THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WEDNESDAY, JUNE 20, 2018

At 7:30 p.m., Mayor Jerry T. Fiala called the **Regular Meeting of Kent City Council** to order. Roll call was taken.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. John Kuhar; 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; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Public Service Director; Mr. David Coffee, Budget and Finance Director; and Ms. Tara Grimm, CMC, Clerk of Council.

ABSENT: Mr. Ferrara and Ms. Rosenberg

MOTION TO EXCUSE MR. FERRARA AND MS. ROSENBERG FROM TONIGHT'S MEETING made by Mr. Kuhar, seconded by Mr. DeLeone and CARRIED by a voice vote of 7-0.

Mayor Fiala called upon Councilmember Kuhar for his opening remarks. Mr. Kuhar was happy to see progress during orange barrel season and is pleased with the new conditions of the some of the roadways and sidewalks. He commented on how SR59 is as smooth as glass and looking forward to SR43 being completed. He led the Pledge of Allegiance.

APPROVAL OF MINUTES:

MOTION TO APPROVE THE MINUTES OF THE PUBLIC HEARING OF MAY 16, 2018 made by Mr. Sidoti, seconded by Mr. DeLeone and CARRIED by a voice vote of 7-0.

MOTION TO APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF MAY 16, 2018 made by Mr. Sidoti, seconded by Mr. DeLeone and CARRIED by a voice vote of 6-0-1 with Ms. Wallach abstaining.

COMMUNICATIONS:

Mayor Fiala called for audience comments and reminded each visitor to please state their name and address for the record and limit their comments to three minutes. There were four (4) visitors who signed in with the Clerk:

Mr. Christopher Myers of 220 E. Elm Street, Kent expressed his dissatisfaction with how his comments were reflected in the minutes from the last meeting. He questioned how the words "or else" are missing from the letter he received from the City's Law Director stating he was to have no contact with the Clerk of Council. He feels his constitutional rights are being threatened. Mr. Myers stated that Council is doing everything in secret and trying to intimidate him. He further stated the City will see him in Federal Court.

Mr. Peter Hans Kierstead of 1039 Davey Avenue, Kent was happy to see Ms. Jones as our new Law Director. The city chose a worthy successor to replace Mr. Silver. He then discussed how his group, the Association for World History, will be travelling to Kingston, Ontario and bringing gifts from the area and is hoping to bring something back for the City. He gave a brief historical background on Kingston's famous city hall.

Mr. Kuhar stated he had a question and began conversing with Mr. Kierstead,

Mayor Fiala stated Mr. Kuhar could not interact with Mr. Kierstead according to Council Standing Rules and could speak to Mr. Kierstead later.

Mr. Kuhar continued asking his question.

Ms. Wallach called a POINT OF ORDER on Mr. Kuhar.

Mayor Fiala reminded Mr. Kuhar he was out of order for continuing to speak to the visitor.

Mr. Kelvin Berry of Kent State University, Office of Government and Community Relations, introduced Mr. Doug Pearson, the new Associate Vice President of Facilities Planning, who is the replacement for Mr. Tom Euclide, Mr. Pearson stated he has 30 years of experience and is looking forward to assisting in administering the Master Plan and working with the City to maintain the strong relationship that has been fostered over the years.

Mr. Larry Shepherd of 496 S. Francis Street, and 26 year resident of Kent discussed his unique situation with his driveway entrance. He had provided Mr. Amrhein with maps of his driveway that Mr. Amrhein provided to Council before the start of the meeting. Mr. Shepherd's neighbor had their land surveyed last year and the property line pin was placed in the center of his driveway entrance. Mr. Shepherd stated he met with the Service Director and understands the City's situation, policies and ordinances. He would like the City to deal with the mistake that was made many years ago when he purchased the home after renting from an elderly woman. Mr. Shepherd requested Council tell the City to fix his driveway as he now has to drive over the curb.

Written Communications were reported by Clerk Grimm and were placed on file in the Clerk's office as follows:

1. Civil Service Meeting Agenda for May 21, 2018 received May 17, 2018.
2. Planning Commission Agenda and Staff Report for June 5, 2018 received May 25, 2018.
3. Sustainability Commission Agenda for June 11, 2018 and minutes from May 7, 2018 received June 8, 2018.

Oral Communications were reported by Clerk Grimm as being received after the Agenda was published and were placed on file in the Clerk's office as follows:

1. Parks and Recreation Board packet for June 19, 2018 received June 20, 2018.

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

1. Request Council's authorization to authorize the City Clerk to schedule a Special Council session during the July Committee meeting to approve the submission of the City's budget estimate of resources to the County.
2. Request Streets, Sidewalks & Utilities Committee time for consideration of proposed City Code updates for small cell wireless antennas in Kent.
3. Request Streets, Sidewalks & Utilities Committee time to receive a staff update on sidewalk repair and replacement options.
4. Request Streets, Sidewalks & Utilities Committee time to consider approval of consent legislation for an ODOT project updating City signs along SR43 and SR59.
5. Request Public Health & Safety time to review the City's animal trapping operations costs and services.
6. Request Public Health & Safety time to consider a recommendation of the Kent Health Board for T-21 Legislation that proposes to raise the legal age to purchase tobacco to 21 in Kent.

7. Request Public Health & Safety time to receive a staff report on a prospective new business service in Kent, "downtown cycle tours."
8. Request Finance Committee time to consider staff recommendations to update the City Tax Code.
9. Request Finance Committee time to authorize the sale of surplus City property (materials, equipment) using an on-line public auction service.
10. Request Finance Committee time to approve the draft 2019 County Tax Budget (estimate of City resources) for submission to Portage County.

MOTION TO APPROVE ITEMS #1 - #10 OF THE CITY MANAGER'S REPORT made by Mr. Amrhein, seconded by Mr. DeLeone. Motion CARRIED by a voice vote of 7-0.

STANDING COMMITTEES/ LEGISLATION

COMMITTEE OF THE WHOLE:

MOTION TO APPROVE THE COMMITTEE MEETING MINUTES OF JUNE 6, 2018 made by Mr. DeLeone, seconded by Mr. Amrhein and CARRIED by a voice vote of 7-0.

MOTION TO APPROVE THE ONE (1) RECOMMENDED ACTION made by Mr. DeLeone, seconded by Mr. Sidoti, and CARRIED by a voice vote of 7-0.

Recommended Action:

1. Authorize a Resolution of Support for the use of the Heart & Soul community planning process with an emergency clause.

Draft No. 2018-69: A RESOLUTION AFFIRMING THE CITY OF KENT'S COMMITMENT TO PARTICIPATE IN A COMMUNITY HEART & SOUL PROJECT IN KENT, AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Kuhar and seconded by Ms. Shaffer. On Roll call, voting "Yes": Mr. DeLeone, Mr. Kuhar, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, and Mr. Amrhein. The motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 2018-69 made by Mr. Kuhar and seconded by Mr. Sidoti. On Roll call, voting "Yes": Mr. Kuhar, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, and Mr. DeLeone. The motion CARRIED by a roll call vote of 7-0.

RESOLUTION NO. 2018-69: A RESOLUTION AFFIRMING THE CITY OF KENT'S COMMITMENT TO PARTICIPATE IN A COMMUNITY HEART & SOUL PROJECT IN KENT, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

COMMUNITY DEVELOPMENT COMMITTEE:
There were no minutes or actions to approve.

FINANCE COMMITTEE:

MOTION TO APPROVE THE COMMITTEE MEETING MINUTES OF JUNE 6, 2018 AND THE TWO (2) RECOMMENDED ACTIONS made by Mr. DeLeone, seconded by Mr. Kuhar and CARRIED by a voice vote of 7-0.

Recommended Action:

1. Approve the Memorandum of Understanding (MOU) between Kent Parks and Recreation and Davey Tree Experts and to authorize the acceptance of the service donations from Davey Tree Experts to Kent Parks and Recreation with an emergency clause.
2. Authorize the 2018 proposed appropriations amendment as submitted with an emergency clause.

Draft No. 2018-70: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A MEMORANDUM OF UNDERSTANDING AND SERVICE DONATION WITH THE DAVEY TREE EXPERT COMPANY AND THE CITY OF KENT PARKS AND RECREATION DEPARTMENT TO UPGRADE THE JOHN DAVEY ARBORETUM, 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. DeLeone and seconded by Mr. Sidoti. On Roll call, voting "Yes": Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, and Mr. Kuhar. The motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 2018-70 made by Ms. Shaffer and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Kuhar, and Ms. Shaffer. The motion CARRIED by a roll call vote of 7-0.

RESOLUTION NO. 2018-70: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A MEMORANDUM OF UNDERSTANDING AND SERVICE DONATION WITH THE DAVEY TREE EXPERT COMPANY AND THE CITY OF KENT PARKS AND RECREATION DEPARTMENT TO UPGRADE THE JOHN DAVEY ARBORETUM, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

Draft No. 2018-71: AN ORDINANCE AMENDING ORDINANCE NO. 2017-156, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 13, 2017; AS AMENDED BY ORDINANCE NO. 2018-33, PASSED FEBRUARY 21, 2018; AS AMENDED BY ORDINANCE NO. 2018-38, PASSED MARCH 21, 2018; AND AS AMENDED BY ORDINANCE NO. 2018-51, PASSED APRIL 18, 2018; SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; FUND 126, COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG); FUND 134, UDAG (EDA/RLF); FUND 201, WATER; FUND 202, SEWER; FUND 204, UTILITY BILLING; FUND 208, STORM WATER; AND FUND 301, CAPITAL; AND DECLARING AN EMERGENCY. was read by title only by Clerk Grimm per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Kuhar and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Kuhar, Ms. Shaffer, and Mr. Sidoti. The motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 2018-71 made by Mr. DeLeone and seconded by Mr. Amrhein. On Roll call, voting "Yes": Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Kuhar, Ms. Shaffer, Mr. Sidoti, and Mr. Turner. The motion CARRIED by a roll call vote of 7-0.

ORDINANCE NO. 2018-71: AN ORDINANCE AMENDING ORDINANCE NO. 2017-156, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 13, 2017; AS AMENDED BY ORDINANCE NO. 2018-33, PASSED FEBRUARY 21, 2018; AS AMENDED BY ORDINANCE NO. 2018-38, PASSED MARCH 21, 2018; AND AS AMENDED BY ORDINANCE NO. 2018-51, PASSED APRIL 18, 2018; SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; FUND 126, COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG); FUND 134, UDAG (EDA/RLF); FUND 201, WATER; FUND 202, SEWER; FUND 204, UTILITY BILLING; FUND 208, STORM WATER; AND FUND 301, CAPITAL; AND DECLARING AN EMERGENCY. PASSED as stated by Clerk Grimm.

HEALTH AND SAFETY COMMITTEE:

MOTION TO APPROVE THE COMMITTEE MEETING MINUTES OF JUNE 6, 2018 made by Mr. Amrhein, seconded by Mr. DeLeone and CARRIED by a voice vote of 7-0.

There were no actions to approve.

***LAND USE COMMITTEE*:**
There were no meeting minutes or actions to be approved.

STREETS, SIDEWALKS AND UTILITIES COMMITTEE:

MOTION TO APPROVE THE COMMITTEE MEETING MINUTES OF JUNE 6 2018 made by Mr. Sidoti, seconded by Mr. DeLeone and CARRIED by a voice vote of 7-0.

MOTION TO APPROVE THE TWO (2) RECOMMENDED ACTIONS made by Mr. Sidoti, seconded by Mr. DeLeone, and CARRIED by a voice vote of 7-0.

Recommended Action:

1. Authorize the submission of the proposed projects for OPWC funding consideration with an emergency clause
2. Authorize the proposed text amendments to Title 7 adding a 7:00 A.M. start time for commercial trash pick-up with an emergency clause

Draft No. 2018-72: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SUBMIT ON BEHALF OF THE CITY OF KENT, A PRE-APPLICATION TO THE OHIO PUBLIC WORKS COMMISSION (OPWC) FOR THE MILLER/HARVEY/STEEL WATER REPLACEMENT PROJECT AND THE RESURFACING OF MOGADORE ROAD PROJECT FOR A GRANT ESTIMATED AT $980,000 AND A NO-INTEREST LOAN IN THE AMOUNT OF $150,000, AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Ms. Shaffer and seconded by Mr. Kuhar. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Kuhar, Ms. Shaffer, Mr. Sidoti, Mr. Turner, and Ms. Wallach. The motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 2018-72 made by Mr. DeLeone and seconded by Ms. Shaffer. On Roll call, voting "Yes": Mr. DeLeone, Mr. Kuhar, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, and Mr. Amrhein. The motion CARRIED by a roll call vote of 7-0.

RESOLUTION No. 2018-72: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SUBMIT ON BEHALF OF THE CITY OF KENT, A PRE-APPLICATION TO THE OHIO PUBLIC WORKS COMMISSION (OPWC) FOR THE MILLER/HARVEY/STEEL WATER REPLACEMENT PROJECT AND THE RESURFACING OF MOGADORE ROAD PROJECT FOR A GRANT ESTIMATED AT $980,000 AND A NO-INTEREST LOAN IN THE AMOUNT OF $150,000, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

Draft No. 2018-73: AN ORDINANCE TO AMEND TITLE 7 OF THE KENT CODIFIED ORDINANCES, TITLED "GARBAGE," CHAPTERS 933 AND 935; 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. DeLeone and seconded by Mr. Kuhar. On Roll call, voting "Yes": Mr. Kuhar, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, and Mr. DeLeone. The motion CARRIED by a roll call vote of 7-0.

MOTION TO ADOPT DRAFT No. 2018-73 made by Ms. Shaffer and seconded by Mr. DeLeone. On Roll call, voting "Yes": Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, and Mr. Kuhar. The motion CARRIED by a roll call vote of 7-0.

ORDINANCE No. 2018-73: AN ORDINANCE TO AMEND TITLE 7 OF THE KENT CODIFIED ORDINANCES, TITLED "GARBAGE," CHAPTERS 933 AND 935; AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

SPECIAL COMMITTEE REPORTS: NONE

UNFINISHED BUSINESS: NONE

NEW BUSINESS:

Mr. Amrhein stated he has been working with Mr. Shepherd for the past four months and he knows the City has been working with him for the past several years. Besides having to pull a permit, producing a $1,000 bond is a big deal for Mr. Shepherd. Mr. Amrhein would like to see if we can waive the fee.

MOTION TO SEND TO COMMITTEE THE CONSIDERATION OF THE WAIVER OF THE FEE FOR THE DRIVEWAY REPAIR FOR MR. SHEPHERD MADE BY Mr. Amrhein, seconded by Ms. Shaffer.

Mr. Kuhar asked where we draw the line with waiving fees and if we are looking to set a precedence with this practice.

Ms. Wallach stated she would like to resurrect the Charter Commission's recommendation on amending the Charter for the requirements on the recall of a city person and put it on the ballot this fall as it is a cheaper election. She is unsure if it needs to be put into committee first and thinks the deadline to file is August.

Mayor Fiala recommended it should go to committee first so the Law Director can direct us according to the State laws.

MOTION TO RESURRECT THE CHARTER COMMISSION'S RECOMMENDATION ON AMENDING THE CHARTER FOR THE REQUIREMENTS ON THE RECALL OF A CITY PERSON AND PUT IT ON THE BALLOT THIS FALL made by Ms. Wallach, seconded by Ms. Shaffer.

Ms. Wallach added that the Charter Review Commission made a recommendation, we shot it down for some reason and feels we should bring it back because it was a good recommendation.

Ms. Shaffer reiterated the Charter Review Recommendation was shot down by Council. She is also concerned about us already missing a couple of the deadlines with the Board of Elections.

MOTION CARRIED by a voice vote of 7-0.

MOTION TO HAVE A COMMITTEE DISCUSSION FROM THE HEALTH INSPECTOR ON THE ORDINANCES AND/OR PROCEDURES THAT EATING ESTABLISHMENTS HAVE TO FOLLOW WHEN CLEANING TABLES AND CHAIRS made by Mr. Kuhar, seconded by Mr. DeLeone.

Mayor Fiala clarified the Health Board is a separate Board with its own rules. Mr. Amrhein sits on this Board and agreed to bring Mr. Kuhar's concerns to the Board.

Mr. Ruller commented how he will have Mr. Neistadt can give an update to Council.

Mr. Kuhar stated there are sanitation procedures and he has seen Rockne's use separate disinfectants for the tables than the chairs.

Ms. Shaffer was unsure how she was going to vote because she felt items like this could be better researched in advance of making a motion and it is not worthy of a presentation as it is ill-defined. These are things that can be asked of the Clerk to review or ask the department heads directly.

Mr. Amrhein assured Mr. Kuhar the Health Board inspectors are good and strict, but they are only in establishments during inspections. He feels it would be a good idea to maybe have Mr. Neistadt discuss it.

Mr. Sidoti suggested Mr. Kuhar call the Health Department directly since he witnessed it, and felt Mr. Kuhar would be held in high regard being an elected city official making a complaint to them. Why discuss this matter in committee? It is just bad practice; it should be reported to the Health Department. Mr. Sidoti would encourage the health inspector to come give an update though.

Mr. Kuhar commented if there is no law, then there really is no complaint. Council needs to be educated on the laws so they can protect the health of our citizens.

MOTION FAILED 2-5.

Mr. Sidoti commented how since we moved the July 4th meeting to July 11th he, and he believes Mr. Kuhar, will also not be present at the July 11th meeting. He would like the parking information that was supposed be brought back to Council by Mr. Wilke in July (From Mr. Wilke's presentation several months ago) to please wait until August to be presented so he and Mr. Kuhar can both be present.

COUNCILMEMBERS' COMMENTS: NONE

Ms. Shaffer requested an update on the AT&T situation at the new police department.

Mayor Fiala asked Ms. Baker if she was able to speak on this.

Ms. Baker was happy to say she received news today that the scheduled date of the transition is July 31st. There is final stages of coordination with AT&T for three days, B&C will take the entire week, and then we will work with KSU for our dispatching during the transfer. Once everyone is moved over, she will be able to auction and take the old building down.

Ms. Shaffer questioned if there will be any compensation for the giant delay and inconvenience? It seems railroads and utility companies have all the power.

Ms. Baker explained before she arrived, somehow something got lost in the process. This had to go through many regulations and 2 approvals through both Portage County and the State of Ohio after all the technology side was prepared.

Mr. Kuhar doesn't understand with having more than 2 years to plan these strategic moves, how we still have to wait another month and a half. Someone needs to find out who is responsible for the delay.

Mr. Turner expressed his gratitude to Ms. Susel on how she moved at warp speed to handle a situation at some senior facilities last week. She clarified a lot of information, but is not finished yet. Mr. Turner complimented our staff on being competent and feels they need to know that. Mr. Turner thanked all the City staff for the jobs they do.

MAYOR'S REPORT:

Mayor Fiala reported he and Mr. Amrhein attended the Mayor's Association's Annual Conference in Akron last week where many topics such as medical marijuana were covered. Out of the 75 Mayors in attendance, our City by far, has THE best Council, City Manager and staff.

Mr. Amrhein added that the other Mayors were amazed at our lack of problems in our city as some of the other cities have huge problems on their hands.

Mayor Fiala commented on how our City could have taught the classes they attended. He agreed with Mr. Turner, we have *THE* best staff.

Mr. Sidoti agreed that we have an outstanding community which makes it even better.

MOTION TO ADJOURN made by Mr. Sidoti, seconded by Mr. Kuhar. Meeting adjourned at 8:08 p.m.

Tara Grimm, CMC
Clerk of Council

Jerry T. Fiala
Mayor and President of Council