THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WEDNESDAY, SEPTEMBER 21, 2016

This regular meeting of Kent City Council was called to order at 7:30 p.m. on September 21, 2016 by Jerry T. Fiala, Mayor and President of Council.

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; AND MS. TARA GRIMM, CMC, CLERK OF COUNCIL.**

Mayor Fiala called upon Councilmember Amrhein for his opening remarks. Mr. Amrhein commented on the great weekend full of events, the huge success of Octoberfest despite the rain and the Historic Town tour where over 300 tickets were sold. He also attended the presentation for Marvin Kent's 200th birthday, where he read the Proclamation from Mayor Fiala recognizing September 21, 2016 as "Marvin Kent Day". Mr. Amrhein read the full Proclamation for Council and the audience. He then led the Pledge of Allegiance.

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF AUGUST 17, 2016 was made by Mr. Amrhein, seconded by Mr. Kuhar, and carried by a voice vote of 8-0-1, with Ms. Wallach abstaining.

MOTION TO APPROVE THE MINUTES OF THE SPECIAL COUNCIL MEETING OF AUGUST 31, 2016 was made by Mr. Amrhein, seconded by Mr. Kuhar, and carried by a voice vote of 8-0-1, with Ms. Wallach abstaining.

MOTION TO APPROVE THE MINUTES OF THE WORK SESSION OF SEPTEMBER 7, 2016 was made by Mr. Amrhein, seconded by Mr. Kuhar, and carried by a voice vote of 8-0-1, with Ms. Wallach abstaining.

Mayor Fiala then called for audience comments. There were 14 visitors who signed-in to speak, but only 13 chose to speak when called upon.

Vinay Bhardwaj of 1100 Birchwood Circle, Kent, stated she collected signatures for 6 weeks and is granting her permission for Council to use her petition as they wish. She referred to a letter she received from the Compassionate City representative in Louisville, KY where she was provided a 2nd contact in Cleveland, OH. She would like to see the City of Kent registered as a Compassionate City and asked for guidance. She then provided a copy of her email correspondences with the Charter for Compassionate International to the Clerk of Council.

Swanhill Voneida of 401 Oakwood Drive, Kent, was concerned about the City's first Democracy Day and the curtailing of public speaking and the definition of the word "general" when referring to "general" public. She expressed her feelings in regards to welcoming outsiders' money, but not their freedom to speak.

Theodore Voneida of 401 Oakwood Drive, Kent, questioned what the word "democracy" means. He read the dictionaries definition stating it refers to the words "general public".

Becky Lindsay of 401 Franklin Avenue, Kent, stated she owns a pub in Kent and the white house next door. She questioned who she should speak to regarding the bike trail, parking for the trail and water fountains. Mayor Fiala pointed to the back of the room where City Engineer Jim Bowling was seated. He asked Mr. Bowling to please speak directly with Ms. Lindsay regarding her questions.

Gina Volchko, of 5908 Horning Road, Kent sent an email to Council detailing parking, traffic, encroachment, and Welfare of our city sewer and storm drainage systems. She is concerned about the vacant parking lot at 5914 Horning Road and how the Planning Commission did not give proper notice of their meeting and had the wrong road listed on the notice. Currently there is no signage and the parking is overcrowded, a 1.2 to a .8 parking space. She questioned how to go about repealing the parking Ordinance and if she can have copies of the documents from the lawsuit of Capstone v. City of Kent.

John Bard of 435 Francis Street, Kent expressed his dismay with people not showing up to voice an opinion to the Finance Committee and the Wage Review Committee. He was an alternate, had cancer in his family, didn't have a vote, but still managed to show up for the meetings. Mr. Bard also disagreed with Draft No. 16-94 to authorize the certification non-payment of bills for residents from the concrete repair program to the County Auditor for placement on tax list.

Ruth Weber of 5823 Horning Road, Kent is opposed to the upcoming development on her road and wants to keep it a rural neighborhood.

Bob Weber of 5823 Horning Road, Kent stated he agrees with his wife and doesn't want to see high-rise buildings next to homes.

Christopher Myers of 220 E. Elm Street, Kent read from a 2 page handwritten prepared statement to Council regarding the failure of the Kent State Administration to adequately supervise the contractor for the new Department of Architecture and Environmental Design's construction project to keep dust and dirt from blowing across South Willow Street, which affect lung health of the tenants and residents.

Lee Brooker of 814 Hudson Road, Kent had concerns regarding Democracy Day and the debate between general public v. residents of Kent only being allowed to speak. He stated it should be abundantly clear that the Charter states "general" public, which means "all persons". 2/3 of the Voters voted for this amendment to the Charter.

Bill Wilen of 867 Stonewater Drive, Kent expressed his concerns regarding Democracy Day's Public Hearing. He stated the people need to approve "amending the amendment" to the City Charter 12.0. To not allow the general public to speak would be a violation of civil liberties.

Joe Volchko of 5908 Horning Road, Kent passed out several sets of pictures and briefly discussed the following topics: gridlock traffic on Horning Road; parking during peak and off-peak times; upkeep of current student housing – fences, litter & safety; buffering between single family homes next to the high-rise buildings and would like to see "transitional" zoning; and rising calls for service. He requested a moratorium in regards to buffering.

Mary Organ of 5876 Horning Road, Kent stated she is a 27 year resident of Horning Road, as well as a spouse of a business owner in downtown Kent. She encouraged Council to listen to its lifelong residents in regards to their opposition to the comprehensive housing study from January-February 2016.

Written Communications were reported by the Clerk as follows:

1. Minutes of Kent Parks and Recreation Board Meeting of July 21, 2016 were received August 29, 2016 and placed on file.

2. An email request for a proclamation or resolution recognizing prostate cancer awareness month was received on August 15, 2016 from Linda Hoetger. The email was copied and forwarded to Council and the Mayor. Mayor Fiala issued a proclamation on 8/31/16.

3. An email was received on August 17, 2016 from Irene Fulton, City of Marion, sharing a brochure about the city's MPACT ("Marion Police and Community Together") program. The email was copied and forwarded to Council and the Mayor, as well as the City Manager and the Police Chief.

4. On August 30th Council members were copied on a letter written to Mayor Fiala by William Weakland, owner of WRJW Enterprises LLC, expressing his desire to start a tire repurposing company at 1347 Middleburry Road and offering to meet with city officials to explain his business plan.

Correspondence received after the agenda was written was reported by the Clerk as follows:

1. A 3 page letter was received on September 19, 2016 by all members of Council from Ms. Anne Durkalski requesting Council protect residents and homeowners from renters and tenants.

2. Minutes for Standing Rock Cemetery Regular Meeting of August 11, 2016 were received on September 21, 2016 and placed on file.

Mayor Fiala called for the City Manager's Report.

MOTION TO APPROVE ITEMS #1 THROUGH #11 of the City Manager's Report made by Mr. Amrhein, seconded by Mr. Ferrara, and carried by a voice vote of 9-0.

1. Request Council's authorization to renew the City-KSU Police mutual aid agreement for another 4 year cycle. (Draft #16-96)

2. Request Council's authorization to submit the list of property addresses that have outstanding payments pending for concrete repair work to the County Auditor's Office for property liens. (Draft #16-92, 16-94)

3. Request Streets, Sidewalks and Utilities Committee time to receive a staff report on the 2015-16 sewer lateral financial assistance pilot and consider the renewal of the pilot program for 2016-17.

4. Request Streets, Sidewalks and Utilities Committee time to receive a staff update on the status of the City's capital projects in 2016.

5. Request Streets, Sidewalks and Utilities Committee time to review a request from Panini's for a license to occupy a portion of the public right of way for an expanded outdoor patio area.

6. Request Streets, Sidewalks and Utilities Committee time to consider approval of ODOT Consent Legislation for a guardrail replacement project on SR 43.

7. Request Streets, Sidewalks and Utilities Committee time to consider approval of the City-ODOT Bridge Inspection program.

8. Request Finance Committee time for a review of downtown parking meter revenues and expenses.

9. Request Finance Committee time for authorization of the final assessment legislation for the Stormwater Area Q project (Phase V).

10. Request Finance Committee time for consideration of the proposed 2017-21 Capital Improvement Plan.

11. Request Community Development Committee time to receive an update from staff on capacity and usage of downtown parking.

STANDING COMMITTEES

Balloting for Boards and Commissions

MOTION FOR AUTHORIZATION OF DRAFT Nos. 16-87 THROUGH 16-90, WITH THE APPROPRIATE NAMES INSERTED made by Mr. Amrhein, seconded by Mr. Ferrara, and carried by a voice vote of 9-0.

The Mayor asked the Clerk to read Draft No. 16-87 by title only.
***Draft No. 16-87:* A RESOLUTION APPOINTING STEVE BALAZS TO THE ARCHITECTURAL REVIEW BOARD, AND DECLARING AN EMERGENCY.**

MOTION TO SUSPEND THE THREE READINGS 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.

MOTION TO ADOPT DRAFT RESOLUTION No. 16-87 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.

The Clerk stated Resolution No. 2016-82 passed.
RESOLUTION NO. 2016-82: A RESOLUTION APPOINTING STEVE BALAZS TO THE ARCHITECTURAL REVIEW BOARD, AND DECLARING AN EMERGENCY.

The Mayor asked the Clerk to read Draft No. 16-88 by title only.
***Draft No. 16-88:* A RESOLUTION APPOINTING MICHELLE FREDERICK TO THE BOARD OF HEALTH, AND DECLARING AN EMERGENCY.**

MOTION TO SUSPEND THE THREE READINGS 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.

MOTION TO ADOPT *DRAFT No. 16-88* 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.

The Clerk stated Resolution No. 2016-83 passed.
RESOLUTION No. 2016-83: A RESOLUTION APPOINTING MICHELLE FREDERICK TO THE BOARD OF HEALTH, AND DECLARING AN EMERGENCY.

The Mayor asked the Clerk to read Draft No. 16-89 by title only.
***Draft No. 16-89:* A RESOLUTION APPOINTING ANDREW SCHOLL TO THE SHADE TREE COMMISSION, AND DECLARING AN EMERGENCY.**

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, 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. 16-89* 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.

The Clerk stated Resolution No. 2016-84 passed.

RESOLUTION No. 2016-84: A RESOLUTION APPOINTING ANDREW SCHOLL TO THE SHADE TREE COMMISSION, AND DECLARING AN EMERGENCY.

The Mayor asked the Clerk to read Draft No. 16-90 by title only.
Draft No. 16-90: **A RESOLUTION APPOINTING JUDY NELSON TO THE SUSTAINABILITY COMMISSION, AND DECLARING AN EMERGENCY.**

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. 16-90* made by Ms. Wallach 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.

The Clerk stated Resolution No. 2016-85 passed.
RESOUTION No. 2016-85: A RESOLUTION APPOINTING JUDY NELSON TO THE SUSTAINABILITY COMMISSION, AND DECLARING AN EMERGENCY.

COMMUNITY DEVELOPMENT COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF SEPTEMBER 7, 2016 made by Mr. Kuhar, seconded by Mr. Ferrara, and carried by a voice vote of 8-0-1, with Ms. Wallach abstaining.

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

1) TO APPROVE THE PROPOSED POLICY GUIDANCE STATEMENTS FOR VOLUNTEER BOARDS AND COMMISSIONS
2) TO AUTHORIZE THE TREX LIQUOR LICENSE REQUEST FOR PIZZA FIRE, WITH EMERGENCY

The Mayor asked the Clerk to read Draft No. 16-91 by title only.
Draft No. 16-91: **AN ORDINANCE AUTHORIZING THE TRANSFER OF A TREX LIQUOR LICENSE INTO THE CITY OF KENT BY PIZZA FIRE KENT, LLC, AN OHIO LIMITED LIABILITY COMPANY, CONDITIONAL UPON THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF KENT, OHIO AND PIZZA FIRE KENT, LLC; AND DECLARING AN EMERGENCY.**

MOTION TO SUSPEND THE THREE READINGS made by Mr. Kuhar, seconded by Mr. Ferrara. 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. 16-91* made by Mr. Kuhar, seconded by Mr. Sidoti. 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.

The Clerk stated Resolution No. 2016-86 passed:
RESOUTION No. 2016-86: AN ORDINANCE AUTHORIZING THE TRANSFER OF A TREX LIQUOR LICENSE INTO THE CITY OF KENT BY PIZZA FIRE KENT, LLC, AN OHIO LIMITED LIABILITY COMPANY, CONDITIONAL UPON THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF KENT, OHIO AND PIZZA FIRE KENT, LLC; AND DECLARING AN EMERGENCY.

FINANCE COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF SEPTEMBER 7, 2016 made by Mr. DeLeone, seconded by Mr. Kuhar, and carried by a voice vote of 8-0-1, with Ms. Wallach abstaining.

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

1) SALARY REVIEW COMMITTEE RECOMMENDATIONS - NO ACTION TAKEN
2) TO AUTHORIZE THE PROPOSED FIRE INSPECTION FEE SCHEDULE WITH EMERGENCY
3) TO AUTHORIZE THE 2016 BUDGET APPROPRIATIONS AMENDMENT WITH EMERGENCY

The Mayor asked the Clerk to read Draft No. 16-92 by title only.

Draft No. 16-92: **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.**

MOTION TO SUSPEND THE THREE READINGS made by Mr. DeLeone 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 16-92 made by Mr. Kuhar and 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.

The Clerk stated Resolution No. 2016-87 passed.
RESOLUTION No. 2016-87: 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.

The Mayor asked the Clerk to read Draft No. 16-93 by title only.
Draft No. 16-93: **AN ORDINANCE AMENDING ORDINANCE NO. 2015-157, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 2, 2015, AS AMENDED BY ORDINANCE NO. 2016-15, PASSED FEB. 17, 2016; AS AMENDED BY ORDINANCE NO. 2016-24, PASSED MAR. 16, 2016; AS AMENDED BY ORDINANCE NO. 2016-35, PASSED APRIL 20, 2016; AND AS AMENDED BY ORDINANCE NO. 2016-52, PASSED JUNE 15, 2016, SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; FUND 106, PARKS AND RECREATION; FUND 126, COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG); FUND 202, SEWER; AND FUND 301, CAPITAL; AND SO AS TO DECREASE APPROPRIATIONS IN FUND 201, WATER; AND FUND 208, STORM WATER; AND DECLARING AN EMERGENCY.**

MOTION TO SUSPEND THE THREE READINGS made by Mr. Kuhar and seconded by Mr. Ferrara.
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 16-93 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.

The Clerk stated Ordinance No. 2016-88 passed.
ORDINANCE No. 2016-88: AN ORDINANCE AMENDING ORDINANCE NO. 2015-157, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 2, 2015, AS AMENDED BY ORDINANCE NO. 2016-15, PASSED FEB. 17, 2016; AS AMENDED BY ORDINANCE NO. 2016-24, PASSED MAR. 16, 2016; AS AMENDED BY ORDINANCE NO. 2016-35, PASSED APRIL 20, 2016; AND AS AMENDED BY ORDINANCE NO. 2016-52, PASSED JUNE 15, 2016, SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; FUND 106, PARKS AND RECREATION; FUND 126, COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG); FUND 202, SEWER; AND FUND 301, CAPITAL; AND SO AS TO DECREASE APPROPRIATIONS IN FUND 201, WATER; AND FUND 208, STORM WATER; AND DECLARING AN EMERGENCY.

The Mayor asked the Clerk to read Draft No. 16-94 by title only.
Draft No. 16-94: **AN ORDINANCE AUTHORIZING THE CERTIFICATION OF NON-PAYMENT OF BILLS FOR RESIDENTS RESULTING FROM THE 2014 ANNUAL CONCRETE REPAIR PROGRAM, TO THE COUNTY AUDITOR IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY FOR THE NON-PAYMENT OF CONCRETE REPAIR, AND DECLARING AN EMERGENCY**

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Mr. 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.

MOTION TO ADOPT DRAFT No 16-93 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.

The Clerk stated Ordinance No. 2016-89 passed.
ORDINANCE No. 2016-89: AN ORDINANCE AUTHORIZING THE CERTIFICATION OF NON-PAYMENT OF BILLS FOR RESIDENTS RESULTING FROM THE 2014 ANNUAL CONCRETE REPAIR PROGRAM, TO THE COUNTY AUDITOR IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY FOR THE NON-PAYMENT OF CONCRETE REPAIR, AND DECLARING AN EMERGENCY.

HEALTH AND SAFETY COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF SEPTEMBER 7, 2016 made by Mr. Amrhein, seconded by Mr. Kuhar, and carried by a voice vote of 8-0-1, with Ms. Wallach abstaining.

MOTION TO SEPARATE THE THREE RECOMMENDED ACTIONS made by Mr. Amrhein, seconded by Mr. DeLeone, and carried by a voice vote of 9-0.

1) TO PUT AN INFORMATIVE ARTICLE IN THE TREE CITY BULLETIN AND ON THE CITY'S BLOG ABOUT PESTICIDE/HERBICIDE NOTIFICATION FOR AWARENESS FOR THE CITIZENS, AND TO DO A ROBO-CALL IN THE SPRING DIRECTING THOSE WITH CONCERNS TO THE TCB ARTICLE AND THE CITY'S BLOG
2) IMPOSE A TEMPORARY MORATORIUM UNTIL THE DEPARTMENT OF COMMERCE AND STATE BOARD OF PHARMACY ISSUE REGULATIONS CONCERNING RETAIL DISPENSERS, MEDICAL MARIJUANA GROWERS, DOCTOR REGISTRATION, AND PROCESSORS.
3) AUTHORIZE THE PROPOSED FIRE PREVENTION CODE UPDATES, WITH EMERGENCY.

MOTION TO APPROVE ACTION RECOMMENDED ITEM #1 & #3 made by Mr. Amrhein, seconded by Mr. DeLeone, and carried by a voice vote of 9-0.

The following actions were approved by the aforementioned motion:

1) TO PUT AN INFORMATIVE ARTICLE IN THE TREE CITY BULLETIN AND ON THE CITY'S BLOG ABOUT PESTICIDE/HERBICIDE NOTIFICATION FOR AWARENESS FOR THE CITIZENS, AND TO DO A ROBO-CALL IN THE SPRING DIRECTING THOSE WITH CONCERNS TO THE TCB ARTICLE AND THE CITY'S BLOG
3) AUTHORIZE THE PROPOSED FIRE PREVENTION CODE UPDATES, WITH EMERGENCY.

Ms. Long requested Item #2 be amended to add language that we will look for ways and work ahead so we are ready to go when the State issues their regulations.

Ms. Wallach stated staff was already directed to stay on top of this item.

Ms. Long wants language stated in the body of Resolution Draft No. 16-97.

Mayor Fiala asked if Ms. Long read the minutes from the last meeting.

Mr. Ferrara compared the issue to fracking and how our hands are tied until the State issues their regulations.

Ms. Shaffer stated we are trying to avoid businesses pouring into an unregulated environment. There needs to be guidelines and regulations.

Mr. Kuhar discussed the need for planning for the opening of the regulations.

MOTION TO AMEND RECOMMENDED ACTION ITEM #2 made by Ms. Long. The Motion was not seconded. **MOTION FAILED**.

MOTION TO AMEND RECOMMENDED ACTION ITEM #2 made by Mr. Sidoti, seconded by Mr. Kuhar, and carried by a voice vote of 9-0.

The following action was amended by the aforementioned motion by adding:

2) IMPOSE A TEMPORARY MORATORIUM UNTIL THE DEPARTMENT OF COMMERCE AND STATE BOARD OF PHARMACY ISSUE REGULATIONS CONCERNING RETAIL DISPENSERS, MEDICAL MARIJUANA GROWERS, DOCTOR REGISTRATION, AND PROCESSORS**, AND TO HAVE ADMINISTRATION PROVIDE TIMELY UPDATES TO COUNCIL.**

MOTION TO APPROVE RECOMMENDED ACTION ITEM #2 AS AMENDED made by Mr. Sidoti, seconded by Mr. DeLeone
The following action was proved as amended by the aforementioned motion:

2) IMPOSE A TEMPORARY MORATORIUM UNTIL THE DEPARTMENT OF COMMERCE AND STATE BOARD OF PHARMACY ISSUE REGULATIONS CONCERNING RETAIL DISPENSERS, MEDICAL MARIJUANA GROWERS, DOCTOR REGISTRATION, AND PROCESSORS, AND TO HAVE ADMINISTRATION PROVIDE TIMELY UPDATES TO COUNCIL.

The Mayor asked the Clerk to read Draft No. 16-95 by title only.
Draft No. 16-95: **AN ORDINANCE AMENDING CHAPTER 1501 OF THE FIRE PREVENTION CODE TO ADOPT AND CONFORM TO THE OHIO FIRE CODE AND AMENDING THE FEE SCHEDULE AND DECLARING AN EMERGENCY.**

MOTION TO SUSPEND THE THREE READINGS 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.

MOTION TO ADOPT DRAFT No 16-95 made by Mr. Kuhar and seconded by Mr. Ferrara.
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.

The Clerk stated Ordinance No. 2016-90 passed.

ORDINANCE No. 2016-90: AN ORDINANCE AMENDING CHAPTER 1501 OF THE FIRE PREVENTION CODE TO ADOPT AND CONFORM TO THE OHIO FIRE CODE AND AMENDING THE FEE SCHEDULE AND DECLARING AN EMERGENCY.

The Mayor asked the Clerk to read Draft No. 16-96 by title only.
Draft No. 16-96: **AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH KENT STATE UNIVERSITY SO AS TO PROVIDE FOR THE MUTUAL ASSISTANCE, INTERCHANGE, AND USE OF POLICE PERSONNEL AND EQUIPMENT, FROM SEPTEMBER 9, 2016, UNTIL TERMINATED BY EITHER PARTY, ENTERED INTO ON MAY 20, 2009, ORDINANCE 2009-54 AND AMENDED ON JUNE 20, 2012 IN ORDINANCE 2012-58; AND DECLARING AN EMERGENCY.**

MOTION TO SUSPEND THE THREE READINGS 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.

MOTION TO ADOPT DRAFT No 16-96 made by Mr. DeLeone and seconded by Mr. Sidoti.
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.

The Clerk stated Ordinance No. 2016-91 passed.
ORDINANCE No. 2016-91: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH KENT STATE UNIVERSITY SO AS TO PROVIDE FOR THE MUTUAL ASSISTANCE, INTERCHANGE, AND USE OF POLICE PERSONNEL AND EQUIPMENT, FROM SEPTEMBER 9, 2016, UNTIL TERMINATED BY EITHER PARTY, ENTERED INTO ON MAY 20, 2009, ORDINANCE 2009-54 AND AMENDED ON JUNE 20, 2012 IN ORDINANCE 2012-58; AND DECLARING AN EMERGENCY.

The Mayor asked the Clerk to read Draft No. 16-97 by title only.
Draft No. 16-97: **A RESOLUTION DECLARING A MORATORIUM ON THE CULTIVATION, PROCESSING AND DISTRIBUTION OF MEDICAL MARIJUANA IN THE CITY OF KENT, OHIO, AND DECLARING AN EMERGENCY.**

MOTION TO SUSPEND THE THREE READINGS 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.

MOTION TO ADOPT DRAFT No 16-97 *AS AMENDED* DURING RECOMMENDED ACTION ITEM #2 made by Mr. Sidoti 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.

The Clerk stated Resolution No. 2016-92 passed AS AMENDED.
RESOLUTION No. 2016-92: A RESOLUTION DECLARING A MORATORIUM ON THE CULTIVATION, PROCESSING AND DISTRIBUTION OF MEDICAL MARIJUANA IN THE CITY OF KENT, OHIO, AND DECLARING AN EMERGENCY.

LAND USE COMMITTEE had nothing to report.

STREETS, SIDEWALKS AND UTILITIES COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF SEPTEMBER 7, 2016 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 RECOMMENDED ACTIONS made by Mr. Sidoti, seconded by Ms. Shaffer, and carried by a voice vote of 9-0.

The following actions were approved by the aforementioned motion:

1) AUTHORIZE THE RENEWAL OF THE PILOT SIDEWALK SNOW REMOVAL SERVICE FOR 2016-2017
2) AUTHORIZE THE TEMPORARY CLOSURE OF LINCOLN STREET ON OCTOBER 7, 2016 FROM 2 PM UNTIL 5 PM IN SUPPORT OF THE GRAND OPENING CEREMONY FOR THE NEW COLLEGE OF ARCHITECTURE BUILDING

SPECIAL COMMITTEE REPORTS: None

UNFINISHED BUSINESS:
MOTION TO RECESS INTO EXECUTIVE SESSION AFTER THE MEETING THE PURPOSE OF DISCUSSING COMPENSATION OF PERSONNEL was made by Mr. Amrhein, 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.

NEW BUSINESS:

MOTION FOR A ZONING MORATORIUM FOR HIGH RISE BUILDINGS AND ASSIGN TO COMMITTEE made by Mr. Kuhar, seconded by Ms. Shaffer.

Mr. Kuhar stated he would like to see the moratorium apply to the professional office buildings.

Ms. Shaffer would like to see this matter fast tracked.

Mr. Turner stated he would like to show residents we are knowledgeable and take action to mitigate the negative aspects of growth and be better at being proactive.

Mr. Sidoti stated he wants us to partner with Franklin Township, and have recognition we are partners.

Mr. Kuhar felt homes inside the City of Kent need protection.

Ms. Long stated, at the last meeting, Bridget talked to the Planning Commission. Boards take the recommendations of Administration and feel like they are intimidated, don’t know about items or ask residents how they are affected.

Mr. Kuhar stated he’d like to see the City as a whole and be a nicer, more compassionate City.

The Motion carried by a voice vote of 9-0.

MOTION TO LET EVERYONE SPEAK AT THE DEMOCRACY DAY MEETING, WHETHER THEY ARE KENT RESIDENTS OR NOT made by Ms. Shaffer, seconded by Ms. Long.

Ms. Shaffer explained the Law Director’s ruling is not necessarily the opinion of Council and the “general” public should be allowed to speak this year. She has some concerns that Kent residents will be allowed to speak within the time constraints of the Public Hearing. She questioned if there are ground rules, time limits and for how many hours the meeting can continue.

Mr. Kuhar would like to have the people of the community speak. He referred to outside aggressive “posses” taking advantage of municipalities to voice their concerns.

Mr. Amrhein stated he attended Cleveland Heights’ Democracy Day and there were a reasonable number of people who attended the meeting and it was held in a reasonable amount of time.

Mr. Ferrara expressed his concern as to why Council even asks for the Law Director’s ruling. He agrees with the Law director’s ruling for only Kent City residents to speak at Democracy Day, and would like to see the Charter language amended.

The Motion carried by a voice vote of 8-1 with Mr. Ferrara voting “No”.

Mayor Fiala explained there is a five minute time limit per speaker until all persons wishing to speak have been heard. He also referred to the room’s capacity being 80 people and strict enforcement of occupancy by the Fire Chief.

MOTION TO REFER TO ADMINISTRATION TO EXPLORE THE FEASIBILITY OF CREATING A MULTI-CULTURAL COMMISSION made by Mr. Sidoti, seconded by Mr. Ferrara.

Mr. Sidoti stated he’d like to see the City meet the criteria for a Compassionate City, build a community with a capacity for eclecticism, utilize research based tools and find out “what gives life to our community”. He’d also like to look at the Sustainability Commission, recruitment for private and public sector employees which go much deeper than “race”.

Mr. Ferrara agreed with Mr. Sidoti and prefers the term “multi-dimensional” v. “multi-cultural. He would like to find out what defines the community and focus on the positive. Mr. Ferrara would love to see the City use the KSU resources and come together on this project.

Mr. Turner would like to see more than just talk, and see policies of “uplift”. A Compassionate City would make everybody better. The University is a tremendous asset full of knowledgeable experts. He says “Go for it” and would like to see consensus of Council to take on new challenges.

MOTION TO AMEND THE REFERRAL TO ADMINISTRATION TO EXPLORE THE FEASIBILITY OF CREATING A MULTI-CULTURAL COMMISSION BY PUTTING INTO COMMITTEE TO DESIGN AND STRUCTURE made by Mr. Kuhar, seconded by Ms. Wallach.

Mr. Amrhein stated how exciting this is, as he was raised in this very diverse and caring community.

Ms. Shaffer agreed with Mr. Kuhar to put this item into Committee. She had a comment on the original Motion but was asked by Mayor Fiala to wait to discuss it until after the Amendment discussion.

Ms. Shaffer then discussed the original Motion and likes the idea to create a Commission, which requires nuts and bolts and a stream-lined approach. She stated "We all see the good in Kent" and would like to see the word "Compassion" used in naming the Commission.

The Amended Motion carried by a voice vote of 9-0.

MOTION FOR ADMINISTRATION TO LOOK INTO THE CLEVELAND CONTACT FOR COMPASSIONATE CITY CRITERIA made by Ms. Wallach, seconded by Mr. DeLeone.

Ms. Wallach requested Administration look into the Cleveland contact for Compassionate City criteria provided by Ms. Bhardwaj earlier in the meeting during the audience communications.

Mr. Sidoti stated he visited the Compassionate City website and loves it.

The Motion carried by a voice vote of 9-0.

Ms. Wallach asked if Administration has looked into the adoption of the Syrian refugee family.

Mayor Fiala stated this item is on the pending list already for Administration.

COUNCILMEMBERS' COMMENTS

Mr. Kuhar remembered as a child, the feeling that the City was a safe place, there were plenty of jobs, and everyone knew their neighbors, Police Officers, Firemen, and service people. He would love to have that same feeling again and would like the City to strive to be on a first name basis with all.

Mr. Sidoti agreed with Mr. Kuhar and stated we have become "somewhat lackadaisical." He further stated unfortunately it happens and we tend to take things for granted; It takes hard work and would like "Destination Kent" to be reflective of who we are.

Mr. Ferrara referred to Mr. Amrhein's comments about all the festivals and events going on last weekend and reminded resident and Council that this weekend is the "Kids Creativity Festival" in appreciation of the arts. It is this Saturday, all day, and is a free event. The weather is supposed to be good.

MAYOR'S REPORT:

Mayor Fiala stated in addition to all the other Councilmembers' comments, he would like to also say this past weekend's festivals were great. Things are moving forward and there seems to be lots of activities every weekend.

Mayor Fiala recessed the public portion of the meeting at 9:12 p.m. in order for Council to convene in Executive Session for the purpose of discussing the compensation of personnel, in accordance with the Motion for an Executive Session made earlier in the meeting.

At 10:20 p.m. Council came out of executive session. No action was taken.

MOTION TO ADJOURN made by Mr. Ferrara, seconded by Mr. Kuhar. The regular meeting adjourned at 10:21pm.

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