

**THE CITY OF KENT, OHIO
SPECIAL COUNCIL MEETING
WEDNESDAY, JULY 26, 2017**

At 5:00 p.m., Mayor Jerry T. Fiala called the **Special Meeting of Kent City Council** to order. Roll call was taken.

PRESENT: Mr. Jack Amrhein, Mr. Michael DeLeone, Mr. Garret Ferrara, Mr. John Kuhar, Ms. Melissa Long, Ms. Heidi Shaffer, Mr. Roger Sidoti, and Mr. Robin Turner.

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Mr. Jim Silver, Law Director; Mr. John Idone, Parks and Recreation Director; and Ms. Tara Grimm, CMC, Clerk of Council.

ABSENT: Ms. Tracy Wallach

Mayor Fiala reminded the audience that there is *no* public comment this evening.

STANDING COMMITTEES/ LEGISLATION

COMMITTEE OF THE WHOLE:

2nd Reading of DRAFT No. 17-59: AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS OF THE CITY OF KENT AT THE GENERAL ELECTION TO BE HELD NOVEMBER 7, 2017, A PROPOSAL TO AMEND ARTICLE XII "MISCELLANEOUS" OF THE CHARTER OF THE CITY OF KENT, OHIO, BY ENACTING A NEW SECTION 12.06, ENTITLED "SANCTUARY CITY", AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm per Mayor Fiala's request.

MOTION TO SUSPEND THE REMAINING READINGS made by Mr. DeLeone and seconded by Mr. Sidoti. On Roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, and Mr. Amrhein. The motion CARRIED by a roll call vote of 8-0.

MOTION TO AMEND TO INCLUDE THE WORDS "NOT ENDORSED BY COUNCIL" made by Mr. Ferrara, seconded by Mr. Kuhar, and CARRIED by a voice vote of 7-1 with Ms. Shaffer voting "No".

Ms. Shaffer stated she voted "No" to the amendment because she felt it was confusing and unfair to the voters that we would pass an Ordinance without Council's endorsement. Ms. Shaffer was reminded that per our City Charter we are *required* to pass this Ordinance to place properly filed petition initiatives on the ballot. The amendment shows the voters that Council does not support nor endorse the Ordinance and are filing it only for statute and Charter purposes.

Mr. Kuhar stated he voted "Yes" as it is a requirement of our Charter and we must abide by Federal, State and local laws, including our own Charter.

Mr. Ferrara clarified that the amendment is to make the citizens clearly aware that Council is *NOT* endorsing this Ordinance because of the ramifications to the City and its federal funding, which affects each and every citizen.

Ms. Shaffer disagreed.

Ms. Long questioned if adding the amended language of "not endorsed by City Council" changes any of the specifications of the requirements.

Mr. Silver responded "No, it does not."

MOTION TO ADOPT DRAFT No. 17-59 made by Mr. Ferrara and seconded by Mr. Kuhar. On Roll call, voting "Yes": Mr. Ferrara, Mr. Kuhar, Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Mr. Amrhein, and Mr. DeLeone. The motion CARRIED by a roll call vote of 8-0.

DRAFT No. 17-59: AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS OF THE CITY OF KENT AT THE GENERAL ELECTION TO BE HELD NOVEMBER 7, 2017, A PROPOSAL TO AMEND ARTICLE XII "MISCELLANEOUS" OF THE CHARTER OF THE CITY OF KENT, OHIO, BY ENACTING A NEW SECTION 12.06, ENTITLED "SANCTUARY CITY", AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

COMMUNITY DEVELOPMENT COMMITTEE:

2nd Reading of DRAFT No. 17-60: AN ORDINANCE ADOPTING SECTION 537.21, ENTITLED "UNLAWFUL PUBLIC ACCOMMODATION DISCRIMINATION", OF THE CODIFIED ORDINANCES OF THE CITY OF KENT, AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm per Mayor Fiala's request.

Clerk Grimm reminded Council that this included AMENDED Exhibit "A" which was passed at the last meeting on July 19, 2017.

MOTION TO SUSPEND THE REMAINING READINGS made by Mr. Ferrara and seconded by Ms. Shaffer. On Roll call, voting "Yes": Mr. Kuhar, Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The motion CARRIED by a roll call vote of 8-0.

Mr. Kuhar commented that this topic has been a challenge for him as he is affected morally. Then he realized that this is not about morals, it is about fairness to ALL people. He felt there shouldn't have to be any classifications and no one should be discriminated against.

MOTION TO ADOPT DRAFT No. 17-60 AS AMENDED ON JULY 19, 2017 made by Mr. DeLeone and seconded by Mr. Sidoti. On Roll call, voting "Yes": Ms. Long, Ms. Shaffer, Mr. Sidoti, Mr. Turner, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Mr. Kuhar. The motion CARRIED by a roll call vote of 8-0.

ORDINANCE No. 17-60: AN ORDINANCE ADOPTING AMENDED SECTION 537.21, ENTITLED "UNLAWFUL PUBLIC ACCOMMODATION DISCRIMINATION", OF THE CODIFIED ORDINANCES OF THE CITY OF KENT, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

FINANCE COMMITTEE:

2nd Reading of DRAFT No. 17-63: A RESOLUTION DETERMINING TO PROCEED WITH THE SUBMISSION TO THE ELECTORS OF THE QUESTION OF ISSUING \$17,500,000 OF BONDS FOR THE PURPOSE OF CONSTRUCTING, FURNISHING, EQUIPPING AND OTHERWISE IMPROVING A HEALTH AND WELLNESS CENTER AND ACQUIRING AND IMPROVING SITES FOR THAT CENTER, AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm per Mayor Fiala's request.

MOTION TO SUSPEND THE REMAINING READINGS made by Ms. Shaffer and seconded by Mr. DeLeone. On Roll call, voting "Yes": Ms. Shaffer, Mr. Sidoti, Mr. Turner, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, and Ms. Long. The motion CARRIED by a roll call vote of 7-1 with Mr. Kuhar voting "No".

Mr. Kuhar stated he was an "absolute No" vote as this is the biggest issue he has ever faced while on Council. It affects him as a landlord, especially when it comes to property taxes.

Ms. Shaffer stated she supports this going to the voters as a health and wellness center would be a point of pride for our community.

Ms. Sidoti commented that there is ambivalence in the community regarding building a community swimming pool because there is a piece of this issue that voters do not grasp. This facility would attract businesses to create jobs and have sustainable employment in small industry. We are in competition with what other communities have to offer. Millennials are looking to move and live in Kent. He feels it is not Council's place to not endorse nor criticize; the voters need to decide.

Mr. Kuhar reiterated that the City cannot afford this facility. The Kent State University Recreation Center has 20,000+ mandatory paid students paying for this facility with their fees. Citizens on Social Security or with minimum wage jobs can't afford to pay for this facility. Even if they are renters, landlords would need to raise their rent because taxes increase. At what point do we spend too much of the taxpayers' money?

Mr. Turner interjected that Mr. Kuhar is making a presumption. We, as Council, are the citizens' voice in government. We are their support and need to give them ample opportunities to make these kinds of decisions.

MOTION TO ADOPT DRAFT No. 17-63 made by Ms. Shaffer and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Sidoti, Mr. Turner, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Long, and Ms. Shaffer. The motion CARRIED by a roll call vote of 7-1 with Mr. Kuhar voting "No."

ORDINANCE No. 17-63: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LEASE OF LAND FOR PRIVATE REDEVELOPMENT FOR REAL PROPERTY ON GOUGLER AVENUE, KENT, OHIO, BETWEEN THE CITY OF KENT AND 315 RFK, LLC, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

LAND USE COMMITTEE:

2nd Reading of DRAFT No. 17-70: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT BETWEEN THOMAS F. AND SHARON A. HUNTER AND THE CITY OF KENT TO PURCHASE 500 MIDDLEBURY ROAD, KENT, OHIO FOR \$115,000.00 PLUS CLOSING COSTS FOR THE CITY OF KENT, OHIO, FOR USE BY THE PARKS & RECREATION DEPARTMENT, AND DECLARING AN EMERGENCY was read by title only by Clerk Grimm per Mayor Fiala's request.

MOTION TO SUSPEND THE REMAINING READINGS made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Turner, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Long, Ms. Shaffer, and Mr. Sidoti. The motion CARRIED by a roll call vote of 7-1 with Mr. Kuhar voting "No."

Mr. Kuhar declared he voted "No" because it is unfair for the Parks and Recreation Department to purchase land now in anticipation of the Bond passing to build the new facility. We are then assuming that the voters will vote "in our way" for the use of this land.

Mr. Ferrara refuted Mr. Kuhar's comments. He clearly stated that the Parks and Recreation Department provides many opportunities and recreation to keep kids active. There has always been a shortage of usable land and we need improvement of the current facilities and fields, so this purchase would allow expansion in a central location with or without the new Health and Wellness Center facility.

MOTION TO ADOPT DRAFT No. 17-70 made by Mr. Ferrara and seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Long, Ms. Shaffer, Mr. Sidoti, and Mr. Turner. The motion CARRIED by a roll call vote of 7-1 with Mr. Kuhar voting "No."

ORDINANCE No. 17-70: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT BETWEEN THOMAS F. AND SHARON A. HUNTER AND THE CITY OF KENT TO PURCHASE 500 MIDDLEBURY ROAD, KENT, OHIO FOR \$115,000.00 PLUS CLOSING COSTS FOR THE CITY OF KENT, OHIO, FOR USE BY THE PARKS & RECREATION DEPARTMENT, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Grimm.

MAYOR'S REPORT: None

Hearing no further discussion, Mayor Fiala adjourned the regular meeting at 5:17 p.m.

Tara Grimm, CMC
Clerk of Council

Jerry T. Fiala
Mayor and President of Council