TO APPROVE THE COMMITTEE MEETING MINUTES OF SEPTEMBER 6, 2017 AND THE TWO (2) RECOMMENDED ACTIONS made by Mr. Kuhar, seconded by Mr. Ferrara, and CARRIED by a voice vote of 9-0 with Ms. Wallach abstaining.

Recommended Actions:

- 1) Authorize the proposed Parking Ordinance Amendments to Chapter 358 with an emergency clause
- 2) Authorize the temporary use of City downtown parking lot by the Sustainability Commission to display environmentally friendly vehicles as part of the KSU Sustainability Tour in Kent.

Draft No. 17-105: AN ORDINANCE AMENDING THE MAP ATTACHED TO CHAPTER 358, TITLED "PARKING METERS" OF THE KENT CODIFIED ORDINANCES, TO REFLECT THE ADDITION OF PARKING METERS ON NORTH DEPEYSTER STREET, 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. Kuhar and seconded by Mr. Ferrara. 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.

MOTION TO ADOPT DRAFT No. 17-105 made by Mr. Kuhar and seconded by Mr. DeLeone. 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.

ORDINANCE No. 2017-105: AN ORDINANCE AMENDING THE MAP ATTACHED TO CHAPTER 358, TITLED "PARKING METERS" OF THE KENT CODIFIED ORDINANCES, TO REFLECT THE ADDITION OF PARKING METERS ON NORTH DEPEYSTER STREET, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

FINANCE COMMITTEE:

MOTION TO APPROVE THE COMMITTEE MEETING MINUTES OF SEPTEMBER 6, 2017 AND THE FIVE (5) RECOMMENDED ACTIONS made by made by Mr. DeLeone, seconded by Mr. Ferrara, and CARRIED by a voice vote of 9-0.

Recommended actions:

- 1) Authorize, accept & appropriate "Necessity and Intent" to appropriate for the remaining unsigned parcel acquisitions for the SR43 Signalization Project with an Emergency Clause.
- 2) Approve the settlement with S & M Initiatives, LLC for an additional \$675 for the SR43 Signalization Project with an Emergency Clause.
- 3) Approve the settlement with 1341-1343 South Water Street, LLC for an additional \$430 for the SR43 Signalization Project with an Emergency Clause.
- 4) Authorize the proposed 2017 Budget Appropriations Amendment with an Emergency Clause.
- 5) Authorize the acceptance of City Tax Amounts and Rates for FY 2018 and certify those levies to the County Auditor with an Emergency Clause.

Draft No. 17-106: A RESOLUTION DECLARING 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., A CALIFORNIA CORPORATION, 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. Kuhar and seconded by Mr. Ferrara. On Roll call, voting "Yes": 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.

MOTION TO ADOPT DRAFT No. 17-106 made by Mr. Kuhar and seconded by Mr. Ferrara. On Roll call, voting "Yes": 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.

RESOLUTION No. 2017-106: A RESOLUTION DECLARING 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., A CALIFORNIA CORPORATION, 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. 17-107: A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE A TEMPORARY EASEMENT IN 0.027 ACRES OF CERTAIN REAL PROPERTY FROM SOUTHWATER PROPERTIES, LLC, INC., AN OHIO LIMITED LIABILITY COMPANY, FOR RIGHT-OF-WAY PURPOSE, TO INSTALL, CONSTRUCT AND RECONSTRUCT THE ROADWAY AND SIDEWALKS, TRAFFIC SIGNAL AND THE HARDWARE AND INFRASTRUCTURE FOR SAID TRAFFIC SIGNALS, 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.

POINT OF ORDER was called by Clerk Grimm on visitor Frank Smith for continuing to vocally interrupt the title readings by the Clerk, which is in direct violation of Council Standing Rules Section G(2)(b). Mr. Smith

was not following along the Agenda and was accusatory of Ms. Grimm reading in a different name of the property owner. Clerk Grimm and Mayor Fiala both clarified that we were on Draft No. 17-107.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Mr. Kuhar. On Roll call, voting "Yes": 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. 17-107 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. 2017-107: A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE A TEMPORARY EASEMENT IN 0.027 ACRES OF CERTAIN REAL PROPERTY FROM SOUTHWATER PROPERTIES, LLC, INC., AN OHIO LIMITED LIABILITY COMPANY, FOR RIGHT-OF-WAY PURPOSE, TO INSTALL, CONSTRUCT AND RECONSTRUCT THE ROADWAY AND SIDEWALKS, TRAFFIC SIGNAL AND THE HARDWARE AND INFRASTRUCTURE FOR SAID TRAFFIC SIGNALS, 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. 17-108: A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE A TEMPORARY EASEMENT IN 0.018 ACRES OF CERTAIN REAL PROPERTY FROM DIANE L. ROBERTS, TRUSTEE OF THE DIANE L. ROBERTS TRUST, FOR RIGHT-OF-WAY PURPOSE, TO INSTALL, CONSTRUCT AND RECONSTRUCT THE ROADWAY AND SIDEWALKS, TRAFFIC SIGNALS AND THE HARDWARE AND INFRASTRUCTURE FOR SAID TRAFFIC SIGNALS, 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. Kuhar 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.

MOTION TO ADOPT DRAFT No. 17-108 made by Mr. Kuhar and seconded by Mr. DeLeone. 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. 2017-108: A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE A TEMPORARY EASEMENT IN 0.018 ACRES OF CERTAIN REAL PROPERTY FROM DIANE L. ROBERTS, TRUSTEE OF THE DIANE L. ROBERTS TRUST, FOR RIGHT-OF-WAY PURPOSE, TO INSTALL, CONSTRUCT AND RECONSTRUCT THE ROADWAY AND SIDEWALKS, TRAFFIC SIGNALS AND THE HARDWARE AND INFRASTRUCTURE FOR SAID TRAFFIC SIGNALS, 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. 17-109: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN S & M INITIATIVES, LLC, AN OHIO LIMITED LIABILITY COMPANY AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A TEMPORARY EASEMENT OF 0.011 ACRES OF REAL PROPERTY, FOR \$1,000.00 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.

POINT OF ORDER was called a 2nd time by Clerk Grimm on visitor Frank Smith for interrupting the title readings by the Clerk, for approaching the dais, for walking behind the dais and directly speaking with

Councilman Ferrara during the reading, which is in direct violation of Council Standing Rules Section G(2)(b). Mr. Smith was asked to take his seat or he will be expelled from the meeting.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Kuhar 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. 17-109 made by Mr. DeLeone and seconded by Mr. Kuhar. 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 8-0-1 with Mr. Ferrara abstaining.

ORDINANCE No. 2017-109: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN S & M INITIATIVES, LLC, AN OHIO LIMITED LIABILITY COMPANY AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A TEMPORARY EASEMENT OF 0.011 ACRES OF REAL PROPERTY, FOR \$1,000.00 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. 17-110: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A PURCHASE AGREEMENT WITH THE CITY OF KENT, OHIO, BUYING AN INTEREST IN 0.002 ACRES OF REAL PROPERTY FROM 1341-1343 S. WATER ST., LLC, AN OHIO LIMITED LIABILITY COMPANY FOR \$1,400.00 AND AN AGREEMENT FOR A TEMPORARY EASEMENT OF 0.001 ACRES OF REAL PROPERTY, FOR \$100.00 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 Ms. Shaffer and seconded by Mr. DeLeone. 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. 17-110 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.

ORDINANCE No. 2017-110: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A PURCHASE AGREEMENT WITH THE CITY OF KENT, OHIO, BUYING AN INTEREST IN 0.002 ACRES OF REAL PROPERTY FROM 1341-1343 S. WATER ST., LLC, AN OHIO LIMITED LIABILITY COMPANY FOR \$1,400.00 AND AN AGREEMENT FOR A TEMPORARY EASEMENT OF 0.001 ACRES OF REAL PROPERTY, FOR \$100.00 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.

Clerk Grimm explained prior to reading in Draft No. 17-111, the reading will include Council's emergency authorization from the Special Finance Committee meeting that was held immediately before tonight's Regular Council meeting to add "Fund 301, Capital" to the draft title of 17-111

Draft No. 17-111: 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; AS AMENDED BY ORDINANCE NO. 2017-15, PASSED MARCH 15, 2017; AS AMENDED BY ORDINANCE NO. 2017-38, PASSED MAY 17, 2017; AS AMENDED BY ORDINANCE NO. 2017-48, PASSED JUNE 21, 2017; AND AS AMENDED BY ORDINANCE NO. 2017-75, PASSED AUGUST 16, 2017, SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL;

204 UTILITY BILLING; AND FUND 301 CAPITAL; 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. 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. 17-111 made by Mr. Sidoti and seconded by Mr. DeLeone. 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.

ORDINANCE No. 2017-111: 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; AS AMENDED BY ORDINANCE NO. 2017-15, PASSED MARCH 15, 2017; AS AMENDED BY ORDINANCE NO. 2017-38, PASSED MAY 17, 2017; AS AMENDED BY ORDINANCE NO. 2017-48, PASSED JUNE 21, 2017; AND AS AMENDED BY ORDINANCE NO. 2017-75, PASSED AUGUST 16, 2017, SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; 204 UTILITY BILLING; AND FUND 301 CAPITAL; AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

Draft No. 17-112: A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR was read by title only by Clerk 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": 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. 17-112 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.

RESOLUTION No. 2017-112: A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR PASSED as stated by Clerk Grimm.

HEALTH AND SAFETY COMMITTEE:

LAND USE COMMITTEE:

There were no minutes or recommended actions to approve.

2nd 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 **SECOND READING** per Mayor Fiala's request.

MOTION TO LEAVE DRAFT NO. 17-84 ON *SECOND READING* made by Mr. Ferrara and seconded by Ms. Shaffer. 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.

2nd Reading - Draft No. 17-84: A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO AN AGREEMENT WITH GREAT LAKES RECYCLING, INC. dba SIMPLY RECYCLING, AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm for its **SECOND READING** per Mayor Fiala's request

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara. There was no second to the motion. The motion **FAILED**.

Mr. Silver stated DRAFT NO. 17-84 **FAILED** or is "dead" for lack of a second to the motion to suspend the three readings.

After Ms. Wallach's inquiry regarding bringing this item of legislation back up again, Clerk Grimm explained that a *newly* drafted, different piece of legislation can be brought to Council in 30 days, however this exact piece of Legislation cannot be brought back for a minimum of one-year

STREETS, SIDEWALKS AND UTILITIES COMMITTEE:

MOTION TO APPROVE THE COMMITTEE MEETING MINUTES OF SEPTEMBER 6, 2017 AND THE ONE (1) RECOMMENDED ACTION made by Mr. Sidoti, seconded by Ms. Shaffer, and CARRIED by a voice vote of 9-0.

Recommended Actions:

- 1) Authorize the renewal of the Sidewalk Snow Removal/Clearing Services for SR43 and SR59 for 2017-18 with an Emergency Clause.

Draft No. 17-113: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN ROUTE 43 AND ROUTE 261, LLC, AN OHIO LIMITED LIABILITY COMPANY, AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A PERPETUAL EASEMENT FOR HIGHWAY PURPOSES OF 0.027 ACRES OF REAL PROPERTY, FOR \$9,245.00 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.

Ms. Long questioned who Route 261 LLC is.

Mr. Bowling came to the microphone to explain who the company was.

Clerk Grimm responded that this Ordinance and the next six (6) Ordinances are the final group of easements for the project which were authorized by Council at the committee meeting on September 6, 2017.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Kuhar and seconded by Mr. Ferrara. 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. 17-113 made by Mr. Ferrara and seconded by Mr. Kuhar. 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.

ORDINANCE No. 2017-85: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN ROUTE 43 AND ROUTE 261, LLC, AN OHIO LIMITED LIABILITY COMPANY, AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A PERPETUAL EASEMENT FOR HIGHWAY PURPOSES OF 0.027 ACRES OF REAL PROPERTY, FOR \$9,245.00 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. 17-114: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN RICHARD S. MARKS AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A TEMPORARY EASEMENT OF 0.021 ACRES OF REAL

PROPERTY, FOR \$1,100.00 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. 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. 17-114 made by Mr. Ferrara and seconded by Mr. Kuhar. 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.

ORDINANCE No. 2017-86: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN RICHARD S. MARKS AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A TEMPORARY EASEMENT OF 0.021 ACRES OF REAL PROPERTY, FOR \$1,100.00 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. 17-115: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN CMG ONE, LLC, AN OHIO LIMITED LIABILITY COMPANY, AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A TEMPORARY EASEMENT OF 0.011 ACRES OF REAL PROPERTY, FOR \$325.00 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. 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.

MOTION TO ADOPT DRAFT No. 17-115 made by Mr. Ferrara and seconded by Mr. DeLeone. . 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.

ORDINANCE No. 2017-115: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN CMG ONE, LLC, AN OHIO LIMITED LIABILITY COMPANY, AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A TEMPORARY EASEMENT OF 0.011 ACRES OF REAL PROPERTY, FOR \$325.00 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. 17-116: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN BWM PROPERTIES, LLC, AN OHIO LIMITED LIABILITY COMPANY, AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A TEMPORARY EASEMENT OF 0.005 ACRES OF REAL PROPERTY, FOR \$300.00 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. Kuhar. 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. 17-116 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, and Ms. Long. The motion CARRIED by a roll call vote of 9-0

ORDINANCE No. 2017-116: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN BWM PROPERTIES, LLC, AN OHIO LIMITED LIABILITY COMPANY, AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A TEMPORARY EASEMENT OF 0.005 ACRES OF REAL PROPERTY, FOR \$300.00 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. 17-117: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN FIFTH THIRD BANK, FKA THE FALLS SAVINGS & LOAN ASSOCIATION AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A TEMPORARY EASEMENT OF 0.004 ACRES OF REAL PROPERTY, FOR \$300.00 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 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. 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. 17-117 made by Mr. Ferrara and seconded by Mr. Kuhar. 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.

ORDINANCE No. 2017-117: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN FIFTH THIRD BANK, FKA THE FALLS SAVINGS & LOAN ASSOCIATION AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A TEMPORARY EASEMENT OF 0.004 ACRES OF REAL PROPERTY, FOR \$300.00 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 AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

Draft No. 17-118: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN KENT OHIO PROPERTIES, LP, A PENNSYLVANIA LIMITED PARTNERSHIP AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A TEMPORARY EASEMENT OF 0.033 ACRES OF REAL PROPERTY, FOR \$1,000.00 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": 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.

MOTION TO ADOPT DRAFT No. 17-118 made by Mr. DeLeone 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.

ORDINANCE No. 2017-118: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN KENT OHIO PROPERTIES, LP, A PENNSYLVANIA LIMITED PARTNERSHIP AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A TEMPORARY EASEMENT OF 0.033 ACRES OF REAL PROPERTY, FOR \$1,000.00 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.

SPECIAL COMMITTEE REPORTS: None

UNFINISHED BUSINESS:

MOTION TO DESTROY THE BALLOTS AFTER 30 DAYS made by Mr. Ferrara, seconded by Mr. DeLeone. The motion CARRIED by a roll call vote of 9-0.

NEW BUSINESS:

MOTION TO REFER TO COMMITTEE SIDEWALK REPAIR FOR CITY TREE LAWN CAUSED PROBLEMS made by Ms. Shaffer, seconded by Mr. Ferrara.

Ms. Shaffer commented on how the City has made some improvements, but recently one of her elderly neighbors fell due to a 4 inch upheaval in the sidewalk caused by tree roots. She notices that baby strollers are being walked in the streets because they can't maneuver down the sidewalks, which has become both a safety and liability issue. It is also causing a property value issue. She would like to see us attack the issue citywide.

Mr. Ferrara agreed there were problems in his Ward as well.

Mr. Turner referred to the City's current 2 inch upheaval policy is being violated as some of the upheavals are a foot high. He agrees with Ms. Shaffer and we need to find a way to direct additional resources to the sidewalk repair.

There was discussion about educating residents on the sidewalks that they are responsible for versus the City's responsibility when it comes to repairs.

COUNCILMEMBERS' COMMENTS:

Mr. DeLeone reminded Council that they received an envelope containing a blank form to fill out for Clerk Grimm's annual evaluation. He asked they be returned to him promptly so Clerk Grimm can input the data for him to give a final report to Council.

MAYOR'S REPORT:

Mayor Fiala did not have anything to report except that some of the administration has had a very long day since they have been here since 9:00 am.

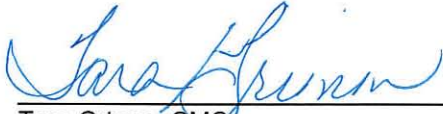
Mr. Amrhein reiterated the full disclosure for tonight's Executive Session which was previously voted on at the beginning of the meeting *in accordance with ORC §121.22 Section G, Item (4) "Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment."*

At 8:26 p.m., Mayor Fiala asked members of the audience to leave the room so Council could move into the Executive Session.

At 8:55 p.m., Mayor Fiala reconvened the Regular Meeting.

MOTION TO APPROVE THE THREE (3) F.O.P. LABOR CONTRACTS made by Mr. Ferrara, seconded by Mr. Amrhein. 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.

Hearing no further discussion, Mayor Fiala adjourned the Regular Meeting at 8:57 p.m.



Tara Grimm, CMC
Clerk of Council



Jerry T. Fiala
Mayor and President of Council