

**THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WED., APRIL 20, 2016**

This regular meeting of Kent City Council was called to order on April 20, 2016 at 7:30 p.m. by Jerry T. Fiala, Mayor & President of Council.

PRESENT: MR. AMRHEIN, MR. DeLEONE, MR. FERRARA, MR. KUCHAR, 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

Mayor Fiala called upon Ms. Long for her opening remarks at this time.

Ms. Long said that April 17 through April 23 is National Parks Week. She said the blue heron are nesting in Summit County, and suggested people should take a ride and watch the phenomena of nature. Ms. Long said the Ohio Chautauqua will be in Brimfield on June 7 through June 11. She acknowledged they did not live in Brimfield, but noted they are Kent's neighbor. Ms. Long said Brimfield was chosen by the Ohio Humanities to have the performers. She said the show is free, and urged everyone to attend.

Ms. Long said the City supports Standing Rock Cultural Arts. She said their 10th annual "Who's Your Mama" street fair on Main Street would be on April 23.

Following her opening remarks, Ms. Long led those present in the Pledge of Allegiance.

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF MAR. 16, 2016

Motion made by Ms. Long, seconded by Mr. Kuchar, and carried by a voice vote of 8-0-1, with Mr. Kuchar abstaining.

(The Clerk later explained Mr. Kuchar could not second a motion when he was abstaining on the vote. Ms. Shaffer seconded the motion instead).

MOTION TO APPROVE THE MINUTES OF SPECIAL COUNCIL MEETING OF APRIL 6, 2016

Motion made by Ms. Long, seconded by Mr. Ferrara, and carried by a voice vote of 8-0-1, with Ms. Wallach abstaining.

MOTION TO APPROVE THE MINUTES OF WORK SESSION OF APRIL 6, 2016

Motion made by Ms. Long, seconded by Mr. Ferrara, and carried by a voice vote of 8-0-1, with Ms. Wallach abstaining.

Mayor Fiala called for audience comments at this time. He reminded members of the audience wishing to address Council to sign up with the Clerk of Council prior to speaking, and she would call them forward.

John Graves, 6185 2nd Ave., Kent: Mr. Graves explained he is the President of the Kent Presbyterian Church. He said he was present to oppose the change in the ordinance (Chapter 1147). Mr. Graves said when the ordinance was originally passed, it was done with dialogue with the church to allow them to find a partner, do a project that would increase student housing and the student experience, and help the University with retention. According to Mr. Graves, former KSU President, Lester Lefton, supported the project.

Mr. Graves said it has been a difficult process for the church to find a development partner. He said they have had several attempts, adding the financing failed. Mr. Graves said they submitted the plans to the City for a project earlier in the day, adding they fulfilled their part by proposing a project that meets the ordinance. He said it will be a great project. Mr. Graves said he hoped they would defeat the ordinance, so the church can go forward as well as other projects to benefit the University.

Walter Cheges, 615 Franklin Ave: Mr. Cheges thanked the Council members who supported homeowner assistance for sewer issues, adding they have lateral issues. Mr. Cheges thanked the Mayor and the three at-large members for helping them move forward, as the project stalled. He said they thought it would start in January, and now it is April. Mr. Cheges said their lateral clogged nine times in 2015, and three times so far this year. Mr. Cheges said he wanted to make everyone aware there was a problem with the funds for the program. He said it was scheduled for January, but fell apart as the money was not there. He said with the help of the Mayor and the at-large members, the money will be there. Mr. Cheges said he wanted to confirm that so they can start digging.

Laura Cheges, 615 Franklin Ave: Ms. Cheges said it is stressful every time it rains, as it has to be snaked. She said rain is forecast for the following day, adding it will cost them \$125 more to snake it. Ms. Cheges said whatever they can do to get this done quickly would be appreciated.

Aaron Meadows, 1456 E. Summit Street: Rev. Meadows explained he is the pastor of the Presbyterian Church. He asked if other landowners, such as Whitehall Terrace, fraternities or sororities, had been notified since the last meeting. He said the ordinance needs a third reading, and the other landowners should be notified.

Rev. Meadows said that under A-2 of the new language, it suggests it was passed as written on Oct. 21, 2009. He said that was not the language that was passed at that time, adding that what was proposed is a little misleading. Rev. Meadows said in the same section, it is proposing the creation of a monopoly for a single landowner. He said it did not matter what the size of the property was, as it was creating a zoning monopoly. He said they should not zone a monopoly for those land owners. Rev. Meadows encouraged a third reading, and asked that they then vote it down.

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

The Clerk reported the following:

1. A letter was received, by email, on March 31, 2016 from Rick Hawksley asking Council to increase the municipal income tax for the creation of a dedicated fund for the improvement and maintenance of pedestrian facilities in Kent. This letter was forwarded to the Mayor and all members of Council on the same day.
2. A letter was received from Laurie Simon expressing her displeasure with the parking meters in the downtown area. This letter was received on April 12, 2016, and forwarded to the Mayor and all members of Council on the same day.

The Clerk reported the following correspondence received after the agenda was posted:

- 1) Minutes of the March Standing Rock Cemetery Board meeting were placed on file earlier in the evening by Council's representative, Mr. DeLeone.
- 2) A letter was dropped off at the Fire Station on Sunday, April 17, 2016, from the Kent Presbyterian Church urging Council to vote against the proposed change to the University District. This letter was emailed to the Mayor and all members of Council on April 18, 2016.
- 3) The PY2016 Annual Action Plan for the CDBG program is on file in the Council office, and will remain on file for the mandatory, thirty-day comment period.

Hearing no further written correspondence, Mayor Fiala called for the City Manager's report.

MOTION TO APPROVE ITEMS #1 THROUGH #14

Motion made by Mr. Amrhein, seconded by Mr. Ferrara, and carried by a voice vote of 9-0.

The following items were approved by the aforementioned motion:

- 1) Authorize Draft No. 16-37, donation from Melanie Castor for a tree and bench
- 2) Authorize Draft No. 16-39, adoption of 2015 Multi-Jurisdictional Hazard Mitigation Plan
- 3) Authorization of Draft No. 16-41, purchase of .162 acres of street frontage from the Roberts
- 4) Agenda time, participation agreement with ODOT for the planned resurfacing of SR 43 and SR 261
- 5) Agenda time, adoption of a proposed new City capital asset policy
- 6) Agenda time, regulations for the use of donation boxes
- 7) Agenda time, update on status of Administration Building project.
- 8) Agenda time, approval of updates to City's Civil Service Rules and Regulations
- 9) Agenda time, community health assessment findings
- 10) Agenda time, selection/approval of AMATS Planning grant submission
- 11) Agenda time, draft MOU for Middlebury Road bike lane improvement project
- 12) Agenda time, MOU with Kent State and Main Street Kent for new public utility box project
- 13) Agenda time, amendment to 2016 appropriations
- 14) Agenda time, allocation of \$500 to supply food for operations required for Spring party events

Mayor Fiala announced the results of the balloting for vacancies on City boards and commissions at this time:

David Basista
Greg Seifert
Alan D. Mail & Jona Burton
Jona Burton

Architectural Review Board
Architect, Board of Building Appeals
Board of Zoning Appeals
Fair Housing Board

MOTION TO AUTHORIZE DRAFT NOS. 16-28 THROUGH 16-31 WITH THE NAMES INSERTED.

Motion made by Mr. Amrhein, seconded by Ms. Shaffer, and carried by a voice vote of 9-0.

The Mayor asked the Clerk to read Draft No. 16-28 by title only at this time.

A RESOLUTION APPOINTING DAVID BASISTA TO THE ARCHITECTURAL REVIEW BOARD, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

Motion made by Mr. Ferrara, seconded by Mr. Kuhar.

Roll call was taken on the motion. Voting aye: 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 THE DRAFT ORDINANCE.

Motion made by Mr. Kuhar, seconded by Mr. Ferrara.

Roll call was taken on the motion. Voting aye: 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.

2016-27: A RESOLUTION APPOINTING DAVID BASISTA TO THE ARCHITECTURAL REVIEW BOARD, AND DECLARING AN EMERGENCY.


Linda M. Jordan, Clerk of Council


Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 16-29 by title only at this time.

A RESOLUTION APPOINTING GREG SEIFERT TO THE BOARD OF BUILDING APPEALS, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

Motion made by Mr. Kuhar, seconded by Mr. Ferrara.

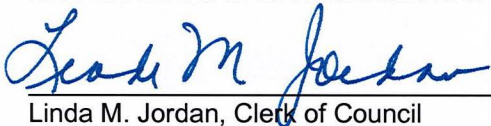
Roll call was taken on the motion. Voting aye: Mr. Ferrara, Mr. Kuhar, Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, and Mr. DeLeone. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

Motion made by Mr. Ferrara, seconded by Mr. Kuhar.

Roll call was taken on the motion. Voting aye: 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.

2016-28: A RESOLUTION APPOINTING GREG SEIFERT TO THE BOARD OF BUILDING APPEALS, AND DECLARING AN EMERGENCY.


Linda M. Jordan, Clerk of Council


Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 16-30 by title only at this time.

A RESOLUTION APPOINTING ALAN D. MAIL AND JONA BURTON TO THE BOARD OF ZONING APPEALS, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

Motion made by Mr. Ferrara, seconded by Mr. Kuhar.

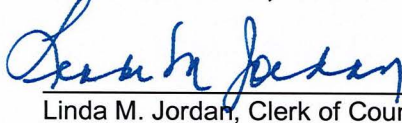
Roll call was taken on the motion. Voting aye: Mr. Kuhar, Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

Motion made by Mr. Kuhar, seconded by Mr. DeLeone.

Roll call was taken on the motion. Voting aye: 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.

2016-29: A RESOLUTION APPOINTING ALAN D. MAIL AND JONA BURTON TO THE BOARD OF ZONING APPEALS, AND DECLARING AN EMERGENCY.


Linda M. Jordan, Clerk of Council


Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 16-31 by title only at this time.

A RESOLUTION APPOINTING JONA BURTON TO THE FAIR HOUSING BOARD AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

Motion made by Mr. Ferrara, seconded by Mr. Kuhar.

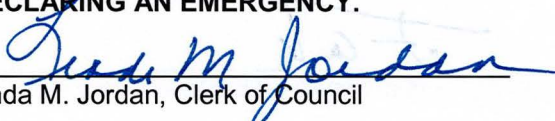
Roll call was taken on the motion. Voting aye: Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Kuhar. The motion carried by a roll call vote of 9-0.

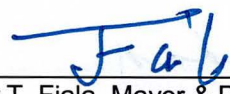
MOTION TO ADOPT THE DRAFT ORDINANCE.

Motion made by Mr. Ferrara, seconded by Mr. Amrhein.

Roll call was taken on the motion. Voting aye: 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.

2016-30: A RESOLUTION APPOINTING JONA BURTON TO THE FAIR HOUSING BOARD AND DECLARING AN EMERGENCY.


Linda M. Jordan, Clerk of Council


Jerry T. Fiala, Mayor & President of Council

FINANCE COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF APRIL 6, 2016.

Motion 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 FOUR RECOMMENDED ACTIONS OF APRIL 6, 2016.

Motion made by Mr. DeLeone, seconded by Mr. Ferrara, and carried by a voice vote of 9-0.

The following were approved by the aforementioned motion:

- 1) TO AUTHORIZE SERVICE DEPARTMENT'S FEE ADJUSTMENTS WITH THE EMERGENCY CLAUSE.
- 2) TO AUTHORIZE THE LEASES FOR THE BETKOWSKI PROPERTY, CANOE LIVERY, AND FITNESS CENTER, WITH THE EMERGENCY CLAUSE.
- 3) TO AUTHORIZE AMENDMENTS TO THE 2016 APPROPRIATIONS
- 4) TO AUTHORIZE THE ADMINISTRATION TO RETURN WITH THEIR CHOICE OF A PROJECT FOR THE AMATS CONNECTING COMMUNITIES PLANNING GRANT.

The Mayor asked the Clerk to read Draft No. 16-32 by title only at this time.

AN ORDINANCE AMENDING SECTION 905.03(a) OF THE CODIFIED ORDINANCES OF THE CITY OF KENT ENTITLED "BOND; CHARGES; EXCEPTION; RETURN," SO AS TO INCREASE THE MINIMUM AMOUNT OF THE EXCAVATION BOND TO \$1,000, 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. 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 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, Mr. Kuhar, and Ms. Long. The motion carried by a roll call vote of 8-0-1, with Mr. Kuhar abstaining.

2016-31: AN ORDINANCE AMENDING SECTION 905.03(a) OF THE CODIFIED ORDINANCES OF THE CITY OF KENT ENTITLED "BOND; CHARGES; EXCEPTION; RETURN," SO AS TO INCREASE THE MINIMUM AMOUNT OF THE EXCAVATION BOND TO \$1,000, AND DECLARING AN EMERGENCY.


Linda M. Jordan, Clerk of Council


Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 16-33 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPROVE A RENTAL LEASE EXTENSION TO TINA KOSLOSKI UNTIL JUNE 30, 2016 AT THE PROPERTY KNOWN AS 745 LONGCOY AVENUE, KENT, OHIO, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

Motion made by Mr. Kuhar, seconded by Mr. Ferrara.

Roll call was taken on the motion. Voting aye: 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 THE DRAFT ORDINANCE.

Motion made by Mr. DeLeone, seconded by Mr. Ferrara.

Roll call was taken on the motion. Voting aye: 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.

2016-32: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPROVE A RENTAL LEASE EXTENSION TO TINA KOSLOSKI UNTIL JUNE 30, 2016 AT THE PROPERTY KNOWN AS 745 LONGCOY AVENUE, KENT, OHIO, AND DECLARING AN EMERGENCY.


Linda M. Jordan, Clerk of Council


Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 16-34 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT WITH KENT STATE UNIVERSITY CROOKED RIVER ADVENTURES TO OPERATE A CANOE/KAYAK LIVERY AT JOHN BROWN TANNERY PARK, FOR THE PERIOD OF MAY 1, 2016 THROUGH OCTOBER 31, 2016, RESERVING THE RIGHT TO EXTEND SAID AGREEMENT FOR TWO ONE YEAR SEASON (2017 AND 2018), FOR THE AMOUNT OF \$200 MONTHLY; \$100 MONTHLY FOR ELECTRIC; AND FIVE PERCENT (5%) OF THE GROSS SALES OF ALL ITEMS SOLD AS PART OF THE LIVERY OPERATION, 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, Mr. Kuhar, Ms. Long, Ms. Shaffer, and Mr. Sidoti. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

Motion made by Mr. Ferrara, seconded by Mr. Kuhar.

Roll call was taken on the motion. Voting aye: 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.

2016-33: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT WITH KENT STATE UNIVERSITY CROOKED RIVER ADVENTURES TO OPERATE A CANOE/KAYAK LIVERY AT JOHN BROWN TANNERY PARK, FOR THE PERIOD OF MAY 1, 2016 THROUGH OCTOBER 31, 2016, RESERVING THE RIGHT TO EXTEND SAID AGREEMENT FOR TWO ONE YEAR SEASON (2017 AND 2018), FOR THE AMOUNT OF \$200 MONTHLY; \$100 MONTHLY FOR ELECTRIC; AND FIVE PERCENT (5%) OF THE GROSS SALES OF ALL ITEMS SOLD AS PART OF THE LIVERY OPERATION, AND DECLARING AN EMERGENCY.


Linda M. Jordan, Clerk of Council


Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 16-35 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A RENEWAL OF THE LEASE AGREEMENT WITH DONO DEVELOPMENT LIMITED PARTNERSHIP FOR PROPERTY LOCATED AT 1205 WEST MAIN STREET, KENT, OHIO 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. 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 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, Mr. Kuhar, Ms. Long, Ms. Shaffer, Mr. Sidoti, and Mr. Turner. The motion carried by a roll call vote of 9-0.

2016-34: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A RENEWAL OF THE LEASE AGREEMENT WITH DONO DEVELOPMENT LIMITED PARTNERSHIP FOR PROPERTY LOCATED AT 1205 WEST MAIN STREET, KENT, OHIO AND DECLARING AN EMERGENCY.


Linda M. Jordan, Clerk of Council


Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 16-36 by title only at this time.

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; AND AS AMENDED BY ORDINANCE NO. 2016-24, PASSED MAR. 16, 2016, SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; FUND 121, STATE AND LOCAL FORFEITS; FUND 122, DRUG LAW ENFORCEMENT; FUND 123, ENFORCEMENT AND EDUCATION; FUND 125, LAW ENFORCEMENT TRUST; FUND 126, COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG); FUND 202, SEWER; FUND 208, STORM WATER; FUND 301, CAPITAL; FUND 302, MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT (MPITIE); AND FUND 303, POLICE FACILITY; 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, 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 THE DRAFT ORDINANCE.

Motion made by Mr. DeLeone, seconded by Mr. Ferrara.

Roll call was taken on the motion. Voting aye: 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.

2016-35: 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; AND AS AMENDED BY ORDINANCE NO. 2016-24, PASSED MAR. 16, 2016, SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; FUND 121, STATE AND LOCAL FORFEITS; FUND 122, DRUG LAW ENFORCEMENT; FUND 123, ENFORCEMENT AND EDUCATION; FUND 125, LAW ENFORCEMENT TRUST; FUND 126, COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG); FUND 202, SEWER; FUND 208, STORM WATER; FUND 301, CAPITAL; FUND 302, MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT (MPITIE); AND FUND 303, POLICE FACILITY; AND DECLARING AN EMERGENCY.


Linda M. Jordan, Clerk of Council


Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 16-37 by title only at this time.

AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$600.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT FROM MELANIE CASTOR FOR A TREE AND BENCH AT RIVEREDGE PARK IN MEMORY OF RONALD CASTOR 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, 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 THE DRAFT ORDINANCE.

Motion made by Mr. DeLeone, seconded by Mr. Kuhar.

Roll call was taken on the motion. Voting aye: 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.

2016-36: AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$600.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT FROM MELANIE CASTOR FOR A TREE AND BENCH AT RIVEREDGE PARK IN MEMORY OF RONALD CASTOR AND DECLARING AN EMERGENCY.


Linda M. Jordan, Clerk of Council


Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 16-41 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT BETWEEN DIANE L. ROBERTS AND GARY L. ROBERTS AND THE CITY OF KENT TO PURCHASE 0.162 ACRES OF LAND KNOWN AS A PORTION OF 327-333 TONKIN COURT, KENT, OHIO FOR \$90,000.00 FOR THE CITY OF KENT TO USE FOR THE CONSTRUCTION OF A NEW PUBLIC STREET AND RIGHT OF WAY, 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, 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 THE DRAFT ORDINANCE.

Motion made by Mr. DeLeone, seconded by Mr. Sidoti.

Roll call was taken on the motion. Voting aye: 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.

2016-37: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT BETWEEN DIANE L. ROBERTS AND GARY L. ROBERTS AND THE CITY OF KENT TO PURCHASE 0.162 ACRES OF LAND KNOWN AS A PORTION OF 327-333 TONKIN COURT, KENT, OHIO FOR \$90,000.00 FOR THE CITY OF KENT TO USE FOR THE CONSTRUCTION OF A NEW PUBLIC STREET AND RIGHT OF WAY, 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 APRIL 6, 2016.

Motion 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 ACTIONS OF APRIL 6, 2016.

Motion made by Mr. Amrhein, seconded by Mr. DeLeone, and carried by a voice vote of 9-0.

The following items were approved by the aforementioned motion:

- 1) 2015 POLICE DEPARTMENT REPORT REVIEWED; NO ACTION NECESSARY
- 2) TO AUTHORIZE NO PARKING ON THE EAST SIDE OF ADRIAN DRIVE OR NEAR THE INTERSECTIONS WITH THE EMERGENCY CLAUSE.

The Mayor asked the Clerk to read Draft No. 16-38 by title only at this time.

AN ORDINANCE AMENDING SECTION 353.02 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT ENTITLED "PARKING REGULATION AUTHORIZATION", AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

Motion made by Mr. Ferrara, seconded by Mr. DeLeone.

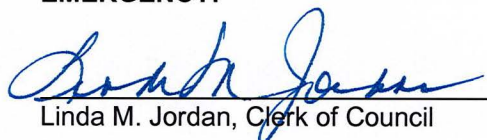
Roll call was taken on the motion. Voting aye: Mr. Kuhar, Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

Motion made by Mr. Ferrara, seconded by Mr. DeLeone.

Roll call was taken on the motion. Voting aye: 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.

2016-38: AN ORDINANCE AMENDING SECTION 353.02 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT ENTITLED "PARKING REGULATION AUTHORIZATION", AND DECLARING AN EMERGENCY.


Linda M. Jordan, Clerk of Council


Jerry T. Fiala, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 16-39 by title only at this time.

A RESOLUTION AUTHORIZING THE ADOPTION OF THE PORTAGE COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN.

MOTION TO SUSPEND THE THREE READINGS.

Motion made by Mr. Ferrara, seconded by Mr. Amrhein.

Roll call was taken on the motion. Voting aye: 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 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, Mr. Ferrara, and Mr. Kuhar. The motion carried by a roll call vote of 9-0.

2016-39: A RESOLUTION AUTHORIZING THE ADOPTION OF THE PORTAGE COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN.


Linda M. Jordan, Clerk of Council


Jerry T. Fiala, Mayor & President of Council

LAND USE COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF APRIL 6, 2016.

Motion made by Mr. Ferrara, seconded by Mr. DeLeone, and carried by a voice vote of 8-0-1, with Ms. Wallach abstaining.

MOTION TO APPROVE THE RECOMMENDED ACTION, AUTHORIZING RENTAL LICENSING.

Motion made by Mr. Ferrara, seconded by Ms. Shaffer, and carried by a voice vote of 9-0.

The Mayor asked the Clerk to read Draft No. 16-25, which stands on first reading passed March 16, 2016 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 APPROVE THE SECOND READING.

Motion made by Mr. DeLeone, seconded by Mr. Ferrara.

Ms. Wallach acknowledged that the Presbyterian Church has been working on their project for many years with the City.

MOTION TO AMEND THE ORDINANCE TO ALLOW THE PRESBYTERIAN CHURCH TO BE GRANDFATHERED.

Motion made by Ms. Wallach, seconded by Mr. Sidoti.

Ms. Wallach said it is not fair to the church as they have been working with them for years. She said the church is directly across the street from the University, so the height restriction does not apply as much as it would if it was in the downtown area. She said she can understand a restriction of height in the downtown.

Mr. Sidoti said a lot of questions need to be answered. He said he has struggled with this situation. Mr. Sidoti said there is an ongoing relationship between the church and the City, and now that relationship has deteriorated. Mr. Sidoti said he is struggling with the fact that they cannot find a resolution so the church would feel comfortable with what they are doing.

Mr. Amrhein said he supported the motion.

Ms. Long also supported the motion. She said she was on the Planning Commission when the church had plans approved. She said there was nothing wrong with it previously, adding there is nothing wrong with the project now. She said she did not understand why they would put more restrictions on the church, after being approved, because they had some problems along the way.

Mayor Fiala asked Ms. Long what year she was on Planning Commission when this first came up, and she did not know. Mr. Kuhar suggested it was 2010.

Mr. Kuhar said he was on Council when they changed this Code previously, and thought it was a good idea at that time. He said he wished the church's project was completed, adding he hated to see someone put in that much time and effort to be cut out at the closing line. He said since they cannot table the ordinance, he would support allowing them to be grandfathered.

Mr. DeLeone said he thought there were other places that were talking about some projects also. He questioned if it was fair to grandfather in just one place. He said he would support the motion, but questioned if they were opening the door to other people who may have had plans previously.

Ms. Wallach said she has no recollection of anyone else coming before Council. She said there may be others who are interested in projects. Ms. Wallach said she did know the church has come before Council previously, but has no memory of anyone else.

Ms. Shaffer said she was struggling with the amendment. She said she had no problem with the church project. She said they are currently giving carte blanche to anyone in the district, and this would change

that to allow them to be conditionally permitted. Ms. Shaffer said that does not mean the project would be killed, just that the citizens would have more of a say on what would be built, and how it would be built. She said there are no controls otherwise. Ms. Shaffer said she can support not putting a hardship on this project, but would not support killing the ordinance. She said she is more comfortable with one exception, adding she is concerned with opening a can of worms.

Mayor Fiala clarified that the motion by Ms. Wallach was for this project only, and Ms. Wallach agreed.

The amendment carried by a voice vote of 8-1, with Mr. Ferrara dissenting.

Roll call was taken on the motion to adopt the second reading as amended. Voting aye: Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Ms. Long. Mr. Kuhar dissented. The motion carried by a roll call vote of 8-1.

Mr. Silver asked for clarification at this time, adding he is not sure what they meant by "grandfathered." He said if they meant the parcel would stay with the current regulations, he would prefer that be the motion. He said he was unsure how long they wanted the property to stay under that zoning district.

Mr. Silver started to address the fact that the church's application was filed with the Community Development Department, but then changed his mind.

Mayor Fiala asked Ms. Wallach if that was her intent, and she said that was correct.

Mr. Ferrara asked if it was parcel specific or project specific, and several indicated it was parcel specific. There was some discussion on whether they were spot zoning. Ms. Wallach said she thought spot zoning was changing an ordinance to allow something. She said this was a case of not changing something while all others changed. Mr. Kuhar said it was for extraordinary circumstances.

The Mayor asked the Clerk to read Draft No. 16-40 by title only at this time.

AN ORDINANCE AMENDING TITLE SEVEN – ENVIRONMENTAL HEALTH AND HOUSING MAINTENANCE CODE (RENTAL LICENSING), SECTIONS 1361, 1363, 1365, 1367, 1369, 1371, 1373 AND 1375 OF THE KENT CODIFIED ORDINANCES TO ALLOW FOR THE INSPECTION AND LICENSING OF ALL RESIDENTIAL RENTAL UNITS.

MOTION TO SUSPEND THE THREE READINGS.

Motion made by Ms. Shaffer, seconded by Mr. Sidoti.

Roll call was taken on the motion. Voting aye: Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Long, and Ms. Shaffer. Mr. Kuhar dissented. The motion carried by a roll call vote of 8-1.

MOTION TO ADOPT THE DRAFT ORDINANCE.

Motion made by Ms. Shaffer, seconded by Mr. Sidoti.

Mr. Kuhar said when he took his oath, he promised to uphold the constitution of Ohio. He said that besides his personal feelings against the licensing of one or two family dwellings, he felt the Supreme Court would argue that the ordinance violates the Supreme Court under about four different rulings. Mr. Kuhar said as a Council member, he will not violate the constitution of Ohio. He said as a landlord, he has people who do not want to be violated by someone walking through. He said he has some who have lived comfortably for twenty years. Mr. Kuhar said he did not believe this ordinance would pass in front of the judges.

Ms. Shaffer said Kent is one of the last communities to do this, especially among college towns, and also right around Kent. She said it is shocking to say it is unconstitutional, as so many have enacted this very same ordinance. Ms. Shaffer said it is a great thing they are doing.

Ms. Wallach said she did not know why Mr. Kuhar felt it was unconstitutional. She said landlords can enter with twenty-four hour notification. Ms. Wallach asked what was the difference, especially since it was for the benefit of the tenants. She said she strongly supported the legislation, adding that it would affect some of her rental properties.

Mr. Ferrara said this is the next step after the Exterior Maintenance Code. He said it is a standard, as well as for the safety of those renting. Mr. Ferrara said it is the same old adage, adding if someone is doing nothing wrong, there are no problems. He said if someone has a sloppy business, with poorly maintained rental properties, they should be concerned. Mr. Ferrara said this was a great thing they were doing to support community standards, as well as establishing a baseline.

Mr. Kuhar disagreed, adding it violates their Fourth Amendment right. He said it has come up several times in Court, and has been found to be true. Mr. Kuhar said it is not a matter of safety issues. He said they have the Exterior Maintenance Code, and in the house, the Ohio Revised Code has the tenant/landlord law that protects people from health and safety issues, along with remedies for things that can occur. Mr. Kuhar said it is a way to get more money to fill the budget gaps, adding that there are probably as many people opposed to it as are for it. Mr. Kuhar said he supported rental housing being in good condition, but did not support over government. He said a lot of ordinances are done because they can pass something until it is challenged. He said in many communities, people are losing their rights to make any choices. Mr. Kuhar said they should be able to take care of themselves, and when they are unable, then the government should step it.

Mr. Sidoti said he understood Mr. Kuhar's philosophy on this ordinance, but the landlord is offering a service to someone. Mr. Sidoti said it is no different than walking into a restaurant with the expectation that the Health Department is sure it is up to standards. Mr. Sidoti said it is no different in a private home, adding they are doing what the Health Department does with a restaurant, and are making sure it meets a certain standard. Mr. Sidoti said it is parallel, and a way to protect the community at large.

Mr. Turner said when he was on the Council previously, the original intent was to include owner/occupied properties. He said that was border line, and he voted against it. Mr. Turner said they have a responsibility to the renters, and did not see it as a constitutional challenge like Mr. Kuhar. Mr. Turner said it would be different if the owners lived on the property. He said they do a lot to ensure the safety and welfare of their citizens, adding it is the right thing to do. Mr. Turner said once there is a fire or something, they have to live with the result. Mr. Turner said he is not willing to take that chance, adding this is appropriate.

Ms. Shaffer applauded her colleagues who are rental property owners for taking the viewpoint that it is for the good of the community and good for the renters. She said tenants often they feel disempowered to do anything regarding health and safety issues. She said many may not even know the issues. Ms. Shaffer said this goes beyond the rights of the landlords. She said many of the property owners have talked to her about leveling the playing field. She said they maintain their dwellings and would like to see others do the same thing. Ms. Shaffer said it is an investment, with the same standards for all. She agreed with Mr. Ferrara that it is a community standard, adding that she strongly supports it.

Mr. Kuhar said Mr. Sidoti had said it would be different if it was a single family residence. He said a single family rental home is a personal residence, and under the Ohio Revised Code, a tenant has the same rights as the owner. Mr. Kuhar said a landlord cannot just enter a property anytime they want, which is why the Fourth Amendment came out on top. He said the Supreme Court felt that government should not have the authority to inspect a home, adding he suspects that will happen in Portage County also. Mr. Kuhar said student rentals are a different ball game, adding that one or two family units should not follow the same code. He said if they are invited in, that is fine, but one should not push their way in and charge their fee.

Roll call was taken on the motion. Voting aye: Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Long, and Ms. Shaffer. Mr. Kuhar dissented. The motion carried by a roll call vote of 8-1.

2016-40: AN ORDINANCE AMENDING TITLE SEVEN – ENVIRONMENTAL HEALTH AND HOUSING MAINTENANCE CODE (RENTAL LICENSING), SECTIONS 1361, 1363, 1365, 1367, 1369, 1371, 1373 AND 1375 OF THE KENT CODIFIED ORDINANCES TO ALLOW FOR THE INSPECTION AND LICENSING OF ALL RESIDENTIAL RENTAL UNITS.


Linda M. Jordan, Clerk of Council


Jerry T. Fiala, Mayor & President of Council

STREETS, SIDEWALKS & UTILITIES COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF APRIL 6, 2016

Motion made by Mr. Sidoti, seconded by Mr. Ferrara, and carried by a voice vote of 8-0-1, with Ms. Wallach abstaining.

MOTION TO APPROVE THE RECOMMENDED ACTION, REPORT RECEIVED ON INTERSECTION OF SR 59 & DEPEYSTER, OF APRIL 6, 2016.

Motion made by Mr. Sidoti, seconded by Mr. Ferrara, and carried by a voice vote of 9-0.

SPECIAL COMMITTEE REPORTS

UNFINISHED BUSINESS

NEW BUSINESS

MOTION TO REFER THE COST OF SINGLE TRASH BAGS.

Motion made by Ms. Wallach, seconded by Mr. Ferrara.

Ms. Wallach said they have been at the same price for eight years. She said she would like to discuss the possibility of raising the price. She said these are the ones they buy in packs of ten.

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

Ms. Shaffer asked if there was something they needed to do with the lateral issue, and the Mayor said they just approved the amendment to the appropriations, which would provide the money.

Mr. Kuhar said he was aware of one in the 1100 block of Franklin. He said where he lived in that area, the drain used to pop. He questioned whether the lateral is the problem or if it was the underground sewer pipe, and Mr. Ruller said it was televised. He said there are three sections that have broken apart because they are so old. Mr. Kuhar asked if it was the main, and Mr. Ruller said it was the lateral under the road, adding it is a long section. He said they have already done a few of these, adding the Mr. Roberts used General Fund monies and got together with Mr. Coffee in March. Mr. Ruller said that earlier in the evening, Board of Control authorized the contractor who would be doing the work and now it was in Mr. Bowling's hands. Mr. Kuhar said he wondered if they did camera work to be sure the main was not pressurizing.

Ms. Long asked if there would be a problem with the sewage infiltrating into the storm water, and Mr. Bowling, who was in the audience, indicated that was not a problem.

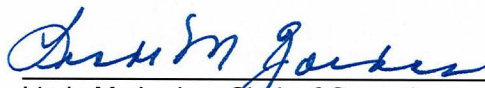
Mr. DeLeone said they all received an email about the savings in the electric bill, adding it was amazing. He said he hoped they found more of those issues. Mayor Fiala said Cathy Wilson found they were being billed for street lights they did not have. Mr. DeLeone said he wanted to mention her publicly. Mr. Ruller said it was also the engineering staff. He said he ran into former Council member Mr. Wilson who indicated this would be a good time to give an employee a bonus. Ms. Shaffer asked if they could send her flowers, and Mayor Fiala suggested they drive down and thank her, like he did.

MAYOR'S REPORT

Mayor Fiala reported that Earth Day is April 22, and Council member Long's birthday is April 28. He wished her a happy birthday.

At this time, Rev. Meadows, from the audience wanted to let them know they did submit their site plan application, but it was disputed. He said he is just clarifying on their behalf, adding their legal counsel thought it was complete. He said they will work with the Community Development Department.

Hearing no further business before this Council, Mayor Fiala adjourned this meeting at 8:25 p.m.


Linda M. Jordan, Clerk of Council


Jerry T. Fiala, Mayor & President of Council