

**THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WEDNESDAY, JULY 18, 2018**

At 7:40 p.m., Mayor Jerry T. Fiala apologized for starting late after the Special Committee Meeting and called the **Regular Meeting of Kent City Council** to order. Roll call was taken.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; 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. Jim Bowling, City Engineer; and Mr. David Coffee, Budget and Finance Director.

ABSENT: Ms. Tara Grimm, MMC, Clerk of Council.

Mayor Fiala called upon Councilmember Rosenberg for her opening remarks. Ms. Rosenberg had two remarks. She stated she had the opportunity to participate in one of our police department active scenario training sessions and was incredibly impressed with their professionalism. She is pleased to see how much they value continuing education and training that the landscape for police scenes changes so frequently, she is pleased to see that they are keeping up. Ms. Rosenberg further stated how BluesFest was a wonderful, huge success and thanked all the organizers and participants as it is part of what makes the culture of Kent so incredibly special. She then led the Pledge of Allegiance.

APPROVAL OF MINUTES:

MOTION TO APPROVE THE MINUTES OF THE WORK SESSION OF JUNE 20, 2018 AND THE REGULAR COUNCIL MEETING OF JUNE 20, 2018 made by Mr. DeLeone, seconded by Mr. Ferrara and CARRIED by a voice vote of 7-0-2 with Ms. Rosenberg and Ms. Wallach abstaining.

MOTION TO APPROVE THE MINUTES OF THE PUBLIC HEARING OF JULY 11, 2018 AND THE SPECIAL CITY COUNCIL MEETING made by Ms. Rosenberg, seconded by Mr. DeLeone and CARRIED by a voice vote of 6-0-3 with Mr. Kuhar, Mr. Sidoti and 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 Acting Clerk. *(The visitor's portion of communications were requested to be transcribed with precise detail per Mayor Fiala upon the Clerk of Council's return to the office.)*

Mr. Christopher Myers of 220 E. Elm Street, Kent stated he "will probably take longer than three minutes with all he has to do."

Mayor Fiala stated "We cannot have that."

Mr. Myers commented "Well I am very sorry Mr. Mayor. Have you taken any action regarding my last two months complaints against, formal complaints against Heidi Shaffer, or ignoring me by not responding to me email?" "Have you taken any action?"

Mayor Fiala asked "Who are you asking?"

Mr. Myers responded "You."

Mayor Fiala answered "You didn't say that."

Mr. Myers continued "I have to go through you Mr."

Mayor Fiala replied "No we haven't."

Mr. Myers asked "Why?"

Mayor Fiala replied "I haven't seen any reason to do so."

Mr. Myers stated "A formal complaint is a formal complaint. You just ignore formal complaints?"

Mayor Fiala responded "That is a personal item with you sir."

Mr. Myers commented "I'm not allowed to talk to her. It's you, you're the President of Council. It's all on you. I made a formal complaint and nothing has been done and nothing will be done. Shame on you."

Mayor Fiala said "Thank you."

Mr. Myers continued with his next question. "Would you ask Mr. Ruller what his motivation was for sending you an email that I was protesting on the corner of Depeyster and Haymaker? Would you ask him his motivation?"

Mayor Fiala asked "Who are you asking, me again?"

Mr. Myers clarified "I am asking you to ask him."

Mayor Fiala asked "How do we know Mr. Ruller did that?"

Mr. Myers responded "Because it is right here in the police report."

Mayor Fiala questioned "Did he take the photo?"

Mr. Myers answered "I don't know who took the photo, but he told you that I was protesting. I want to know if you will ask him what his motivation was."

Mayor Fiala referred to Mr. Ruller and asked him if there was any motivation.

Mr. Ruller replied "Exactly what was said, for your information. There's no judgment, just simply information. He is the Mayor, you targeted him; you targeted Council. When I see that, I like to let them know. Period."

Mr. Myers asked "Do you know what was on the sign when I was protesting?"

Mr. Ruller responded "I do not."

Mayor Fiala responded "I do not either."

Mr. Myers stated "Fascinating. That's fascinating. Perhaps it may have been that I was saying support your local animal protective league on its adopt-a-pet program. This is in the police report against me that you told him that I was protesting. Why would you bother to tell him I was protesting? Would you ask him that?"

Mr. Ruller stated "I think I just answered that sir. It's for his information. My job is to keep the Council informed for matters that relate to them. You have..."

Mr. Myers interrupted "But I'm allowed to protest. Would you tell him I'm allowed to protest?"

Mr. Ferrara interrupted and stated "I don't think anyone said you couldn't."

Mayor Fiala added "Nobody said you couldn't."

Mr. Myers asked "Then why is it in the police report that I was for God's sake?"

Mayor Fiala asked "Are you done?"

Mr. Myers responded "No."

Mayor Fiala reminded Mr. Myers that "Your time is getting close."

Mr. Myers stated "Sorry, I've only begun."

Mayor Fiala replied "Well we are going to have to take some..."

Mr. Myers interrupted with "Alright, well that's fine, do it. On the 6th of April I was informed by the Law Director that I had been reported to Lieutenant Lewis of the City of Kent Police as being a threat to the Kent Clerk of Council. I asked for and received no name of the person who reported me other than it was not the Clerk herself. Asked for specifics to the nature of the threat and received none. Asked for a letter stating specifics of threat. Was told I was to have no contact with the Clerk, to not even say hello in passing. Mr. Mayor, can you find out who it was that made the report if it wasn't the Clerk?"

Mayor Fiala replied "No."

Mr. Myers asked "You can't ask?"

Mayor Fiala stated "Did I file the report?"

Mr. Myers replied "YOU are the President of Council."

Mayor Fiala replied "I am."

Mr. Myers continued "Then I have to work through you why I can't, I want to know who filed the report."

Mayor Fiala responded "I will tell you tomorrow."

Ms. Wallach added "If it was anonymous, then we can't."

Mayor Fiala agreed "Well if it was anonymous, I can't do that."

Mr. Myers continued "Well, here, on the 9th of April, Tara Grimm went and talked to Hilbruner, a policeman, and she told him that no threats have been made. Now how can I be a threat if she told him that no threats have been made? I'm asking you, would you find out?"

Mayor Fiala stated "I am going to answer this question this way. Did I file the report against you?"

Mr. Myers interrupted "I didn't say you did. YOU are the President of this Council Mr. Mayor."

Mayor Fiala continued "That I am, if you have a problem with a report that someone filed against you, I suggest you either get legal counsel to approach it or approach it yourself."

Mr. Myers replied "Listen Mr. Mayor, YOU people spent hours putting together a police report against me that I stalk the Clerk of Council. You spent hours. Mr. Ferrara, Mr. Ferrara talks about dealing with this in an Executive Session. He even went so far as to send out a thread of emails for some sort of action. This is in a police report against me for being a threat to Council. My right to free expression does not end because anybody FEELS something or other. I have a right to free expression. I have a right to criticize

the Clerk of Council. It is in the Council Rules. I have a right to criticize her. I have never insulted her. I have never made a personal remark, I have never stalked her. I have never, she says I get very belligerent and violated the Kent Council Rules during a meeting several times, oh yeah, right, when? Which is been warned about. I just don't get it, I don't get it. I don't get it."

Mayor Fiala warned Mr. Myers he was "giving him a half a minute to wind this up."

Mr. Myers continued "You know, you know, that Clerk plays fast and loose. You know she wrote a melodrama. She wrote something that reads like a..."

Mr. DeLeone called a POINT OF ORDER. "Point of Order, she's not even here to defend herself."

Mr. Myers interrupted "I know she's not. She, I, she, I can't talk to her. I deal in public. I speak in public right here, I speak in public on the streets. You people deal in secretive executive sessions. And you say that I stalked her. You agree, does anybody agree..."

Mayor Fiala interrupted to ask Mr. Myers a question. "You're saying we people said you stalked her. Did we fill out that report?"

Mr. Myers replied "Nobody has said you didn't. I want to talk about this publicly. And you won't talk about it publicly."

Mayor Fiala informed Mr. Myers "I am going to give you another half a minute and then I am going to ask for you to be removed."

Mr. Myers asked "Why won't you talk about this publicly? You know there are people out there on my street that think I stalked the Clerk of Council because nobody here is willing to say I didn't stalk her because she said I stalked her. Do you agree with that?"

Mayor Fiala interrupted again "Mr. Myers, listen to me. I am not particularly saying about you or me. I'm just saying out there is this wonderful world we live in, there are people that have personalities and on the other side there are people that have a lot of personalities. And sometimes people get along with each other's personality and sometimes some personalities irritate other personalities. I can't help that. That is human nature. Now if that was incidents that maybe happened, maybe happened, I don't know."

Mr. Myers interrupted "But I can't find out. Because nobody will talk to me publicly. Nobody will speak to this issue publicly."

Mayor Fiala commented "I don't know how to help you Mr. Myers."

Mr. Myers asked "Well who did it?"

Mayor Fiala clarified by asking "Who's filed the report?"

Mr. Myers asked "Why don't you ask everyone who filed the report?"

Mayor Fiala continued "All right, here, and I am out of order for doing this. Mr. Sidoti did you file that report?"

Mr. Sidoti replied "No".

Mayor Fiala continued though each Council member. "Ms. Rosenberg?"

Ms. Rosenberg replied "No Mr. Mayor."

Mayor Fiala continued "DeLeone?"

Mr. DeLeone responded "No."

Mayor Fiala asked "Tracy, Heidi, John, Turner, Jack, Garret?"

Ms. Wallach, Ms. Shaffer, Mr. Kuhar, Mr. Turner, Mr. Amrhein and Mr. Ferrara all responded "No."

Mayor Fiala added "I didn't file it. There you got it, we didn't file it."

Mr. Myers said "Well did she file it?"

Mayor Fiala asked "Who, Hope, file it?"

Mr. Myers asked again "Ask her if she filed it."

Ms. Jones interjected "You know what, I did not file it, but I know that Tara filed it. The Clerk of Council went to the police department because she was concerned about your behavior. She had every right to do that, ladies and gentlemen of Council. Whether or not he agrees with how she perceived how you treated her, that's not up to you, that's up to her. She made a police report, there's a police officer here in the room and he will tell you that they take police reports all the time that might be just information only. I do not believe that she asked you to be charged with anything, she wanted to put it on the record. It is on the record. I think that you have had your say here in this "public hearing" and I think that Council needs to get on with their business."

Mayor Fiala stated "I agree."

Mr. Myers continued "I am sorry, very sorry, but the Clerk of Council, she does not accurately say or report what I have said here. She just doesn't and I can give you instances if anybody would like to call me up and meet with me I'd be more than happy to discuss it."

Mayor Fiala interrupted Mr. Myers "We have other business here."

Mr. Myers continued "I have been liabled, I have been liabled. I have been called a stalker."

Ms. Jones interjected by asking Mayor Fiala to ask Mr. Myers "to ask him to take a seat. Ask him to take a seat please and be in order."

Mayor Fiala reminded Mr. Myers to "Please take your seat or I will have you removed."

Mr. Myers interrupted "I have been labeled a stalker. How would you like to be labeled a stalker? How would you like it?"

Mr. Ferrara interjected "Will you please take your seat?"

Mayor Fiala stated again "Please take your seat or I am going to have you removed. That's your choice."

Mr. Myers responded "Well I will have to be removed then because I'm not going to take my seat. I want to know why somebody can call me a stalker and nobody will think that I'm not."

Mayor Fiala tried to speak over Mr. Myers.

Mr. Myers continued "I want to know why Robin Turner was not called as being vulgar when he used the term "asinine".

Mayor Fiala replied "He was."

Mr. Myers disagreed stating "He was not, he was not labeled vulgar. You said that 'this is a word we don't use here'."

There was multiple inaudible words of Councilmember speaking over each other.

Ms. Jones asked again "Mr. Myers, please take your seat."

Mr. Ferrara added "Help yourself and please take a seat, please, please."

Mr. Myers stated "Listen."

Mayor Fiala declared "That's it, I am done with it. Have him removed. I asked you..."

Mr. Myers spoke over Mayor Fiala "I really feel bad about you people."

Mayor Fiala replied "I do too."

Mr. Myers continued "I feel bad, you've liabled me, calling me a stalker. You're sick, you're just sick. And I appreciate this."

There was inaudible conversation between Mr. Myers and Mr. Ferrara.

Mr. Ferrara stated "He will still read it."

Ms. Jones asked Mayor Fiala "Mr. President, will Mr. Myers be invited back to these proceedings in the future?"

Mayor Fiala answered "It is still an open meeting."

Ms. Jones replied "Ok, as long as he behaves himself."

Mr. Myers commented "I can't believe you would want to keep me out of here. What kind of Law Director are you?"

Ms. Jones stated "Wonderful."

Mr. Myers continued speaking as he was escorted out.

Mayor Fiala and Mr. Ferrara repeatedly said "Mr. Myers, Mr. Myers please."

Mayor Fiala stated "You are welcome back anytime under control."

Ms. Jones announced the next visitor.

Ms. Linda Jordan of 1017 S. Daniel Way, San Jose, CA stated "it was 2 years ago tonight that I sat in my last meeting as your Clerk and sitting back there for the last 10 minutes, San Jose is looking like a pretty good place. I don't know what to tell you. You've got your hands full. Oh my God it was awful. But anyway I just stopped and wanted to meet Hope, best wishes to you Gwen and a successful career here. The rest of you, some I talk to some I haven't heard from. And this one, I miss sitting next to him and listening to the little cracks under his breath. It was good while I was here; it is better since I retired. We've gone from Texas to Washington and now we are in California and I'm living the life. I have a beautiful home with 28 solar panels, drive a hybrid. I'm doing it. I don't know if I will come back this way to live ever, but my daughter is getting married Saturday so here I am. But I couldn't pass it up without saying 'Hi'.

Mr. Ferrara and Mayor Fiala commented "Nice to see you."

Ms. Barb Tittle of 909 Middlebury had signed in, but declined to speak.

Mr. Peter Hans Kierstead of 1039 Davey Avenue, Kent stated "First of all, with respect to the City flag, I sent an email to every member of Council, the Mayor, Mr. Ruller and Mr. Wicks with a presentation by a designer named Roman Mars. He talks about city flags. I don't know if any of you saw the video, but it's a really great presentation about city flags, bad city flags and good city flags, and I'd just like to say because he heard from the Mayor that there is going to be a contest coming up."

Mayor Fiala interrupted and clarified "I said if we can't find the flag, but we have possibly located the flag."

Mr. Kuhar added "I remember it having a tree with little branches and acorns."

Mr. Kierstead continued "Is there a possibility of redesigning it?"

Mayor Fiala commented "We are going to find the flag so we can remember what it looked like."

Mr. Kierstead continued again "Being that some of the city flags I saw on that presentation, the second best thing you can do as opposed to bringing back an old, good flag or a new, good flag is to have no flag. Because looking at some of those flags, some of them are horrible. And it would be better not to have one. So it's a very important decision and it's something that symbolizes the city. Also something I spoke about before, I am the President of the Association of World History at Kent State and am taking a group of students to Canada and we will be visiting Toronto and Kingston and visiting with a number of local and hopefully provincial and federal officials. If any of you have any gifts or trinkets that you want to hand over at some point between now and August 12th..., I can present to the Kingston City Council with the Mayor... and possibly the Premier. I may get to meet the Premier of Ontario. They elected a new Premier and he is a bit more pro-American than the last Premier."

Mayor Fiala stated "We will let you know about this flag."

Mr. Tony Lahood of 5031 Stone Ridge, Richfield, stated "I am the proprietor of Firefly Hookah Bar here in Kent at 124 S. Water. I am here about the Tobacco 21. Essentially this ordinance would put us out of business. Our primary business is 18-20 year olds who can't go to the bars in Kent and frequent our establishment. I understand the premise of the law and essentially wholeheartedly agree with the premise of the law as far as people just over 18 being able to provide tobacco and cigarettes to people under the age of 18. When I was in high school, I didn't smoke personally, but that's how my friends got cigarettes – either from their parents or from someone who was just over 10. So I understand the premise of the law. My issue is obviously it affects my business, my livelihood and our business in Kent and my employees, like 100% are going to go out of business. I was just made aware and I am sorry I didn't attend any previous meetings to talk to you guys. So the one thing I wanted to say is I don't know what kind of leeway there is with the law, or what we could do with the ordinance; if there could be a measure made for amending in slightly for on premise use. We are an 'on premise' establishment. We don't sell tobacco products outside of our establishment. People 18-20 have to come into the establishment, we are very diligent with checking I.D.'s. We make sure the people are within the ages of 18-20. That would help us greatly. I'm a libertarian and I think everyone should be allowed to do what they really want, so I don't completely agree with the law in that aspect. As far as protecting a Kent business that has been around for 12 years without any incidence or issue with the City, I would really appreciate if you guys amended or at least created some kind of grandfather clause for our business to stay in business. Otherwise again, we will unfortunately have to close very quickly. Does anyone have any questions, I've never been to a City Council meeting."

Mayor Fiala responded "Generally, and believe me we are out of order tonight..."

There was lots of laughter and chatter making the recording inaudible.

Mayor Fiala continued "...we normally don't answer questions, we just take your input"

Ms. Wallach suggested "If we decide to, so let's decide to let questions."

Mayor Fiala replied "Alright, let's go. Do you have a question Tracy?"

Ms. Wallach answered "No."

Mr. Kuhar stated "I've got one. Is there or is there not tobacco-less smoking products that could be utilized?"

Mr. Lahood replied "So basically if this law passes, if it passes somewhat like what Akron passed, or Cleveland passed, even the vape products or non-tobacco products that contain any type of nicotine would be against the ordinance."

Mr. Kuhar added "I don't know, I don't smoke so."

Mr. Lahood continued "Not particularly, not on the market today. Unfortunately tobacco is the only avenue. We do file yearly with the state for a tobacco store, cigarette license. Both with the county and the state we have to file yearly in order to approve our sales are 80% tobacco. I just want to reiterate, we do not sell any tobacco products outside of our store. We don't sell anything that can be used outside of our facility. It is an 'on premise' only. It be like the same as a bar, they can't sell a bottle of liquor to someone walking out the door."

Mr. Kuhar stated "Now I see these people smoking these things and puffing this vapor of smoke."

Mr. Lahood clarified "We are a little different. We are a Mediterranean smoking pipe. It's like a water pipe almost. If you were to see it, you'd think someone was smoking marijuana or something like that, but it's just tobacco. We don't sell any vape products or anything along those lines."

Mr. Kuhar said "So you couldn't substitute the vapor product..." (Inaudible though all the cross talk.)

Mayor Fiala asked "John, further?"

Mayor Fiala acknowledged Ms. Rosenberg "Gwen?"

Ms. Rosenberg asked "And you I.D. your customers?"

Mr. Lahood replied "Yeah, diligently. We are very, very diligent with our customers..." (Inaudible because of crosstalk) "We own a couple bars across Cleveland, we don't like to mess around."

Ms. Rosenberg commented "Good to know, thank you."

Mayor Fiala asked if there were any other questions and recognized Mr. Ferrara.

Mr. Ferrara asked "So the product is not packaged to go, only to be presented and consumed on premises?"

Mr. Lahood answered "There are people who can and do sell at markets and stuff and they do sell packaged tobacco. We do not. We only sell on premise. So again, everyone that is in there is above the age of 18. We don't allow them in if they are under the age of 18 period. We watch over who comes and goes in our facility so there's no chance of someone under the age of 18. And it be really silly for someone to make an I.D. for someone under 18. If you are going to make a fake I.D. you might as well..." (Inaudible due to cross chatter and laughter.)

Mayor Fiala recognized Ms. Shaffer. "Heidi? We are getting into a committee meeting here."

Ms. Shaffer stated "Yeah, my question is, is this a cultural thing?"

Mr. Lahood replied "Yeah, we are Lebanese. I grew up with it..." (Inaudible because of crosstalk)

Ms. Shaffer continued "And you're clients, you attract a lot of Arabic?"

Mr. Lahood added "The Saudis... inaudible... when the schools are in session. We are there. They don't drink. They really don't go out to the bars. We are the place they frequent within the City of Kent. We also provide for anyone 18-20 kind of like a refuge from the house parties, the bars and everything like that.

Ms. Shaffer stated "So it's a social..."

Mr. Lahood interrupted "It is a social you know event. It's not really about, I don't want to get into the whole spiel but it's really about smoking about having something to kind of converse over. That originally what it's all about?"

Mayor Fiala asked "Are there any further questions?" then recognized Mr. Kuhar "John, one more."

Mr. Kuhar stated he has a question for the law director. "Can we pass an ordinance that eliminates and existing business and the procedure in that business, or is that actually grandfather?"

Ms. Jones replied "Because you're saying because all of his customers are 18-20, the majority is, it is going to affect his business. I think we can, yeah unfortunately."

Mayor Fiala asked if there was anybody else and stated "Thank you. Hope is there anymore?"

Ms. Jones replied "No sir."

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

1. Planning Commission Meeting Agenda and Staff Report for July 3, 2018 received on June 25, 2018.
2. Sustainability Commission Meeting Agenda for July 2, 2018 and the Minutes of June 11, 2018 received on June 28, 2018.
3. Standing Rock Cemetery Meeting Minutes for May 10, 2018 received July 6, 2018.
4. Invitation received from Tree City Carvers for their 30th Anniversary celebration on August 11, 2018 from 10-5 at the United Methodist Church as well as their demonstration at the Parks & Recreation's 25th Anniversary of Art in the Park
5. Civil Service Meeting Agenda for July 16, 2016 received on July 12, 2018.
6. Health Board Agenda for July 16, 2018, Minutes from May 8, 2018, and Statistical Reports were received on July 12, 2018.

Additional Communications were provided to Council, but not reported by Acting Clerk Jones as being received after the Agenda was published. The following items were placed on file in the Clerk's office as follows:

1. Letter of support from the American Heart Association's Jeff Hallan, Ph.D., Professor and Associate Dean of the College of Public Health at Kent State University on raising the minimum age to purchase tobacco products to age 21 received on July 17, 2018.
2. Letter from NATO's Executive Director and Legal Counsel, Thomas A. Briant commenting on raising the minimum age to purchase tobacco products to age 21 received on July 18, 2018.

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

1. Request Council's authorization to accept a donation of \$350 to Kent Parks and Recreation youth programs in memory of Joseph Cettomai (Draft #2018-76)
2. Request Council's final approval of the Parking Action Committee recommendations from November 2017 and City Council's recommendation from January 2018 to amend the on street

parking restrictions on Portage Street, eliminating parking permits and allowing up to 10 hour on street parking.

3. Request Committee of the Whole time to authorize the final changes to the City's Public Record's policy.
4. Request Public Health & Safety Committee time to consider the possibility of amending the Code to allow more opportunities to raise chickens in Kent.
5. Request Public Health & Safety Committee time to receive a staff report on the City's animal trapping services.
6. Request Community Development Committee time to receive a report on the progress of the Kent Convention and Visitors Bureau to promote Kent.
7. Request Community Development Committee time to request Council's consideration for the removal of a City owned rental unit at 408 N. Mantua Street.
8. Request Finance Committee time for consideration of a 2018 Budget Appropriations Amendment.

MOTION TO APPROVE ITEMS #1 - #8 OF THE CITY MANAGER'S REPORT made by Mr. Amrhein, seconded by Mr. Ferrara. Motion CARRIED by a voice vote of 9-0.

STANDING COMMITTEES/ LEGISLATION

COMMITTEE OF THE WHOLE:

Mayor Fiala asked to approve the minutes that were IN PROGRESS. There was some confusion as there were no meeting minutes to approve from July 11, 2018 as they are still in the transcription process so nothing needed approving.

MOTION TO APPROVE THE ONE (1) RECOMMENDED ACTION made by Mr. DeLeone, seconded by Mr. Ferrara, and CARRIED by a voice vote of 9-0.

Recommended Action:

1. Authorize a Special Committee meeting prior to the July 18, 2018 Regular Council Meeting to discuss adding verbiage for increasing the percentage of petition signatures to 25% of the most recent past presidential election to the City's Charter recall procedure a Resolution of Support for the use of the Heart & Soul community planning process with an emergency clause.

Draft No. 2018-75: AN ORDINANCE PROVIDING AN AMENDMENT TO THE CHARTER OF THE CITY OF KENT, OHIO, ORIGINALLY ADOPTED BY THE ELECTORATE ON JANUARY 24, 1926, AND AMENDED FROM TIME TO TIME, TO BE SUBMITTED AT THE NEXT GENERAL ELECTION ON NOVEMBER 6, 2018, WHICH AMENDMENT WILL AMEND ARTICLE V, SECTION 5.15. TITLED "RECALL PETITION AND ELECTION," AND DECLARING AN EMERGENCY was read by title only by Acting Clerk Jones per Mayor Fiala's request.

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

Mayor Fiala asked to please call the roll on suspension then referred to Acting Clerk Jones if they should authorize the ordinance first.

Ms. Jones stated actually you should amend it first.

MOTION TO AMEND TO INSERT WORDS BEFORE THE 3RD SENTENCE THAT SAY "IN THE CASE OF AN AT-LARGE COUNCILPERSON OR THE MAYOR, SUCH PETITION SHALL BE SIGNED BY AT LEAST THAT NUMBER OF ELECTORS WHICH EQUALS 25% OF THE TOTAL NUMBER OF VOTES" made by Ms. Wallach, seconded by Mr. Ferrara.

There was no discussion and the Mayor request a voice vote. MOTION CARRIED 8-1 with Mr. Turner voting "No."

MOTION TO AUTHORIZE ORDINANCE NO. 2018-75 AS AMENDED made by Mr. DeLeone, seconded by Mr. Ferrara and CARRIED by a voice vote of 8-1 with Mr. Turner voting "No."

Mayor Fiala asked Acting Clerk Jones to read the title to Draft No. 2018-75 as amended.

Draft No. 2018-75: AN ORDINANCE PROVIDING AN AMENDMENT TO THE CHARTER OF THE CITY OF KENT, OHIO, ORIGINALLY ADOPTED BY THE ELECTORATE ON JANUARY 24, 1926, AND AMENDED FROM TIME TO TIME, TO BE SUBMITTED AT THE NEXT GENERAL ELECTION ON NOVEMBER 6, 2018, WHICH AMENDMENT WILL AMEND ARTICLE V, SECTION 5.15. TITLED "RECALL PETITION AND ELECTION," AND DECLARING AN EMERGENCY as read by Acting Clerk Jones.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, and Ms. Wallach. The motion CARRIED by a roll call vote of 8-1 with Mr. Turner voting "No".

MOTION TO ADOPT DRAFT No. 2018-75 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Ms. Wallach, and Mr. Amrhein. The motion CARRIED by a roll call vote of 8-1 with Mr. Turner voting "No".

ORDINANCE NO. 2018-75: AN ORDINANCE PROVIDING AN AMENDMENT TO THE CHARTER OF THE CITY OF KENT, OHIO, ORIGINALLY ADOPTED BY THE ELECTORATE ON JANUARY 24, 1926, AND AMENDED FROM TIME TO TIME, TO BE SUBMITTED AT THE NEXT GENERAL ELECTION ON NOVEMBER 6, 2018, WHICH AMENDMENT WILL AMEND ARTICLE V, SECTION 5.15. TITLED "RECALL PETITION AND ELECTION," AND DECLARING AN EMERGENCY PASSED AS AMENDED as stated by Acting Clerk Jones.

COMMUNITY DEVELOPMENT COMMITTEE:

There were no minutes or actions to approve.

FINANCE COMMITTEE:

There were no meeting minutes to approve from July 11, 2018 as they are still in the transcription process.

MOTION TO APPROVE THE THREE (3) RECOMMENDED ACTIONS made by Mr. DeLeone, seconded by Mr. Ferrara and CARRIED by a voice vote of 9-0.

Recommended Action:

1. Authorize the Amendment to Kent Codified Ordinances Section 187 to Comply with the State requirements for Income Tax Code Update
2. Authorize the Auction and Sale of the City's Surplus Property
3. Authorize the Renewal and New Issue of City Debt and related Note Issue Ordinances

Draft No. 2018-76: A RESOLUTION ACCEPTING A DONATION IN THE AMOUNT OF \$350.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT IN MEMORY OF JOSEPH CETTOMAI TO SUPPORT YOUTH SPORTS; AND DECLARING AN EMERGENCY was read by title only by Acting Clerk Jones per Mayor Fiala's request.

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

MOTION TO ADOPT DRAFT No. 2018-76 made by Mr. Ferrara and seconded by Mr. Kuhar. On Roll call, voting "Yes": Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The motion CARRIED by a roll call vote of 9-0.

RESOLUTION NO. 2018-76: A RESOLUTION ACCEPTING A DONATION IN THE AMOUNT OF \$350.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT IN MEMORY OF JOSEPH CETTOMAI TO SUPPORT YOUTH SPORTS; AND DECLARING AN EMERGENCY PASSED as stated by Acting Clerk Jones.

Draft No. 2018-77: AN ORDINANCE AMENDING CHAPTER 187 ENTITLED "INCOME TAX"; AND DECLARING AN EMERGENCY was read by title only by Acting Clerk Jones per Mayor Fiala's request.

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

MOTION TO ADOPT DRAFT No. 2018-77 made by Mr. Ferrara and seconded by Mr. Kuhar. On Roll call, voting "Yes": Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, and Ms. Rosenberg. The motion CARRIED by a roll call vote of 9-0.

ORDINANCE NO. 2018-77: AN ORDINANCE AMENDING CHAPTER 187 ENTITLED "INCOME TAX"; AND DECLARING AN EMERGENCY PASSED as stated by Acting Clerk Jones.

Draft No. 2018-78: A RESOLUTION AUTHORIZING THE SALE AT PUBLIC AUCTION OF SURPLUS PROPERTY NOT NEEDED FOR MUNICIPAL PURPOSES BY A LIVE AUCTIONEER PURSUANT TO SECTION 721.15 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY was read by title only by Acting Clerk Jones per Mayor Fiala's request.

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

MOTION TO ADOPT DRAFT No. 2018-78 made by Mr. Ferrara and seconded by Mr. Sidoti. On Roll call, voting "Yes": Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, and Ms. Shaffer. The motion CARRIED by a roll call vote of 9-0.

ORDINANCE NO. 2018-78: A RESOLUTION AUTHORIZING THE SALE AT PUBLIC AUCTION OF SURPLUS PROPERTY NOT NEEDED FOR MUNICIPAL PURPOSES BY A LIVE AUCTIONEER PURSUANT TO SECTION 721.15 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY PASSED as stated by Acting Clerk Jones.

Draft No. 2018-79: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$510,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF RENOVATING AND EXPANDING THE CITY'S MAIN FIRE STATION, INCLUDING ACQUISITION OF NECESSARY REAL ESTATE, AND TO RETIRE OUTSTANDING NOTES THAT WERE PREVIOUSLY ISSUED FOR THAT PURPOSE, AND DECLARING AN EMERGENCY was read by title only by Acting Clerk Jones per Mayor Fiala's request.

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

MOTION TO ADOPT DRAFT No. 2018-79 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, and Mr. Turner. The motion CARRIED by a roll call vote of 9-0.

ORDINANCE NO. 2018-79: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$510,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF RENOVATING AND EXPANDING THE CITY'S MAIN FIRE STATION, INCLUDING ACQUISITION OF NECESSARY REAL ESTATE, AND TO RETIRE OUTSTANDING NOTES THAT WERE PREVIOUSLY ISSUED FOR THAT PURPOSE, AND DECLARING AN EMERGENCY PASSED as stated by Acting Clerk Jones.

Draft No. 2018-80: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$3,250,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF CONSTRUCTING A SAFETY CENTER, AND TO RETIRE OUTSTANDING NOTES THAT WERE PREVIOUSLY ISSUED FOR THAT PURPOSE, AND DECLARING AN EMERGENCY was read by title only by Acting Clerk Jones per Mayor Fiala's request.

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

MOTION TO ADOPT DRAFT No. 2018-80 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, and Mr. Amrhein. The motion CARRIED by a roll call vote of 9-0.

ORDINANCE NO. 2018-80: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$3,250,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF CONSTRUCTING A SAFETY CENTER, AND TO RETIRE OUTSTANDING NOTES THAT WERE PREVIOUSLY ISSUED FOR THAT PURPOSE, AND DECLARING AN EMERGENCY PASSED as stated by Acting Clerk Jones.

Draft No. 2018-81: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$315,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF REPLACING, UPGRADING AND EXTENDING SANITARY SEWER TRUNK LINES, AND TO RETIRE OUTSTANDING NOTES THAT WERE PREVIOUSLY ISSUED FOR THAT PURPOSE, AND DECLARING AN EMERGENCY was read by title only by Acting Clerk Jones 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. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, and Mr. DeLeone. The motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2018-81 made by Mr. DeLeone and seconded by Mr. Ferrara. On Roll call, voting "Yes": Mr. Kuhar, Ms. Rosenberg, 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.

ORDINANCE NO. 2018-81: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$315,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF REPLACING, UPGRADING AND EXTENDING SANITARY SEWER TRUNK LINES, AND TO RETIRE OUTSTANDING NOTES THAT WERE PREVIOUSLY ISSUED FOR THAT PURPOSE, AND DECLARING AN EMERGENCY PASSED as stated by Acting Clerk Jones.

Draft No. 2018-82: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$1,070,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY A PORTION

OF THE COSTS OF RECONSTRUCTING ALLEY 5, ERIE STREET, AND DEPEYSTER STREET AND OTHERWISE IMPROVING NEARBY STREETS, INCLUDING BY RELOCATION OF PUBLIC UTILITIES, LANDSCAPING, AND INSTALLING PARKING PAYMENT DEVICES, STREET SIGNAGE AND SITE IMPROVEMENTS, AND TO RETIRE OUTSTANDING NOTES THAT WERE PREVIOUSLY ISSUED FOR THAT PURPOSE, AND DECLARING AN EMERGENCY was read by title only by Acting Clerk Jones 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": Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Kuhar. The motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2018-82 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, and Ms. Rosenberg. The motion CARRIED by a roll call vote of 9-0.

ORDINANCE NO. 2018-82: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$1,070,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY A PORTION OF THE COSTS OF RECONSTRUCTING ALLEY 5, ERIE STREET, AND DEPEYSTER STREET AND OTHERWISE IMPROVING NEARBY STREETS, INCLUDING BY RELOCATION OF PUBLIC UTILITIES, LANDSCAPING, AND INSTALLING PARKING PAYMENT DEVICES, STREET SIGNAGE AND SITE IMPROVEMENTS, AND TO RETIRE OUTSTANDING NOTES THAT WERE PREVIOUSLY ISSUED FOR THAT PURPOSE, AND DECLARING AN EMERGENCY PASSED as stated by Acting Clerk Jones.

HEALTH AND SAFETY COMMITTEE:

There were no meeting minutes to approve from July 11, 2018 as they are still in the transcription process.

Ms. Wallach asked to separate the action items for approval because she has a question.

Mayor Fiala asked Ms. Wallach to ask her question first.

Ms. Wallach asked "If we are going to amend the Ordinance, do we need to amend the action?"

Acting Clerk Jones stated "No, because the action is still authorizing the enactment of that new chapter. We would wait until we get to that ordinance and you could recommend your amendments at that time."

Ms. Wallach asked again to please separate the actions to be approved.

MOTION TO APPROVE THE FIRST RECOMMENDED ACTION made by Mr. Amrhein, seconded by Mr. Ferrara.

Ms. Wallach stated she is not going to approve this action because of the inconsistency in ages.

MOTION CARRIED by a voice vote of 7-1-1 with Ms. Wallach voting "No" and Mr. Kuhar abstaining.

Recommended Action:

1. Authorize the proposed recommendation from the Health Board to Enact Chapter 527 on the Codified Ordinances changing the purchasing age for tobacco and tobacco products from Age 18 to Age 21.

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

Recommended Action:

2. Authorize Administrative Action for a permitting process for quadricycle tours within the City.

Draft No. 2018-83: AN ORDINANCE TO ENACT CHAPTER 527 OF THE KENT CODIFIED ORDINANCES, TITLED "ILLEGAL DISTRIBUTION OF CIGARETTES, OTHER TOBACCO PRODUCTS, ELECTRONIC CIGARETTES OR ALTERNATIVE NICOTINE PRODUCTS," AND DECLARING AN EMERGENCY was read by title only by Acting Clerk Jones per Mayor Fiala's request.

MOTION TO AMEND DRAFT ORDINANCE NO. 2018-83 TO EXEMPT LICENSED TOBACCO BUSINESSES WHERE TOBACCO PRODUCTS ARE SOLD AND CONSUMED ON THE PREMISES AS A PRIMARY PURPOSE OF THE BUSINESS made by Ms. Shaffer, seconded by Mr. Ferrara.

Mayor asked for Discussion.

Ms. Shaffer said she was concerned about this, concerned about this business in particular during the last meeting and hopes to get a chance to talk to the proprietor. She was concerned on two levels, first of all it is a cultural experience and have had Arabic housemates and been involved with the Arabic community, and this was the place they went for socializing and not everyone was over 20; secondly it is a business that has been here for a long time in Kent, they pay their taxes and its primary purpose is socialization, not addiction.

Mr. Ferrara had no comment.

Ms. Rosenberg would like to tighten it up a bit so not every business that is selling vape products turns into a social business that allows for people to use their products in their establishment. She'd like to tighten up the language so it is specifically businesses that sell tobacco and tobacco related products exclusively for consumption on premises without being additionally for sale, or whatever the phrasing the law director recommends.

Mayor Fiala asked Ms. Jones to incorporate that into Ms. Shaffer's amendment so we do not have to amend the amendment.

Acting Clerk and Law Director Jones agreed.

Mr. Ferrara seconded the addition of exclusivity.

Ms. Wallach requested the amendment be read back to Council.

MOTION TO AMEND DRAFT ORDINANCE NO. 2018-83 TO EXEMPT LICENSED TOBACCO BUSINESSES WHERE TOBACCO PRODUCTS ARE *EXCLUSIVELY* SOLD AND CONSUMED ON THE PREMISES AS A PRIMARY PURPOSE OF THE BUSINESS was read back to Council by Acting Clerk Jones.

Mr. Kuhar stated he is going to vote for the amendment, and he is totally opposed to tobacco, but can't see how a person who is conducting business for a number of years and we've amended the amendment to where it stays inside that we should stop that person from continuing its business. He thinks that the amendment is excellent to at least take care of some of the needs.

Mayor Fiala requested a voice vote on the amendment. MOTION CARRIED 9-0.

Mayor Fiala then asked Acting Clerk Jones to read Draft No. 2018-83 as amended.

Draft No. 2018-83: AN ORDINANCE TO ENACT CHAPTER 527 OF THE KENT CODIFIED ORDINANCES, TITLED "ILLEGAL DISTRIBUTION OF CIGARETTES, OTHER TOBACCO PRODUCTS, ELECTRONIC

CIGARETTES OR ALTERNATIVE NICOTINE PRODUCTS”, AND DECLARING AN EMERGENCY was read by title only as amended by Acting Clerk Jones.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting “Yes”: Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, and Mr. Turner. The motion CARRIED by a roll call vote of 8-1 with Ms. Wallach voting “No.”

MOTION TO ADOPT DRAFT No. 2018-83 made by Mr. Ferrara and seconded by Ms. Shaffer. On Roll call, voting “Yes”: Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner, and Mr. Amrhein. The motion CARRIED by a roll call vote of 8-1 with Ms. Wallach voting “No.”

ORDINANCE NO. 2018-83: AN ORDINANCE TO ENACT CHAPTER 527 OF THE KENT CODIFIED ORDINANCES, TITLED “ILLEGAL DISTRIBUTION OF CIGARETTES, OTHER TOBACCO PRODUCTS, ELECTRONIC CIGARETTES OR ALTERNATIVE NICOTINE PRODUCTS,” AND DECLARING AN EMERGENCY PASSED AS AMENDED as stated by Acting Clerk Jones.

LAND USE COMMITTEE:

There were no meeting minutes or actions to be approved.

STREETS, SIDEWALKS AND UTILITIES COMMITTEE:

There were no meeting minutes to approve from July 11, 2018 as they are still in the transcription process.

MOTION TO APPROVE THE TWO (2) RECOMMENDED ACTIONS made by Mr. Sidoti, seconded by Mr. Ferrara and CARRIED by a voice vote of 9-0.

Recommended Actions:

1. Authorize the Proposed addition of section 939 of the City Code for Regulations on Small Cell Wireless Antennas
2. Authorize the proposed ODOT Sign Replacement Project Consent Legislation

Draft No. 2018-84: AN ORDINANCE ENACTING NEW CHAPTER 939 “USE OF PUBLIC WAYS FOR SMALL CELL WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES” OF THE STREETS, UTILITIES AND PUBLIC SERVICES CODE, AND DECLARING AN EMERGENCY was read by title only by Acting Clerk Jones per Mayor Fiala’s request.

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

MOTION TO ADOPT DRAFT No. 2018-84 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting “Yes”: Mr. Kuhar, Ms. Rosenberg 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.

ORDINANCE NO. 2018-84: AN ORDINANCE ENACTING NEW CHAPTER 939 “USE OF PUBLIC WAYS FOR SMALL CELL WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES” OF THE STREETS, UTILITIES AND PUBLIC SERVICES CODE, AND DECLARING AN EMERGENCY PASSED as stated by Acting Clerk Jones.

Draft No. 2018-85: A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT GIVING CONSENT TO THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO REPLACE SIGNS ON SR43 AND SR59 IN KENT, AND DECLARING AN EMERGENCY was read by title only by Acting Clerk Jones per Mayor Fiala’s request.

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

MOTION TO ADOPT DRAFT No. 2018-85 made by Mr. Kuhar and seconded by Mr. DeLeone. On Roll call, voting "Yes": Ms. Rosenberg Ms. Shaffer, Mr. Sidoti, Mr. Turner, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Kuhar. The motion CARRIED by a roll call vote of 9-0.

ORDINANCE NO. 2018-85: A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT GIVING CONSENT TO THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO REPLACE SIGNS ON SR43 AND SR59 IN KENT, AND DECLARING AN EMERGENCY PASSED as stated by Acting Clerk Jones.

SPECIAL COMMITTEE REPORTS: NONE

UNFINISHED BUSINESS: NONE

NEW BUSINESS:

Mr. Amrhein had a resident contact him regarding our Ordinance of "discharging a firearm" with concerns that he would like it amended that it would be allowed in the case of self-defense, which he assumed would be the case anyway, but he is requesting the amendment actually listed in the Ordinance anyway for the case of self-defense. He couldn't be here and asked Mr. Amrhein if he could speak on his behalf.

MOTION TO REFER TO THE HEALTH AND SAFETY COMMITTEE A DISCUSSION ON AMENDING THE "DISCHARGING OF A FIREARM" ORDINANCE made by Mr. Amrhein, seconded by Mr. Kuhar.

Mr. Kuhar believes that self-defense is already covered under state law.

Mr. Ferrara stated instead of setting aside committee time, we just refer it to the Law Director and see what her opinion is on it.

Mr. Amrhein withdrew his Motion based on Mr. Ferrara's recommendation.

COUNCILMEMBERS' COMMENTS:

Mr. Ferrara had two comments. He stated on the tobacco issue, Mr. Lahood did a very good job on presenting his case. Fundamentally he is opposed to restricting people's individual freedoms and liberties, but these days when we talk about universal health care and the cost that society has to burden or shoulder for medical issues, health care and those types of things, he thinks it becomes more and more the responsibility of the government to help regulate the situation. He does not have any problem saying lets restrict the sale of those products that are ultimately going to lead to health issues down the road.

Mr. Ferrara then stated his second comment "You are going to love." He read verbatim from a written statement. **(See Attachment #1).**

Ms. Wallach asked if we should come up with a list of words people should not being saying.

There was a tremendous amount of cross talk causing inaudible conversations.

Mayor Fiala replied "Mr. Myers left a dictionary back there, look them up."

Mr. Sidoti stated how all summer he has been receiving phone calls and at the Heritage Fest he had some people say to him, and he is just letting Council know how he is responding. The concern is West Main

Street on the west-side of Kent from Haymaker out to the Stow line. We all know that it is a horrible mess right now and also know that it is not the City's responsibility. He remembers when he first got on Council how the Governor had cut over \$900,000 as year, when we begin to add that up over the last 8 years, that is \$7.2 million and they chose to use that money to repave Route 261. It's ridiculous and doesn't know who made that decision, but he hopes that we get accurate information out to anyone who calls Council. Most people do not realize that it is not the responsibility of the City of Kent. He knows that our crews are out there trying to patch and do what they can, but the reality is the state screwed us out of almost \$8 million over the last 8 years and we can't even get that road paved. He thinks people need to hear that and we cover when we shouldn't. We should not cover this for the State of Ohio for their lack of taking care of that road.

Mr. Kuhar received a call today from a resident that stated the City had wide open ditches cut across the middle of Water Street that are very deep and very damaging to their car and that there was no warning sign.

Mr. DeLeone said when he drove through town today there were some cut repairs; they were pretty deep and painted orange. By his 2nd time through, they were paved. So it was only for a short time that he noticed it.

MAYOR'S REPORT:

Mayor Fiala apologized to the public and my Council. His mom told him there would be days like this, he just didn't know they would happen so often. He apologized for his action and it really bothered him that he had to do what he had to do, but this is a public meeting and we do have to be professional about it and carry out our business. He apologized again for tonight's meeting. .

Mayor Fiala adjourned the meeting at 8:43 p.m.

Hope Jones, Acting Clerk of Council and
Law Director

Jerry T. Fiala
Mayor and President of Council

Transcribed by:
Tara Grimm, MMC
Clerk of Council