



City Council Regular Meeting
The City of Kent, Ohio
Wednesday, July 21, 2021

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

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Heidi Shaffer Bish; Mr. Roger Sidoti

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, Service Director; Ms. Joan Seidel, Health Commissioner; Ms. Rhonda Hall, Budget and Finance Director; Mr. Gary Bishop, IT Manager; Mr. John Tosko, Fire Chief; Ms. Angela Manley, Parks and Recreation Director; Ms. Amy Wilkens, Clerk of Council

ABSENT: Ms. Gwen Rosenberg; Ms. Tracy Wallach; Mr. Robin Turner

MOTION TO EXCUSE Ms. Rosenberg, Ms. Wallach and Mr. Turner made by Mr. Ferrara SECONDED by Mr. Sidoti and CARRIED by a voice vote of 6-0-0.

Mayor Fiala called upon Councilmember Kuhar for opening remarks.

Mr. Kuhar asked everyone to stand for the Pledge of Allegiance.

Approval of Regular Council Meeting Minutes:

MOTION TO APPROVE THE MINUTES OF THE PUBLIC HEARINGS OF July 7, 2021 THE REGULAR COUNCIL MEETING OF June 16, 2021, AND SPECIAL CITY COUNCIL MEETING OF July 7, 2021 made by Mr. Kuhar, SECONDED by Mr. Ferrara and CARRIED by a voice vote of 6-0-0.

Communication:

Public Comment: There were two visitors signed in to speak at the meeting.

- 1) Mr. Christopher Myers of 220 E. Elm Street spoke on topics regarding neighborhood fireworks, racism as a public health crisis and police helping end loud music in cars. He submitted notes on his comments to Council (Attachment #1).
- 2) Mr. Allan Orashan of 531 S. Depeyster Street introduced himself and added he is also on the Board of the Kent Wells Sherman House. He sincerely thanked City Council on saving the Wells Sherman House as well as for the loan of \$10,000. He wanted to clarify the project was not funded by public money. Kent State University contributed \$40,000 to move the house instead of paying \$40,000 to tear the house down. The other public money is a loan. There is no profit being made on the property and it is being sold to pay off

obligations. There have been thousands of volunteer hours put into this project. He added he is very grateful to Council for their part in the project.

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

1. Civil Service Commission Regular Meeting Agenda for June 21, 2021 received June 18, 2021.
2. May Statistical Report for the Kent Police Department was received from Chief Shearer on June 24, 2021.
3. Standing Rock Cemetery Board Agenda for July 8, 2021 and the meeting minutes from June 10, 2021 received June 24, 2021.
4. Copy of letter from Mr. Dave Ruller and Fire Chief John Tosko to Dr. Megerian, CEO of University Hospitals, regarding the possible closure of the free standing UH emergency room in Kent received and forwarded to Council on June 25, 2021.
5. Planning Commission and Staff Report for July 6, 2021 received on June 29, 2021.
6. Twenty-two letters from local residents, encouraging Kent to make a minimum goal of reducing carbon emissions at least 30% by 2030 in support of Power A Clean Future Ohio were sent to Mayor Fiala. These were received on July 2, 2021 and are on file in the Clerk of Council's Office.
7. Board of Health Agenda and Statistical Reports for the July 13, 2021 meeting and May meeting minutes received on July 9, 2021.
8. Parks and Recreation Board packet for July 15, 2021 received July 8, 2021.
9. July meeting cancellation notice from the Civil Service Commission received July 16, 2021.
10. Planning Commission Agenda and Staff report for July 20, 2021 received on July 16, 2021.

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

1. Request for Council's authorization to accept and allocate \$2,000 in NOPEC sponsorship funds that would go to Main Street Kent to support Main Street's Oktoberfest event. (Draft #2021-073)
2. Request for Council's authorization to accept and allocate 3 donations to Kent Parks & Recreation in the amount of \$5,450 to support the youth tackle football player sponsorship fund. (Draft #2021-074)
3. Request for Committee of the Whole time to allow Ohio State Representative Gail Pavlika (District 75) an opportunity to introduce herself to City Council.
4. Request for Health and Safety Committee time to provide Council with an update on the Kent Police Department activities.
5. Request for Streets, Sidewalks and Utilities Committee time to present a request from Main Street for changes to the street closure and DORA for their 2021 Oktoberfest.
6. Request for Streets, Sidewalks and Utilities Committee time obtain Council's authorization to update the numbers of accounts for trash and recycling.
7. Request for Streets, Sidewalks and Utilities Committee time for Council to consider approval of a Memorandum of Understanding (MOU) with Kent State University for the

- inaugural outdoor community ice rink.
8. Request for Finance Committee time for Council to consider certification of the list of delinquent property bills for submission to the County as property tax liens.
 9. Request for Finance Committee time for Council to consider certification of the list of delinquent utility bills for submission to the County as property tax liens.
 10. Chief Shearer has requested Finance Committee time for Council to consider the renewal of the School Resource Officer agreement with Kent City Schools for the 2021-22 academic year.
 11. Request for Finance Committee time for Council to consider proposed amendments to the City's EDA Revolving Loan Fund Plan that was adopted on 1/16/2019.
 12. Request for Finance Committee time for Council to consider the staff request to release the EDA's federal interest in the EDA Revolving Loan Fund.

MOTION TO APPROVE ITEMS #1-12 OF THE CITY MANAGER'S REPORT, made by Mr. Amrhein, SECONDED by Mr. Ferrara, and CARRIED by a voice vote of 6-0-0.

STANDING COMMITTEES/ LEGISLATION

Clerk of Council, Ms. Amy Wilkens, started the legislation portion of the meeting by announcing only six members were present tonight, therefore the requirement of having 2/3 members (7) to suspend the rules of three readings of ordinances, all readings of legislation will be a first reading. Members present will vote on the first reading and a second reading will occur at the next council meeting.

1) COMMITTEE OF THE WHOLE

No Minutes or Recommended Actions to approve.

2) COMMUNITY DEVELOPMENT COMMITTEE

Committee Meeting Minutes in Progress

MOTION TO APPROVE RECOMMENDED ACTIONS of July 7, 2021 made by Mr. Kuhar, SECONDED by Mr. Ferrara and CARRIED by a voice vote of 6-0-0.

RECOMMENDED ACTION:

- 1) Authorize the proposed Code modifications that would enable civil enforcement of garage and yard sale violations

Draft No. 2021- 065 AN ORDINANCE AMENDING SECTION 769.03 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT TITLED "PENALTY" TO CHANGE ITS CURRENT MINOR MISDEMEANOR STATUS TO A CIVIL OFFENSE; AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO APPROVE FIRST READING made by Mr. Ferrara and SECONDED by Mr. DeLeone. On roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer Bish, Mr. Sidoti, Mr. Amrhein. The Motion CARRIED by a roll call vote of 6-0-0.

DRAFT ORDINANCE 2021-065 FIRST READING PASSED as stated by Clerk Wilkens.

3) HEALTH AND PUBLIC SAFETY COMMITTEE

Committee Meeting Minutes in Progress

MOTION TO APPROVE RECOMMENDED ACTIONS of July 7, 2021 made by Mr. Amrhein, SECONDED by Mr. Ferrara and CARRIED by a voice vote of 6-0-0.

RECOMMENDED ACTION:

- 1) Approve the updated Portage County Hazardous Mitigation Plan

Draft No. 2021-066 A RESOLUTION OF THE CITY OF KENT, OHIO AUTHORIZING THE ADOPTION OF THE PORTAGE COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO APPROVE FIRST READING made by Mr. Ferrara and SECONDED by Mr. Mr. Kuhar. On roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer Bish, Mr. Sidoti, Mr. Amrhein. The Motion CARRIED by a roll call vote of 6-0-0.

DRAFT ORDINANCE 2021-066 FIRST READING PASSED as stated by Clerk Wilkens.

4) LAND USE COMMITTEE

Committee Meeting Minutes in Progress

MOTION TO APPROVE RECOMMENDED ACTIONS of July 7, 2021 made by Mr. Ferrara, SECONDED by Mr. DeLeone and CARRIED by a voice vote of 6-0-0.

RECOMMENDED ACTIONS:

- 1) Approve Zoning Change from Commercial to Commercial High Density Multifamily Residential

Draft No. 2021-067 AN ORDINANCE AMENDING THE CITY'S ZONING DISTRICTS MAP FOR PARCEL #45-004-00-00-053-000 (CORNER OF SR43 & SR261) TO BE REZONED FROM ITS CURRENT C: COMMERCIAL ZONING DISTRICT (CH1141) TO C-R: COMMERCIAL HIGH DENSITY MULTIFAMILY RESIDENTIAL ZONING DISTRICT (CH1145), AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO APPROVE FIRST READING made by Mr. Ferrara and SECONDED by Ms. Shaffer Bish. On roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer Bish, Mr. Sidoti, Mr. Amrhein. The Motion CARRIED by a roll call vote of 6-0-0.

DRAFT ORDINANCE 2021-067 FIRST READING PASSED as stated by Clerk Wilkens.

5) STREETS, SIDEWALKS AND UTILITIES COMMITTEE

Committee Meeting Minutes in progress

THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WEDNESDAY, JULY 21, 2021

MOTION TO APPROVE RECOMMENDED ACTIONS of July 7,2021 made by Mr. Sidoti, SECONDED by Mr. DeLeone and CARRIED by a voice vote of 6-0-0.

RECOMMENDED ACTIONS:

1. Approve the proposed agreement with KSU to share the costs of the proposed pedestrian improvements
2. Authorize the extended closure of a section of Erie Street to support the new outdoor ice rink

Draft No. 2021- 068 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A PEDESTRIAN SAFETY IMPROVEMENT AGREEMENT BETWEEN THE CITY OF KENT AND KENT STATE UNIVERSITY TO JOINTLY IMPROVE THE SAFETY FOR PEDESTRIANS WITHIN THE CITY AND KSU CAMPUS, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO APPROVE FIRST READING made by Mr. Ferrara and SECONDED by Ms. Shaffer Bish. On roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer Bish, Mr. Sidoti, Mr. Amrhein. The Motion CARRIED by a roll call vote of 6-0-0.

DRAFT ORDINANCE 2021-068 FIRST READING PASSED as stated by Clerk Wilkens.

Draft No. 2021-069 AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE A NEW SPECIAL EVENT APPLICATION FOR KENT STATE UNIVERSITY AND THE CITY OF KENT FOR AN ICE RINK THAT WILL START ON NOVEMBER 25, 2021 AND RUN THROUGH FEBRUARY 28, 2022, AND DECLARING AN EMERGENCY, was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO APPROVE FIRST READING made by Mr. Ferrara and SECONDED by Mr. Sidoti. On roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer Bish, Mr. Sidoti, Mr. Amrhein. The Motion CARRIED by a roll call vote of 6-0-0.

DRAFT ORDINANCE 2021-069 FIRST READING PASSED as stated by Clerk Wilkens.

6) FINANCE COMMITTEE

Committee Meeting Minutes in Progress

MOTION TO APPROVE RECOMMENDED ACTIONS of July 7,2021 made by Mr. DeLeone, SECONDED by Mr. Ferrara and CARRIED by a voice vote of 6-0-0.

RECOMMENDED ACTIONS:

1. Authorize the transfer of the outstanding loan balance, and payment terms, to the new property owner of the Kent Wells Sherman House Loan
2. Authorize the acceptance and allocation of grant funding to be used for the replacement of police ballistic vests
3. Approve the 2021 budget appropriations amendments

Draft No. 2021-070 AN ORDINANCE AMENDING ORDINANCE NO. 2012-57, ADOPTED ON JUNE 20, 2012, AS AMENDED BY ORDINANCE NO. 2012-69, ADOPTED ON JULY 18, 2012, SO AS TO ISSUE A NEW PROMISSORY NOTE TO 257 NORTH WATER, LTD IN THE AMOUNT OF \$8,463.00 AS THE NEW OWNER OF 247 NORTH WATER STREET; AND DECLARING AN EMERGENCY KWSH Loan was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO APPROVE FIRST READING made by Mr. Ferrara and SECONDED by Mr. DeLeone. On roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer Bish, Mr. Sidoti, Mr. Amrhein. The Motion CARRIED by a roll call vote of 6-0-0.

DRAFT ORDINANCE 2021-070 FIRST READING PASSED as stated by Clerk Wilkens.

Draft No. 2021-071 AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT GRANT FUNDING IN THE AMOUNT OF \$17,786.25 FOR REIMBURSEMENT FOR THE PURCHASE OF BALLISTIC VESTS, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO APPROVE FIRST READING made by Ms. Shaffer Bish and SECONDED by Mr. Sidoti. On roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer Bish, Mr. Sidoti, Mr. Amrhein. The Motion CARRIED by a roll call vote of 6-0-0.

DRAFT ORDINANCE 2021-071 FIRST READING PASSED as stated by Clerk Wilkens.

Draft No. 2021-072 AN ORDINANCE AMENDING ORDINANCE NO. 2020-129, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 16, 2020; SO AS TO ADJUST APPROPRIATIONS, TRANSFERS AND ADVANCES FROM THE VARIOUS FUNDS OF THE CITY OF KENT TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2021; AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO APPROVE FIRST READING made by Mr. Ferrara and SECONDED by Mr. DeLeone. On roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer Bish, Mr. Sidoti, Mr. Amrhein. The Motion CARRIED by a roll call vote of 6-0-0.

DRAFT ORDINANCE 2021-072 FIRST READING PASSED as stated by Clerk Wilkens.

Draft No. 2021-073 AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCEPT THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2021 COMMUNITY EVENT SPONSORSHIP PROGRAM AWARD IN THE AMOUNT OF \$2,000.00, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO APPROVE FIRST READING made by Mr. Ferrara and SECONDED by Mr. DeLeone. On roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer Bish, Mr. Sidoti, Mr. Amrhein. The Motion CARRIED by a roll call vote of 6-0-0.

DRAFT ORDINANCE 2021-073 FIRST READING PASSED as stated by Clerk Wilkens.

Draft No. 2021-074 AN ORDINANCE ACCEPTING THREE (3) DONATIONS TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT FOR THE YOUTH TACKLE FOOTBALL PLAYER SPONSOR FUND, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO APPROVE FIRST READING made by Mr. Ferrara and SECONDED by Mr. Sidoti. On roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Shaffer Bish, Mr. Sidoti, Mr. Amrhein. The Motion CARRIED by a roll call vote of 6-0-0.

DRAFT ORDINANCE 2021-074 FIRST READING PASSED as stated by Clerk Wilkens.

Mayor Fiala made the announcement that there will be a Special Council Meeting at 7:00 P.M. August 4, 2021. The Special Council Meeting will be held and then Council will move into Committee Meetings.

Unfinished Business: NONE

New Business:

Ms. Shaffer Bish said at the next Committee Meeting she will be coming to Council to ask for approval of the use of funds for events. There is a block party in her neighborhood and wants to find ways to support these. She would like to donate some of her unused funds. She added there used to be a Neighborhood Grant Program that did not continue. She would like Council to come together and find a way to grow and encourage these kinds of events.

MOTION TO BRING TO COMMITTEE A DISCUSSION OF WHAT COUNCIL CAN DO TO ASSIST NEIGHBORHOOD EVENTS, including Community Development in the discussion, made by Ms. Shaffer Bish, SECONDED by Mr. Ferrara and CARRIED by a voice vote of 6-0-0.

Council Comments:

Mr. Kuhar commented that City Council makes laws that form and mold the community. He is wondering if some of the actions and laws passed are taking away some of our fundamental freedoms this country was founded on.

Mr. Ferrara received a tour of the South End Community Gardens by Doria Daniels and said they are quite impressive. He encouraged all to visit. He then acknowledged Chief John Tosko upon his retirement from the Fire Department, and thanked and congratulated him on all he has done for the Kent community.

Mr. Jack Amrhein referenced Mr. Meyers' comments at the beginning of the meeting in regards to racism being a public health crisis. He clarified this is not saying people in Kent are racist, rather there seems to be social and cultural injustices that create a problem for minorities receiving health care. During COVID, more minorities were affected by COVID than any other group. They were not talking about Kent overtly, more of a covert type of situation.

Mr. Sidoti thanked the Engineering and Service Department on the work done on N. Water Street. He was gone for ten days and was so impressed upon the work completed upon his return.

Ms. Shaffer Bish said she attended Blues Fest last week and was impressed at how improved the infrastructure has been improved on N. Water Street. She is looking forward to more businesses occupying vacant building. Mr. Sidoti added thanks should go to Harrison Wicks and his work done with the Better Block project.

Mayor's Report:

Mayor Fiala said he has visited the Community Gardens and thanked Ms. Joan Seidel for all of her hard work helping out. He encouraged all to visit. He added there were a lot of people downtown last weekend for Blues Fest.

Mayor Fiala continued by adding he has been working on redesigning the City's flag for the past three years. He put together a committee and designed a new flag. The next step is for Council to approve to proceed with the created design and to adjust the ordinance to match its new design.

MOTION TO APPROVE THE NEW CITY FLAG AND REVISE THE RESOLUTION 1975-155 made by Mr. Ferrara SECONDED by Mr. Sidoti and CARRIED by a voice vote of 6-0-0.

MOTION TO MOVE INTO EXECUTIVE SESSION made by Mr. Amrhein SECONDED by Mr. DeLeone and CARRIED by a voice vote of 6-0-0.

MOTION TO MOVE BACK INTO THE REGULAR COUNCIL MEETING made by Mr. Kuhar SECONDED by Mr. Ferrara and CARRIED by a voice vote of 6-0-0.

The Regular Meeting adjourned at 8:45 P.M.

Amy Wilkens
Clerk of Council

Jerry T. Fiala
Mayor and President of Council