

**THE CITY OF KENT, OHIO
SPECIAL COMMITTEE MEETING,
PUBLIC HEARING &
REGULAR COUNCIL MEETING
WEDNESDAY, OCTOBER 19, 2016**

At 7:00 p.m., the **Special Committee Meeting** of the Health and Safety Committee was called to order by Chairman Amrhein who stated the item on the Agenda is the "Right of Access Agreement." (*Please refer to the Special Committee Meeting Minutes.*)

Mayor Fiala reminded the audience if they wished to speak during the Council meeting, they need to sign in with the Clerk or they will not be recognized.

At 7:30 p.m., Mayor Jerry T. Fiala called the **Public Hearing for the CDBG- Caper** 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 and Ms. Tara Grimm, CMC, Clerk of Council.

Ms. Susel explained this is a Public Hearing for the annual review of the Community Development Block Grant Program (CDBG). The consolidated annual performance evaluation report is submitted to HUD 60 days after completion of the City's program year. This year's program began on August 1, 2015 and extended through July 31, 2016. It is based on an entitlement grant award of \$253,380.00. Of that amount just over \$180,000.00 was expended 100% to low and moderate income families with 94% of that population making at or below 30% of the area median income; 30% was expended on housing related activities; another 32% on public facility improvements in low income areas; 21% on public service activities; 10% was spent on fair housing enforcement; and 10% was spent on administration of the program. (**See Attachment #1.**)

Hearing no comments from Council or the audience, Mayor Fiala closed the **Public Hearing**.

At 7:32 p.m., Mayor Jerry T. Fiala, Mayor and President of Council apologized for running a few minutes behind schedule. He 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; and Ms. Tara Grimm, CMC, Clerk of Council.

Mayor Fiala called upon Councilmember DeLeone for opening remarks, who did not have any opening remarks, then led the Pledge of Allegiance.

Mayor Fiala again reminded the audience if they wished to speak during the Council meeting, they need to sign in with the Clerk or they will not be recognized.

APPROVAL OF MINUTES:

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF SEPTEMBER 21, 2016 made by Mr. DeLeone, seconded by Mr. Kuhar, and carried by a voice vote of 9-0.

MOTION TO APPROVE THE MINUTES OF THE SPECIAL COUNCIL MEETING OF OCTOBER 6, 2016 FOR DEMOCRACY DAY made by Mr. DeLeone, seconded by Mr. Kuhar, and carried by a voice vote of 9-0.

COMMUNICATIONS:

Mayor Fiala called for audience comments. 15 visitors signed-in with the Clerk to speak, but only 14 chose to speak when called upon.

Mary Organ of 5876 Horning Road, Kent, read a prepared statement on the housing in Kent, which was not provided to the Clerk. She read highlights from the *draft* of the October 5, 2016 Council Committee meeting's minutes that referred to how Council's hands are tied by the processes put in place in regards to housing in Kent. She asked Council to take a risk and have a court look into variances already granted by the BZA. Ms. Organ also referred to page 48 of the Kent Housing Study and how the high-density residential projects far exceed the demand. She would like Council to be empowered to turn down developers for high-density housing, and help its Boards to interpret the Code.

Dennis Krupa of 5868 Rhodes Road and owner of 5882 Horning Road, Kent, had a visual created into a bookmark. Hallmark provided him the elevation views that depict the skyline where high-density housing

is next to residential homes to show the impact and conflict on the single family residences. He bypassed the Clerk, and passed out his bookmarks directly to the members of Council only.

Vinay Bhardwaj of 1100 Birchwood Circle, Kent, stated she would like the City of Kent to start the registration process to become a Compassionate City. She further stated the Cleveland representative is prepared to guide us. Ms. Bhardwaj is ready to take on the project.

Mr. Bhardwaj of 1100 Birchwood Circle, Kent, reminded Council of the promotion of Kent as a compassionate city and the International movement. He asked that we at least register first then develop the programs to implement the idea later.

J. Paul Organ of 5876 Horning Road, Kent, expressed his concerns with the enormous influx of student housing over the past several years and feels there is enough high-density student housing in Kent now, and referred to the Housing Study. He would like to see more housing geared towards the 55 and older group as there is not enough assisted living within the City.

Timothy Simandl of 344 E. Summit Street, Apt. A, Kent, questioned how much of the historic Pennsylvania/ Ohio canal still exists running through the Kramer Fields land and what steps can be taken to preserve the canal and Franklin Mills.

Brett Davis of 646 Woodland Street, Apt. C, Hartville, stated he was a Kent resident all his life on Grant Street and referred to on-line discussions regarding the preservation of buildings in the middle of and in downtown Kent. He feels there will be a “tsunami of opinions” and would like to see Council research all options on the Franklin Mills building and suggested the City move its offices into that building.

Matt Somerville of 5907 Horning Road, Kent, expressed his opinion on the frustration between Council, the Planning Commission and the Board of Zoning Appeals. He would like to see everyone come together.

Joe Volchko of 5908 Horning Road, Kent, handed photos to the Clerk to pass around to Council showing well positioned student housing and the second set of photos shows his neighborhood. He read from a prepared statement, which was not provided to the Clerk. He stated the situation is “anecdotal” and questioned what the point of having a Code is and that decisions need to be repealed.

Gina Volchko, of 5908 Horning Road, Kent, expressed frustrating as she described the variance that allowed the Capstone Project to build next to her home, compromising her home’s structure. According to a seismologist study, there is damage to her basement and her walls due to construction vibration and the tamping of the property next door. She questioned if Capstone is responsible for the damage to her home. Ms. Volchko also asked if Council has had the any of the flooding, stormwater run-off and standing water looked at since she presented pictures at the last Council meeting. Is there any kind of protection for her?

Roger Thurman of 904 Franklin Ave., Kent, read from a prepared statement regarding Franklin Mills, how it is an iconic symbol and not an eyesore, and its 143 year history. **(See Attachment #2.)**

Christopher Myers of 220 E. Elm Street, Kent, reiterated his concerns that no one from Council calls him back regarding the air contamination during the Kent State project near his rental property at 225 South Willow Street. He claims there has been physical and psychological damage done to his tenants. He referred to a letter written in March by Mr. Ruller to Council. He pointed out issues in the letter such as the misspelling of his name and the assumption that he is angry with Kent State for the purchase price of his house and the number of tenants he has – 25, not 14 over 2 years. There was supposed to be a formal response to Council and/or Mr. Ruller by Tom Euclid. He would like a copy of the response and will pick it up from the City Manager’s Office on Friday morning.

Mr. Ruller informed Mr. Myers there has been no formal reply to the City or to him. He is only aware that they personally contacted Mr. Myers. Ms. Susel and Kent State have also communicated with Mr. Myers. He apologized that he had nothing to provide Mr. Myers.

Mr. Myers said that is what he would expect from Tom Euclid and thanked Mr. Ruller.

Tia Paoloni of 7472 Ferguson Rd., Kent is running for Clerk of Courts. She took a moment to describe her goals of comprehensive e-filing of records, continuing education for deputy clerks and extended hours at the Courthouse.

Mike Kerrigan of 3795 Heron Creek Drive, Rootstown is running for County Commissioner. He described his background and how is he qualified to serve as Commissioner, how he is community focused, his leadership experience, and how he shares values and priorities to move Portage County forward.

Written Communications were reported by Clerk Grimm as follows:

1. Minutes of Kent Parks and Recreation Board Meeting of October 6, 2016 were received October 10, 2016 and placed on file.
2. Minutes of the Board of Health Meeting of October 11, 2016 were received October 16, 2016 and placed on file.

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

1. Minutes of Planning Commission Meeting of September 20, 2016 were received October 19, 2016 and placed on file.
2. Thank you letter from Davey Tree Expert Company was received on October 14, 2016 thanking Council for consideration and approval designating the Davey Bryce Road facility at 905 Bryce Road as a Locally Historic Property per Ordinance No. 2016-67.
3. Minutes for Standing Rock Cemetery Regular Meeting of September 8, 2016 were received on October 19, 2016 and placed on file.

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

1. Request Council's authorization to participate in a multi-jurisdictional study of water services in Portage County that is being conducted by the Portage Planning Agency.
2. Request Streets, Sidewalks and Utilities Committee time to consider updates required by the EPA to the City's Stormwater Management Regulations.
3. Request Streets, Sidewalks and Utilities Committee time to consider authorization of enabling legislation for ODOT to perform crack seal maintenance on SR 261 in Kent.
4. Request Public Health and Safety Committee time to consider authorizing the Kent Fire Department to participate in a multi-jurisdiction fire pump testing agreement.
5. Request Public Health and Safety Committee time to receive an update from the City's Sustainability Commission regarding plastic bag usage in the City.
6. Request Community Development Committee time to receive an update from staff on the status of new business and economic development projects in the City.
7. Request Community Development time to receive a report from staff on the parking supply and usage in downtown Kent.
8. Request Finance Committee time for presentation of the proposed 2017 City Operating Budget.
9. Request Council's authorization for an executive session requested by the Law Director to discuss pending litigation.
10. Request Council's authorization for an executive session requested by Kent Parks and Recreation to discuss land acquisition.
11. Request Council's authorization to allocate \$750 for food to supply the public safety forces working the Halloween shifts.
12. Request Council's authorization to allow the Kent Fire Department to submit a FEMA grant application (in an amount up to \$95,000, with the City share not to exceed \$9,000) for the purchase of life saving extrication equipment ("jaws of life").

MOTION TO APPROVE ITEMS #1-8 AND #11 & 12 OF THE CITY MANAGER'S REPORT made by Mr. Amrhein, seconded by Mr. Ferrara, and carried by a voice vote of 9-0.

MOTION TO RECESS INTO EXECUTIVE SESSION AFTER THE MEETING FOR THE PURPOSE OF DISCUSSING ITEMS #9 & 10 OF THE CITY MANAGER'S REPORT REGARDING PENDING LITIGATION AND ACQUISITION OF LAND made by Mr. Amrhein, 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.

Mr. Ruller assured that the City shares in the interest in the mill. Ever since their announcement over a year ago, we have been asking how we can help facilitate a future for that facility. Kent State has also looked into the property and expressed potential interest in it. We all want to see the skyline continue as it is today. Our challenge remains that fact that it is private property, and although the owners are very polite, they are unsure if they are going to sell the property.

STANDING COMMITTEES/ LEGISLATION

COMMUNITY DEVELOPMENT COMMITTEE:

MOTION TO APPROVE THE COMMITTEE MEETING MINUTES OF OCTOBER 5, 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) Discussion of City Zoning Codes was referred back to Staff for possible Zoning Code changes.
- 2) Look into Executive Session definition for personnel for the purposes of interviewing board candidates.

FINANCE COMMITTEE:

MOTION TO APPROVE THE COMMITTEE MEETING MINUTES OF OCTOBER 5, 2016 made by Mr. DeLeone, 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. DeLeone, seconded by Mr. Ferrara, and carried by a voice vote of 9-0.

- 1) Authorize the final assessment legislation to complete the Stormwater Area Q Project with an emergency clause.
- 2) Approve the Proposed 2017-21 Capital Improvement Plan and Utility Rate Increases with an Emergency Clause.

Draft No. 16-98: AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF DEIDRICK ROAD, IRMA STREET AND CHELTON DRIVE BETWEEN CERTAIN TERMINI BY THE CONSTRUCTION OF STORM SEWERS, CATCH BASINS, ROADSIDE DITCHES/SWALE AND ROOF DRAIN PIPES (LATERALS), TOGETHER WITH THE NECESSARY APPURTENANCES THERETO AND RELATED RESTORATION, SEEDING AND MULCHING, AND REPLACEMENT OF DRIVEWAY APPROACHES, AND RELATED IMPROVEMENTS, INCLUDING A TRUNK SEWER OUTLET CONSTRUCTED IN THE CITY OF STOW ALONG WILDER ROAD TO FISH CREEK AND OTHERWISE IMPROVING THE SAME, 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. 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 16-98 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.

ORDINANCE No. 2016-93: AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF DEIDRICK ROAD, IRMA STREET AND CHELTON DRIVE BETWEEN CERTAIN TERMINI BY THE CONSTRUCTION OF STORM SEWERS, CATCH BASINS, ROADSIDE DITCHES/SWALE AND ROOF DRAIN PIPES (LATERALS), TOGETHER WITH THE NECESSARY APPURTENANCES THERETO AND RELATED RESTORATION, SEEDING AND MULCHING, AND REPLACEMENT OF DRIVEWAY APPROACHES, AND RELATED IMPROVEMENTS, INCLUDING A TRUNK SEWER OUTLET CONSTRUCTED IN THE CITY OF STOW ALONG WILDER ROAD TO FISH CREEK AND OTHERWISE IMPROVING THE SAME, AND DECLARING AN EMERGENCY *PASSED* as stated by Clerk Grimm.

HEALTH AND SAFETY COMMITTEE:

MOTION TO APPROVE THE COMMITTEE MEETING MINUTES OF OCTOBER 5, 2016 made by Mr. Amrhein, seconded by Mr. DeLeone, and carried by a voice vote of 8-0-1, with Ms. Wallach abstaining.

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

- 1) Bring forth legislation to approve the change in parking designation to allow parking on the east side of Morris Road from Beryl Drive to the dead end of the street, as presented, with an emergency clause.

Draft No. 16-99: AN ORDINANCE AMENDING SECTION 353.02 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT ENTITLED "PARKING REGULATION AUTHORIZATION" was read by title only by Clerk Grimm per Mayor Fiala's request.

Ms. Shaffer asked if this requires a suspension. Mr. Ferrara stated it needs to pass with emergency. Mr. Silver stated it will save three readings.

MOTION TO SUSPEND THE THREE READINGS made by Ms. Shaffer and seconded by Mr. Ferrara. On Roll call, voting "Yes": Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, and Ms. Long. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 16-99 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.

ORDINANCE No. 2016-94: AN ORDINANCE AMENDING SECTION 353.02 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT ENTITLED "PARKING REGULATION AUTHORIZATION" PASSED as stated by Clerk Grimm.

Draft No. 16-100: AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A RIGHT OF ACCESS AGREEMENT TO THOMAS & BETTS CORPORATION AND THEIR AGENT HZW ENVIRONMENTAL CONSULTING, LLC, IN ORDER FOR THEM TO REMEDIATE 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. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Long, Ms. Shaffer, and Mr. Sidoti. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 16-100 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. 2016-95: AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A RIGHT OF ACCESS AGREEMENT TO THOMAS & BETTS CORPORATION AND THEIR AGENT HZW ENVIRONMENTAL CONSULTING, LLC, IN ORDER FOR THEM TO REMEDIATE 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.

LAND USE COMMITTEE had nothing to report.

STREETS, SIDEWALKS AND UTILITIES COMMITTEE:

MOTION TO APPROVE THE COMMITTEE MEETING MINUTES OF OCTOBER 5, 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 THREE RECOMMENDED ACTIONS made by Mr. Sidoti, seconded by Mr. DeLeone, and carried by a voice vote of 9-0.

- 1) Have Administration look into an insurance based option for replacement of sewer laterals.
- 2) Authorize the City-ODOT Consent Legislation for Guardrail Replacement with an Emergency Clause
- 3) Authorize the City-ODOT Agreement for the City's Bridge Inspection Program with an Emergency Clause

Draft No. 16-101: A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT GIVING CONSENT TO THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION FOR THE REPLACEMENT OF A GUARDRAIL ANCHOR ASSEMBLY ON RIVER STREET (SR 43) NEAR THE SILK MILL ENTRANCE, D04 GR FY2018 (TYPE A); PID NO. 103678, 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, 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. 16-101 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, and Mr. Amrhein. The motion carried by a roll call vote of 9-0.

RESOLUTION No. 2016-96: A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT GIVING CONSENT TO THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION FOR THE REPLACEMENT OF A GUARDRAIL ANCHOR ASSEMBLY ON RIVER STREET (SR 43) NEAR THE SILK MILL ENTRANCE, D04 GR FY2018 (TYPE A); PID NO. 103678, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

Draft No. 16-102: A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT GIVING CONSENT TO THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION FOR PARTICIPATION IN THEIR BRIDGE INSPECTION PROGRAM SERVICES FOR THE YEARS 2017, 2018 AND 2019; PID 102554; 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, 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. 16-102 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.

RESOLUTION No. 2016-97: A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT GIVING CONSENT TO THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION FOR PARTICIPATION IN THEIR BRIDGE INSPECTION PROGRAM SERVICES FOR THE YEARS 2017, 2018 AND 2019; PID 102554; AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

SPECIAL COMMITTEE REPORTS:

None

UNFINISHED BUSINESS:

Ms. Shaffer asked for a status update on the City’s registration for becoming a Compassionate City.

Mr. Ruller has looked into bundling the Syrian family adoption motion with Compassionate City and other items into the “Multicultural Committee”, but realistically we need to separate the Compassionate City from the bundle to at least move forward with the registration. We will need a Resolution prepared for Council to authorize and adopt the registration. Once the Multicultural Committee is set up, they can catch up with the information on becoming a Compassionate City.

NEW BUSINESS:

MOTION TO REGISTER THE CITY OF KENT AS A COMPASSIONATE CITY made by Ms. Shaffer, seconded by Mr. Sidoti. Motion carried by a voice vote of 9-0.

Mr. Turner asked Mr. Ruller to stay on top of the downtown mills and to listen to Mr. Thurman. The purchase of the mills should be put on our Agenda officially for consideration, if the opportunity arises, in order to maintain Kent’s history.

COUNCILMEMBERS’ COMMENTS:

Ms. Shaffer’s heart goes out to the Horning Road neighborhood. One Board’s decision has changed their lives and questioned if there are legal ways to handle this. Council needs additional advice from the Law Director and look at all options. Council needs to have input into development, respect our neighbors and mitigate the situation.

Mr. Kuhar questioned how we can be a Compassionate City if we can’t fix the Horning Road issue. The issues battle inside him. He told a story of how College towers are 300 feet behind his house, as 6-story building, and can hear a 5th floor resident talking while out on their balcony. We need to figure out a compromise.

Ms. Long inquired with Mr. Ruller if we could change meeting nights of the BZA and Planning Commission so Council can see an Agenda before the meeting so we can have some input.

Mr. Silver reminded Ms. Long that BZA and Planning Commission’s Agendas, as well as Councils, are posted ahead of time in multiple ways, including in the Council packets and on-line. In his opinion, Council’s job is to draft the laws, set the framework and structure and appoint for Boards and Commissions. It is not Council’s job to advise the Boards and Commissions on specific topics on how to do their jobs.

Mr. Ruller reiterated that generally Council’s do not get into site board review. That’s why commissions are created. He has already spoken to Bridget about changing the meeting dates and then questioned, from a process point of view, what is the purpose of having a Planning Commission is if Council wants to oversee every project?

Ms. Long stated she just wants Council to be able to provide input before final decisions are made. She asked how can we fix what’s happened on Horning Road.

Mayor Fiala directly asked Ms. Long “Melissa, you sat on Planning Commission, where is it broke or going wrong?”

Ms. Long explained nobody is doing anything wrong, there just needs to be more time before decisions are made.

Ms. Susel reminded Council that staff does not recommend, just guide, including the application of the Code.

Ms. Long was unsure how things could be better and wondered if we need change in the zoning. She’s looking for answers or a solution.

Mr. Silver advised it would have to be a zoning code change for that district’s classification.

Mr. Ruller cautioned Council that we cannot spot zone. The process is very methodical, lengthy and deliberate. He understands the frustration and will keep talking about possibilities, including a contract to hire a company to do the Zoning Code update "right, well and as fast as we can and the process can allow."

Ms. Susel recalled the previous discussion with Council that they are hiring a consultant to assist with correcting the Zoning Codes. She is in the process of preparing the RFQ and will be bringing legislation forth at the next Council meeting after Planning Commission on the 1st.

Ms. Wallach referred to Ms. Long's concept of current stacking of the meeting dates and feels we should change the meeting scheduling by placing the meetings in separate weeks.

Ms. Susel assured Council that policies have been implemented in just this past month. We already have Code in place whereby nothing is tracked to the Planning Commission until a variance passes. She also stated the message from Council was not well received and encouraged members of Council to come to a meeting or welcomes another message to be sent to the BZA and Planning Commission.

Mr. Sidoti indicated we need to look at the immediate v. long-term issues and spot zoning can't happen. It pits neighborhoods against each other. "We can't pussyfoot around" legal issues and need to find out from our Law Director what the ramifications are for taking over our own Boards. He was disturbed by Ms. Susel's comment that Council's message was not well received by the Board. Mr. Sidoti is interested in having Executive Sessions to discuss candidates before they are appointed to Boards, just like we do before we hire employees, and we need to provide staff development to assist them. The average citizen is unaware of the Code and the Board's complex decision making roles. We can't negatively hold them accountable publicly. They are volunteers. Council needs to be able to meet with them. The Boards have the ability to change people's way of life forever.

Mr. Kuhar brought up the traffic study and the question of whether or not it was done at peak traffic time. He asked if anyone has the power to demand another traffic study that focuses on the single egress/ingress during prime traffic hours.

Ms. Susel informed Council that they did not receive the updated study until Friday. It needs to be vetted and the Traffic Engineer will be going through it in detail.

Mr. Kuhar wanted to ensure the study would be new, current and up-to-date.

Ms. Susel stated "yes, we will get everything we need" if what was provided is not an accurate reflection of the traffic.

Mr. Turner cautioned that we are on a slippery slope when we are at odds with the people Council appoints. He suggested we change the method in which we appoint people to the Boards. He is concerned that we cannot always rely on Executive Sessions for discussions and a few recent Executive Sessions have bothered him. We have a responsibility to the public, including Board appointments.

Mr. Ferrara inquired as to what Council can do differently, to get the Board to understand the process so they can make the right decisions so we are not pinpointing specific projects. He also reminded Council how the existing land is zoned. This topic has been discussed for the 16 years he's been on Council. Council can't avoid conflict and there needs to be a fair and open process for everyone. It is a delicate balance. He clarified the City is not responding to residents because they have done something wrong, it is the direct result of the project on Horning Road.

Mr. Kuhar agreed with Mr. Ferrara and his position on Council still represents the majority of the citizens and City the best he can. He is elected and focuses on representing the voters in the City of Kent.

Mr. Fiala replied to Mr. Kuhar's comment by stating "Well said."

Ms. Long felt that there should be a pre-requisite of serving on the Planning Commission before becoming a Councilperson. She thanked Ms. Susel for hiring an expert for the Zoning Code. She questioned how many Councilmembers have been to a Zoning or Planning meeting, and should attend a meeting if you don't understand how your City is functioning. "We have never sat in a Planning Commission member's seat."

Mr. Ferrara interrupted Ms. Long, expressed "feeling slighted" and stated there is enough collective experience of all members of Council. Ms. Long should speak for herself instead of thinking what other people's positions are.

Mayor Fiala called for a POINT OF ORDER on the subject by stating "That's enough", which ceased all further discussion. He reminded Council they need to attend to the Zoning issues within their Wards. All of Council is aware of what goes on in Planning Commission and Board of Zoning because they receive the packets and minutes from those meetings. Zoning is supposed to protect the residents.

MAYOR'S REPORT:

Mayor Fiala recessed the public portion of the meeting at 9:22 p.m. in order for Council to convene in an Executive Session for the purpose of discussing pending litigation and land acquisition, in accordance with the Motion for an Executive Session made earlier in the meeting.

At 9:50 p.m. Council adjourned from Executive Session and reconvened the regular meeting.

MOTION TO OFFER A SETTLEMENT TO THE APARTMENT COMPLEX OWNERS IN THE RECYCLING LAWSUIT (KENT VS. FERRIS DISPOSAL) BY REDUCING THE COST OF SOME OF THE SOLID WASTE PORTIONS OF THE RECYCLING BILLS TO THE APARTMENT COMPLEXES made by Mr. Ferrara, second by Mr. Kuhar. Motion carried by a voice vote of 9-0.

MOTION TO AUTHORIZE MODIFICATIONS TO THE RECYCLING ORDINANCES AND RULES AND REGULATIONS TO REFLECT THE SETTLEMENT AND COURT ORDER IN THE RECYCLING LAWSUIT (KENT VS. FERRIS DISPOSAL) made by Mr. Ferrara, second by Mr. DeLeone. Motion carried by a voice vote of 9-0.

The regular meeting adjourned at 9:54 p.m.

Tara Grimm, CMC
Clerk of Council

Jerry T. Fiala
Mayor and President of Council