THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WED., MAR. 16, 2016

This regular meeting of the Kent City Council was called to order at 7:30 p.m. on Wed., March 16, 2016 by Jerry T. Fiala, Mayor & President of Council.

PRESENT:	**MR. AMRHEIN, MR. DeLEONE, MR. FERRARA, MS. LONG, MS. SHAFFER, MR .SIDOTI, MR. TURNER, AND MS. WALLACH**
ALSO PRESENT:	**J. FIALA, MAYOR & PRESIDENT OF COUNCIL; D. RULLER, CITY MANAGER; J. SILVER, LAW DIRECTOR; AND L. JORDAN, CLERK OF COUNCIL**
ABSENT:	**MR. KUHAR**

MOTION TO EXCUSE MR. KUHAR.
Motion made by Mr. Ferrara, seconded by Mr. DeLeone, and carried by a voice vote of 8-0.

There were no opening remarks, as Mr. Kuhar was absent. Mayor Fiala led those present in the Pledge of Allegiance.

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF FEB. 17, 2016, AND THE PUBLIC HEARINGS OF FEB. 17, 2016 AND MARCH 2, 2016.
Motion made by Mr. Ferrara, seconded by Mr. DeLeone, and carried by a voice vote of 7-0-1, with Ms. Wallach abstaining.

Mayor Fiala called for audience comment at this time. He reminded those wishing to address Council to sign up with the Clerk who would call them forward. He reminded those wishing to speak to limit their comments to three minutes.

Dale Riley, 717 Berkeley Street: Mr. Riley explained he has lived in Kent for more than forty years, and has been a member of the Kent Presbyterian Church for more than forty-six years. He expressed his concern with the proposed change in zoning that would make non educational facilities conditionally permitted uses. Mr. Riley explained the church was part of the original change in the ordinance several years ago. He said they are now working on student housing, adding that several people on Council and several different committees are aware of their plans. He said they would have appreciated being informed of the change, adding he did not like how this was handled.

Rev. Aaron Meadows, 1456 E. Summit St: Rev. Meadows said the church has existed for nearly sixty years. He said they developed a tutoring program, adding it was so successful the schools took it over. Rev. Meadows said they serve the Clothing Center, and assist with shut off notices. He said they assist with rent deposits for those leaving the shelters. He explained the reason more members were not present was because Kent Social Services was presenting at the church, as they look for more ways to serve.

Rev. Meadows said in relation to the proposed change in the Zoning Code, the church was involved in the original code change asking for some examples to be permitted uses. He said they waited to invest nearly one-half million dollars until the Code was changed. Rev. Meadows said they have a development agreement with a developer, and are ready to walk through the process. He said it makes them nervous for this to become a conditionally permitted use. He said he realized it possibly still can happen, adding they are staring down one-half million dollars. Rev. Meadows asked if there was a way to grandfather the church, and encouraged them to vote down the change.

Christopher Myers, 220 E. Elm Street: Mr. Myers said he was born and raised in Kent, and has lived in Kent for nearly eighty years. He said he owns 224 S. Willow Street, near the architectural building. He likened the building to Monstro the Whale in the tale of Pinocchio. Mr. Myers said the mischief began four years earlier when Lester Lefton began buying property for the Esplanade, and has been carried on by Dr. Beverly Warren.

Mr. Myers said he wanted to read them a letter he sent Tom Euclide, the Facilities Planning and Operations manager at Kent State University. He said his letter will not have much meaning to most of them. He said it will have meaning to Dave Ruller who never returns a phone call and Heidi Shaffer who returns about one out of three calls.

Mr. Myers read the letter at this time. He told Mr. Euclide the last straw was Mr. Euclide's email where he told him the contractor for the building responded to all of his complaints. He said he did not complain to the contractor about the clouds of dirt and dust that prohibited his tenants from enjoying their front porch or opening their windows. He said he was unable to do exterior painting. Mr. Myers said his complaints were not to the contractor, adding he was not Mr. Myers' contractor, but was the University's contractor.

Mr. Myers said his complaints were to Dr. Warren to do something, adding nothing was done for months. He said he called the Akron office of the EPA. Mr. Myers said they can ask his tenants, who are willing to testify, about the University's failure to answer his complaints. He said they can call Ms. Waller from the EPA who warned the contractor.

Mr. Myers said the Akron Beacon Journal may want to cover the story about the indignities on his property. He said that since the properties were purchased, he dealt with vacant houses that fell into disrepair and blight. He said there was a dead squirrel in their cage. Mr. Myers said they bulldozed over his storm drain pipe that emptied into the swale on his property. He said he had illegal water runoff from geothermal drilling, causing five inches of ice on his driveway and parking lot. Mr. Myers said there was damage to his devil strip, some of which is still not repaired.

Mr. Myers asked if Dr. Warren felt it was okay for a worker to knock on the window of his rental, adding it was the bedroom of a female student. He said he cannot let the University hide this cover up. Mr. Myers said his mother graduated from and taught at Kent State University. He said he has two degrees from there, and funded a scholarship for cello.

Mr. Myers said they have a very uncaring administration, adding that Dr. White must be rolling over in his grave. His letter suggested to Mr. Euclide that the University should review the EPA Clean Air Standards before doing construction. He said until as recently as a few weeks ago, he would have been satisfied with a public apology from Dr. Warren to him, his tenants, and their parents. He said that was before the "complete and outrageous whitewash," adding it is far more dazzling than anything Tom Sawyer ever did to Aunt Polly's fence.

Mr. Myers' letter explained that he does not blame the contractor, adding he blames Dr. Warren and her staff. He said he was told the situation would be investigated, and asked where he might find the records. He asked if there is no one at the University with the courage to rock the boat, if necessary. He questioned whether it was job security, unquestioned loyalty, or a situation of no shame.

Mr. Myers' letter said if the University allows a contractor to ignore dust abatement requirements, he questioned where else the contractor cut corners. He questioned if it was at the risk of the safety of the students. Mr. Myers suggested they may wish to hire an outside engineering firm to inspect the building prior to classroom use.

Mr. Myers read a quote from the Nov. 4, 2014 Record Courier by Eric Mansfield saying they enjoy an open dialogue with all university neighbors and intend to retain that good relationship. He said Mr. Mansfield said they will continue to work with Mr. Myers and others who make it a great place. Mr. Myers said shortly after that comment, he has endured the water runoff, ice, dirt, a knock on window, and damage to his devil strip. He said the only time they came to his property in three years was about the ice on the driveway. Mr. Myers said they had a contract employee scrape it off, but nothing was done to divert the flow.

Mr. Myers said he sent a copy of his letter to the Akron Beacon Journal. He said he is unsure what they will do with it. Mr. Myers said it behooves people to be aware of the giant in their midst. He said that just because the giant in their midst is an institution of higher learning does not mean they have any more concern than the concern shown by Volkswagen and General Motors. Mr. Myers said it will lie to save its butt.

Mr. Myers said his tenants, if necessary, will testify. His letter asked that no one contact and/or intimidate them. He instructed the contractor to stay off of his property, adding any information must be relayed through the City. Mr. Myers said that neither the University nor the contractor has any legal standing with his tenants. He said no tenant should come home to a house with no running water. Mr. Myers said the University's person in charge is incompetent. He said if the University was doing their job, he would not have to write this letter.

Mr. Myers' letter concluded with telling the University he wanted the siding on his house replaced, and $10,000 for each one of his tenants who has tolerated these issues. He also asked that the tenants have lung exams, if they wish.

Brad Cromes, E. Riddle Ave: Mr. Cromes said he is trying to reach every city, village, and township with his annual update. He said he wants to know their faces, and develop a strong working relationship with the entities.

Mr. Cromes distributed printed materials at this time. He said the information lists things done in 2015, goals for 2016, and the Home Improvement program they developed with the commissioners. Mr. Cromes said it began with $1 million of the investment fund, deposited with three local banks. He said in return, those banks made available $1 million for loans for permanent home improvements. Mr. Cromes said the interest rate would be 3% below market for the first five years. Mr. Cromes said they believe this is one way to stabilize property values. He encouraged them to share this with their constituents. Mr. Cromes said they have used about $250,000 of the funds since this was launched in July 2015.

Mr. Cromes said in 2015, they built a website with sixty plus pages of information about what they do, how to pay their bill, and how to make good decisions. He said he is the first elected official to have a Facebook page, adding they actively share information. Mr. Cromes said they partnered with the County Auditor for online bill pay. He said they are looking at the possibility of emailed billings, mobile apps, and a few other things to make the office more accessible. Mr. Cromes said his main reason for attending the meeting was to say "hello."

Hearing no further audience comment, Mayor Fiala called upon the Clerk for the written correspondence.

The Clerk reported the following:

1) The 2015 annual report of the Parks and Recreation Department was placed on file in the Council office on Feb. 26, 2016, and distributed to the Mayor and members of Council on Mar. 3, 2016.

The Clerk reported the following was received after the agenda was printed:

1) Minutes of the February 11, 2016 Standing Rock Cemetery Board meeting were placed on file by Council's representative, Mr. DeLeone, prior to the start of the meeting.

Hearing no further written correspondence, Mayor Fiala called upon the City Manager for his report.

MOTION TO APPROVE ITEMS #1 THROUGH #10
Motion made by Mr. Amhrein, seconded by Mr. Ferrara, and carried by a voice vote of 8-0.

The following items were approved by the aforementioned motion:
1) Authorization of Draft No. 16-18, American Legion donation to Parks and Recreation
2) Authorization of Draft No. 16-19, donation to Fire Department
3) Authorization of Draft No. 16-22, SAFER grant application
4) Authorization of Draft No. 16-26, Parks and Recreation donation
5) Agenda time, Service Department fee adjustments
6) Agenda time, lease extension for tenant of Parks and Recreation property
7) Agenda time, 2015 Police Department report
8) Agenda time, parking regulations, Adrian Drive
9) Agenda time, report on SR 59 @ Depeyster Street
10) Agenda time, new rental licensing program

MOTION TO RECESS INTO EXECUTIVE SESSION PRIOR TO THE ADJOURNMENT OF THIS MEETING FOR POTENTIAL LAND SALE.
Motion made by Mr. Amrhein, seconded by Ms. Shaffer.

Roll call was taken on the motion. Voting aye: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, and Ms. Wallach. The motion carried by a roll call vote of 8-0.

STANDING COMMITTEES

COMMUNITY DEVELOPMENT COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF MARCH 2, 2016.
Motion made by Mr. Turner, seconded by Mr. Ferrara, and carried by a voice vote of 7-0-1, with Ms. Wallach abstaining.

MOTION TO APPROVE THE RECOMMENDED ACTIONS OF MARCH 2, 2016.
Motion made by Mr. Turner, seconded by Mr. DeLeone, and carried by a voice vote of 8-0.

The following actions were approved by the aforementioned motion:
1) PRESENTATION RECEIVED ON PROPOSED FY2016 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING
2) TO AUTHORIZE AMENDMENTS TO THE CODIFIED ORDINANCES, PART I, AS PRESENTED AND MODIFIED.
3) TO AUTHORIZE THE SUBLEASE WITH THE FARMER'S MARKET

The Mayor asked the Clerk to read Draft No. 16-20 by title only at this time.

AN ORDINANCE AMENDING SECTIONS 135.03, 107.02(f), (l), 107.05(b), (c), (d), 147.02, 165.07 AND 165.08 AND DELETING CHAPTER 148 AND SECTION 121.01 OF THE KENT CODIFIED ORDINANCES TO MODIFY THE CODE SECTIONS TO REFLECT ACTUAL PRACTICE, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.
Motion made by Mr. Ferrara, seconded by Mr. DeLeone.

Roll call was taken on the motion. Voting aye: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, and Ms. Wallach. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.
Motion made by Mr. Ferrara, seconded by Mr. DeLeone.

Roll call was taken on the motion. Voting aye: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, and Ms. Wallach. The motion carried by a roll call vote of 8-0.

2016-18: AN ORDINANCE AMENDING SECTIONS 135.03, 107.02(f), (l), 107.05(b), (c), (d), 147.02, 165.07 AND 165.08 AND DELETING CHAPTER 148 AND SECTION 121.01 OF THE KENT CODIFIED ORDINANCES TO MODIFY THE CODE SECTIONS TO REFLECT ACTUAL PRACTICE, AND DECLARING AN EMERGENCY.

Linda M. Jordan
Linda M. Jordan, Clerk of Council

J. Fiala
Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 16-21 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT WITH THE HAYMAKER FARMERS' MARKET FOR THE SUB-LAND LEASE OF A PARKING LOT LOCATED NORTH OF SUMMIT STREET, WEST OF FRANKLIN AVENUE, AND EAST OF AKRON BARBERTON CLUSTER RAILWAY COMPANY'S MAIN LINE TRACK, CONTAINING 0.168 ACRES, FOR THE PERIOD OF MAY 7, 2016 THROUGH OCTOBER 29, 2016; CONTINGENT ON THE CONTINUATION OF THE CITY'S LEASE WITH THE AKRON BARBERTON CLUSTER RAILWAY COMPANY, FOR THE AMOUNT OF $1.00; AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.
Motion made by Mr. Ferrara, seconded by Mr. DeLeone.

Roll call was taken on the motion. Voting aye: Mr. DeLeone, Mr. Ferrara, Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, and Mr. Amrhein. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.
Motion made by Mr. Ferrara, seconded by Mr. DeLeone.

Roll call was taken on the motion. Voting aye: Mr. DeLeone, Mr. Ferrara, Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, and Mr. Amrhein. The motion carried by a roll call vote of 8-0.

2016-19: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT WITH THE HAYMAKER FARMERS' MARKET FOR THE SUB-LAND LEASE OF A PARKING LOT LOCATED NORTH OF SUMMIT STREET, WEST OF FRANKLIN AVENUE, AND EAST OF AKRON BARBERTON CLUSTER RAILWAY COMPANY'S MAIN LINE TRACK, CONTAINING 0.168 ACRES, FOR THE PERIOD OF MAY 7, 2016 THROUGH OCTOBER 29, 2016; CONTINGENT ON THE CONTINUATION OF THE CITY'S LEASE WITH THE AKRON BARBERTON CLUSTER RAILWAY COMPANY, FOR THE AMOUNT OF $1.00; AND DECLARING AN EMERGENCY.

Linda M. Jordan
Linda M. Jordan, Clerk of Council

J. Fiala
Jerry T. Fiala, Mayor & President of Council

FINANCE COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF MARCH 2, 2016.
Motion made by Mr. DeLeone, seconded by Mr. Sidoti, and carried by a voice vote of 7-0-1, with Ms. Wallach abstaining.

MOTION TO APPROVE ACTIONS #1, #3, AND #4.
Motion made by Mr. DeLeone, seconded by Mr. Ferrara, and carried by a voice vote of 8-0.

The following actions were approved by the aforementioned motion:
1) TO AUTHORIZE THE LETTER OF INTENT FOR POSSIBLE SALE OR LEASE OF LAND
3) TO AUTHORIZE THE ADMINISTRATION TO RETURN WITH A PLAN FOR STORM WATER MANAGEMENT TO CREATE AN EQUITABLE ASSESSMENT OF PROPERTIES TO MEET THE FAIRNESS ISSUE.
4) TO AUTHORIZE THE AMENDMENTS TO THE 2016 APPROPRIATIONS.

MOTION TO APPROVE ACTION #2, TO AUTHORIZE A RATE INCREASE OF $2.00 PER MONTH FOR THE CITY'S STORMWATER MANAGEMENT RATE.
Motion made by Mr. DeLeone, seconded by Mr. Ferrara.

Ms. Wallach said she was not supporting the motion, adding the increase was too big. She said she would like to see it broken up over the yearly period. Ms. Wallach suggested they continue to apply for grants, until the new method of calculation is working. She said the increase, with the other increases, was a big chunk of change to pass on to the residents.

The motion carried by a voice vote of 7-1, with Ms. Wallach dissenting.

The Mayor asked the Clerk to read Draft No. 16-18 by title only at this time.

AN ORDINANCE ACCEPTING A DONATION TO THE CITY OF KENT PARKS AND RECREATION DEPARTMENT FROM THE AMERICAN LEGION PORTAGE POST #496 FOR $546.18 AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.
Motion made by Mr. Ferrara, seconded by Mr. DeLeone.

Roll call was taken on the motion. Voting aye: Mr. Ferrara, Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, and Mr. DeLeone. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.
Motion made by Mr. Ferrara, seconded by Mr. DeLeone.

Roll call was taken on the motion. Voting aye: Mr. Ferrara, Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, and Mr. DeLeone. The motion carried by a roll call vote of 8-0.

2016-20: AN ORDINANCE ACCEPTING A DONATION TO THE CITY OF KENT PARKS AND RECREATION DEPARTMENT FROM THE AMERICAN LEGION PORTAGE POST #496 FOR $546.18 AND DECLARING AN EMERGENCY.

Linda M. Jordan

Linda M. Jordan, Clerk of Council

J Fiala

Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 16-19 by title only at this time.

AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF $100.00 TO THE CITY OF KENT FIRE DEPARTMENT FROM MAUREEN MCCAULLEY IN MEMORY OF JOHN R. SAUNER TO BE USED FOR THE PURCHASE OF MEDICAL OR FIRE EQUIPMENT, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.
Motion made by Mr. Ferrara, seconded by Mr. DeLeone.

Roll call was taken on the motion. Voting aye: Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.
Motion made by Mr. Ferrara, seconded by Mr. DeLeone.

Roll call was taken on the motion. Voting aye: Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The motion carried by a roll call vote of 8-0.

2016-21: AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF $100.00 TO THE CITY OF KENT FIRE DEPARTMENT FROM MAUREEN MCCAULLEY IN MEMORY OF JOHN R. SAUNER TO BE USED FOR THE PURCHASE OF MEDICAL OR FIRE EQUIPMENT, AND DECLARING AN EMERGENCY.

Linda M. Jordan

Linda M. Jordan, Clerk of Council

J Fiala

Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 16-22 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPLY FOR A FY 2015 STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT, WHICH WOULD ALLOW THE CITY TO HIRE THREE (3) ADDITIONAL FIREFIGHTER/PARAMEDICS, IN THE AMOUNT OF UP TO $515,000 AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.
Motion made by Mr. Ferrara, seconded by Mr. DeLeone.
Roll call was taken on the motion. Voting aye: Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Ms. Long. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.
Motion made by Mr. Ferrara, seconded by Mr. DeLeone.

Roll call was taken on the motion. Voting aye: Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Ms. Long. The motion carried by a roll call vote of 8-0.

2016-22: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPLY FOR A FY 2015 STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT, WHICH WOULD ALLOW THE CITY TO HIRE THREE (3) ADDITIONAL FIREFIGHTER/PARAMEDICS, IN THE AMOUNT OF UP TO $515,000 AND DECLARING AN EMERGENCY.

Linda M. Jordan

Linda M. Jordan, Clerk of Council

J Fiala

Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 16-23 by title only at this time.

AN ORDINANCE AMENDING SECTION 921.04 OF THE CITY OF KENT CODIFIED ORDINANCES, ENTITLED "STORMWATER FEE" SO AS TO INCREASE THE RATES TO BE CHARGED FOR THE CITY'S STORM WATER UTILITY BY $2.00 MONTHLY, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.
Motion made by Mr. Ferrara, seconded by Mr. DeLeone.

Roll call was taken on the motion. Voting aye: Mr. Sidoti, Mr. Turner, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Long, and Ms. Shaffer. Ms. Wallach dissented. The motion carried by a roll call vote of 7-1.

MOTION TO ADOPT THE DRAFT ORDINANCE.
Motion made by Mr. Ferrara, seconded by Mr. DeLeone.

Roll call was taken on the motion. Voting aye: Mr. Sidoti, Mr. Turner, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Long, and Ms. Shaffer. Ms. Wallach dissented. The motion carried by a roll call vote of 7-1.

2016-23: AN ORDINANCE AMENDING SECTION 921.04 OF THE CITY OF KENT CODIFIED ORDINANCES, ENTITLED "STORMWATER FEE" SO AS TO INCREASE THE RATES TO BE CHARGED FOR THE CITY'S STORM WATER UTILITY BY $2.00 MONTHLY, AND DECLARING AN EMERGENCY.

Linda M. Jordan

Linda M. Jordan, Clerk of Council

J Fiala

Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 16-24 by title only at this time.

AN ORDINANCE AMENDING ORDINANCE NO. 2015-157, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 2, 2015, AND AS AMENDED BY ORDINANCE NO. 2016-15, PASSED FEB. 17, 2016, SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; FUND 102, STREET CONSTRUCTION, MAINTENANCE & REPAIR (SCMR); FUND 106, PARKS AND RECREATION; FUND 201, WATER; FUND 208, STORM WATER; AND FUND 807, INTERNAL SERVICE (HEALTH INSURANCE); AND SO AS TO DECREASE APPROPRIATIONS IN FUND 301, CAPITAL; AND SO AS TO INCREASE OPERATING TRANSFERS FROM FUND 116, INCOME TAX TO FUND 301, CAPITAL; AND FROM FUND 116, INCOME TAX TO FUND 303, POLICE FACILITY; AND FROM FUND 001, GENERAL TO FUND 106, PARKS AND RECREATION; AND FROM FUND 001, GENERAL TO FUND 128, FIRE & EMS; AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.
Motion made by Mr. Ferrara, seconded by Mr. DeLeone.

Roll call was taken on the motion. Voting aye: Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Long, Ms. Shaffer, and Mr. Sidoti. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.
Motion made by Mr. DeLeone, seconded by Mr. Ferrara.

Roll call was taken on the motion. Voting aye: Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Long, Ms. Shaffer, and Mr. Sidoti. The motion carried by a roll call vote of 8-0.

2016-24: AN ORDINANCE AMENDING ORDINANCE NO. 2015-157, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 2, 2015, AND AS AMENDED BY ORDINANCE NO. 2016-15, PASSED FEB. 17, 2016, SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; FUND 102, STREET CONSTRUCTION, MAINTENANCE & REPAIR (SCMR); FUND 106, PARKS AND RECREATION; FUND 201, WATER; FUND 208, STORM WATER; AND FUND 807, INTERNAL SERVICE (HEALTH INSURANCE); AND SO AS TO DECREASE APPROPRIATIONS IN FUND 301, CAPITAL; AND SO AS TO INCREASE OPERATING TRANSFERS FROM FUND 116, INCOME TAX TO FUND 301, CAPITAL; AND FROM FUND 116, INCOME TAX TO FUND 303, POLICE FACILITY; AND FROM FUND 001, GENERAL TO FUND 106, PARKS AND RECREATION; AND FROM FUND 001, GENERAL TO FUND 128, FIRE & EMS; AND DECLARING AN EMERGENCY.

Linda M. Jordan

Linda M. Jordan, Clerk of Council

J Fiala

Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 16-26 by title only at this time.

AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF $1,500.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT FROM SYLVIA COOGAN MEMORIAL FUND FOR THE "ART IN THE PARK" EVENT, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.
Motion made by Mr. DeLeone, seconded by Mr. Ferrara.

Roll call was taken on the motion. Voting aye: Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Long, Ms. Shaffer, Mr. Sidoti, and Mr. Turner. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.
Motion made by Mr. DeLeone, seconded by Mr. Ferrara.

Roll call was taken on the motion. Voting aye: Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms.

Long, Ms. Shaffer, Mr. Sidoti, and Mr. Turner. The motion carried by a roll call vote of 8-0.

2016-25: AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF $1,500.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT FROM SYLVIA COOGAN MEMORIAL FUND FOR THE "ART IN THE PARK" EVENT, AND DECLARING AN EMERGENCY.

Linda M. Jordan, Clerk of Council **Jerry T. Fiala, Mayor & President of Council**

HEALTH & SAFETY COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF MARCH 2, 2016
Motion made by Mr. Amrhein, seconded by Mr. Ferrara.

Ms. Long asked they separate the actions into two separate motions, and Mayor Fiala advised they were only considering the written report at this time.

The motion carried by a voice vote of 7-0-1, with Ms. Wallach abstaining.

MOTION TO APPROVE THE RECOMMENDED ACTION, AUTHORIZING THE **COLOR OF TERRA COTTA AND TO AUTHORIZE THE POLICE FACILITY TO GO OUT FOR BID.**
Motion made by Mr. Amrhein, seconded by Mr. Ferrara.

MOTION TO SEPARATE THE TWO AUTHORIZATIONS, TREATING THEM AS TWO SEPARATE ACTIONS.
Motion made by Ms. Long, seconded by Mr. DeLeone, and carried by a voice vote of 6-2, with Ms. Shaffer and Mr. Ferrara dissenting.

MOTION TO APPROVE THE COLOR OF TERRA COTTA
Motion made by Mr. Amrhein, seconded by Ms. Shaffer, and carried by a voice vote of 8-0.

MOTION TO AUTHORIZE THE POLICE FACILITY TO GO OUT FOR BID.
Motion made by Mr. Amrhein, seconded by Mr. DeLeone, and carried by a voice vote of 8-0.

LAND USE COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF MARCH 2, 2016.
Motion made by Mr. Ferrara, seconded by Mr. DeLeone, and carried by a voice vote of 7-0-1, with Ms. Wallach abstaining.

MOTION TO APPROVE THE RECOMMENDED ACTION, AUTHORIZING THE AMENDMENTS TO CHAPTER 1147, THE UNIVERSITY DISTRICT, AS RECOMMENDED BY THE PLANNING COMMISSION.
Motion made by Mr. Ferrara, seconded by Mr. DeLeone, and carried by a voice vote of 6-0-2, with Ms. Wallach and Mr. Amrhein abstaining.

The Mayor asked the Clerk to read Draft No. 16-25 by title only at this time.

AN ORDINANCE AMENDING CHAPTER 1147, UNIVERSITY DISTRICT, OF THE ZONING CODE OF THE CITY OF KENT TO SHIFT NON-EDUCATIONAL AND NON-UNIVERSITY OWNED OR OPERATED FACILITIES TO CONDITIONALLY PERMITTED USES; LOWERING THE MAXIMUM HEIGHT; AND INCLUDING ADDITIONAL ALLOWED USES IN SAID CHAPTER, AND DECLARING AN EMERGENCY .

MOTION TO SUSPEND THE THREE READINGS.
Motion made by Mr. Ferrara, seconded by Mr. DeLeone.

Roll call was taken on the motion. Voting aye: Mr. DeLeone, Mr. Ferrara, Ms. Long, Ms. Shaffer, Mr. Sidoti, and Mr. Turner. Mr. Amrhein and Ms. Wallach dissented. The motion failed by a roll call vote of 6-2 (seven votes are needed).

MOTION TO ADOPT THE FIRST READING.
Motion made by Mr. DeLeone, seconded by Mr. Ferrara.

Ms. Shaffer supported the motion. She recognized the church may have a hardship, adding they cannot legislate for just one entity. She said the Board of Zoning Appeals does take hardships into account, adding that one-half million dollars is a hardship.

Ms. Shaffer said she remembers when this changed, adding she was upset when it occurred. She said no one should be given a pass free and clear to build anything, adding the University seems to have that pass. Ms. Shaffer said everything else, including housing developments and other building projects, generally have to go before the Board of Zoning Appeals and the Planning Commission if they want changes.
Ms. Shaffer said she thinks this is a good idea, adding she wants to respect the Planning Commission who made this suggestion and put careful thought into this amendment. She said she feels sad for the church, adding she would have liked their input but did not think her opinion would have changed. Ms.

Shaffer said, again, she would support the action. She said they will have three readings, allowing them to hear something else and vote accordingly.

Mr. Sidoti said multiple readings are important to gather information. He said from his perspective, he thinks the height restriction maybe an issue. Mr. Sidoti said the City and the Planning Commission have always worked with existing structures. Mr. Sidoti said it is important to understand the impact. He said he supports what they are trying to do within the City, adding they need to give it time to understand the issues. Mr. Sidoti said it is important to be sensitive to those issues. Mr. Sidoti said this issue was brought before them for a specific reason, as a way to improve the code. He said it will be good to have another reading.

Mr. Amrhein said the reason he voted against the motion was because he felt he needed more time. He said he was not saying he would not support it in the future.

Roll call was taken on the motion. Voting aye: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Long, Ms. Shaffer, Mr. Sidoti, and Mr. Turner. Ms. Wallach abstained. The motion carried by a roll call vote of 7-0-1.

Mayor Fiala asked those from the church if they had been invited to the Planning Commission meeting, and they indicated they were not invited.

SPECIAL COMMITTEE REPORTS

UNFINISHED BUSINESS None

NEW BUSINESS

Ms. Shaffer asked Council to join with her, as she asked Mr. Ruller to follow up on Mr. Myers' concerns with the University. She said she has been listening to his concerns for a while, adding there are times he is not given enough hearing. Ms. Shaffer said she was concerned that the EPA was brought in.

MOTION TO ASK MR. RULLER TO FOLLOW UP WITH THE UNIVERSITY ON MR. MYERS' CONCERNS.
Motion made by Ms. Shaffer, seconded by Ms. Wallach, and carried by a voice vote of 7-1, with Mr. Ferrara dissenting.

Ms. Wallach asked the Clerk for the Fall ballot deadline, and the Clerk said she believed it was in August, 90 days before the election.

Mr. Ferrara said this was their last night to public thank Mr. Roberts, and he was not present. He said they would be remiss if they did not mention him publicly. He said Mr. Roberts has done great work, and is an invaluable resource. Mr. Ferrara said Mr. Robert's knowledge goes beyond anyone else's knowledge. He said Mr. Roberts' interpersonal skills are fantastic. He said Mr. Roberts has a great way of dealing with questions and disgruntled people. Mr. Ferrara said Mr. Roberts has always done a great job of presenting the City in the best light, while making people feel their concerns are relevant.

Mr. Ferrara said they are going to miss Mr. Roberts, adding he has some big shoes to fill. He suggested with everything going on in Kent in the next year or two that maybe they should bring him back as a consultant.

MAYOR'S REPORT

Mayor Fiala said he wished to echo Mr. Ferrara's comments. He said Mr. Roberts began in Nov. 20, 1995 as an Engineering Technician. He said Mr. Roberts became the Design Engineer on July 30, 1997. Mayor Fiala said on July 21, 2003, Mr. Roberts became the Interim City Engineer/ Deputy Service Director and Superintendent of Engineering. He said on September 22, 2003, Mr. Roberts took the appointment of City Engineer/ Deputy Service Director and Superintendent of Engineering. Mayor Fiala said Mr. Roberts was appointed to the position as Interim Service Director on April 8, 2005. He said Mr. Roberts was appointed to his current position as Service Director on May 15, 2005.

Mayor Fiala said they owe Mr. Roberts a lot. He said a lot has happened in Kent, with him as one of the main team members. Mayor Fiala said he has always said there is no "I" in Kent's team, and Mr. Roberts has been one of the key players on that team.

At this time, the Mayor, Council, and others present, gave Mr. Roberts, who was absent, a round of applause.

Mayor Fiala recessed this meeting for the previously authorized executive session at 8:20 p.m.

Mayor Fiala reconvened this meeting at 9:30 p.m.

Hearing no further business before this Council, Mayor Fiala adjourned this meeting at 9:30 p.m.

Linda M. Jordan

Linda M. Jordan, Clerk of Council

Jerry T. Fiala, Mayor & President of Council