



City Council Regular Meeting
The City of Kent, Ohio
Wednesday, August 18, 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. Gwen Rosenberg; Ms. Heidi Shaffer Bish; Ms. Tracy Wallach; 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. Bill Myers, Fire Chief; Ms. Angela Manley, Parks and Recreation Director; Ms. Amy Wilkens, Clerk of Council

ABSENT: Mr. Robin Turner

MOTION TO EXCUSE Mr. Turner made by Mr. DeLeone **SECONDED** by Mr. Sidoti and **CARRIED** by a voice vote of 8-0-0.

Mayor Fiala called upon Councilmember Shaffer Bish for opening remarks.

Ms. Shaffer Bish brought attention to the fact that everyone on Council and in the room is wearing a mask and this is due to the pandemic continuing. She said we have the opportunity to help end it if everyone would get vaccinated and make safer choices. She encouraged everyone to get vaccinated and added it is not just for you, but for all. She asked all to consider their civic responsibility and added it is a really important thing to do.

Ms. Shaffer Bish asked everyone to stand for the Pledge of Allegiance.

Approval of Regular Council Meeting Minutes:

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF JULY 21, 2021 AND THE SPECIAL COUNCIL MEETING OF AUGUST 4, 2021 made by Mr. Kuhar, **SECONDED** by Mr. Ferrara and **CARRIED** by a voice vote of 5-0-3, with Ms. Shaffer Bish, Ms. Wallach and Ms. Rosenberg abstaining.

Communication:

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

- 1) Ms. Wendy DiAlesandro was signed in to speak to Council and submitted her comments to Clerk Wilkens (**Attachment #1**).

Mayor Fiala added he forgot to read the statement he reads before every public comment, and continued by reading the following:

“While the law does not require Council to provide time for public comment, we have historically invited the public to make comments and we appreciate their input. This is the time where residents and others can comment on matters that concern them. However, we will not engage in debate, and as President of Council, I reserve the right to end any public communication that is disruptive, embarrassment, harassment or otherwise objectionable. We ask that give your name and address and limit comments to three (3) minutes.”

- 2) Mr. Chris Clevenger Morris was signed in to speak to Council and read his comments that were previously submitted Clerk Wilkens (**Attachment #2**).

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

1. Letter from Mr. Christopher Clevenger-Morris, Chair of Planning Commission, received on July 23, 2021 regarding attendance of members of Planning Commission, Architectural Review Board and Board of Zoning Appeals.
2. Notice to Legislative Authorities received from Department of Commerce Division of Liquor Control regarding the process of yearly renewal of liquor license applications and the legislative authority to object to a renewal received on July 23, 2021.
3. Email from Marion Brannan regarding feral cats on property received on July 26, 2021.
4. Letter from Portage County Board of Commissioners regarding Portage County Vision and Comprehension Plans received on July 26, 2021.
5. Standing Rock Cemetery Board of Trustees meeting minutes from July 8, 2021 and agenda for August 12, 2021 received on August 4, 2021.
6. Board of Health meeting minutes from July 13, 2021 meeting and agenda for August 10, 2021 received on August 5, 2021.
7. Email from Mr. John Kuhar regarding an offer made on N. Water Street Properties received and forwarded to Council on August 3, 2021.
8. Email from Valerie Landis from Garage 108, LLC regarding feedback on the Architecture Review Board meeting of August 3, 2021 received and forwarded to Council on August 6, 2021.
9. Email from Marc Kirby regarding the new city flag received and forwarded to Council on August 9, 2021.
10. Notification of Filing of Audit Report from the Ohio Auditor of State received on August 10, 2021.
11. Email from Ms. Stacey Albaugh who resides at the Landmark Building in downtown Kent regarding yelling and loud noises at night in Dan Smith Park received August 11, 2021.
12. Liquor License Transfer request received August 10, 2021 for Kent State University Campus Building 1-9 at 106 Kent Student Center, Kent. Chief Shearer had no objections.

MOTION TO RETURN THE TRANSFER REQUEST WITH NO OBJECTIONS MADE by Mr. Ferrara SECONDED by Mr. Amrhein and CARRIED by a voice vote of 8-0-0.

Communication received after the agenda was published:

1. August Parks and Recreation Board Packet received August 13, 2021.
2. Liquor License transfer request from Speedway LLC DBA Speedway 9303 to Midwest Convenience, Inc DBA Rebel 909 located at 1295 W. Main St. Kent, OH. Chief Shearer had no objections.

MOTION TO RETURN THE TRANSFER REQUEST WITH NO OBJECTIONS MADE by Mr. Ferrara SECONDED by Mr. Kuhar and CARRIED by a voice vote of 8-0-0.

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

1. The Mayor has requested Council's authorization to approve the proposed new City Flag. (Draft #2021-075)
2. Request for Council's authorization to approve the City's participation in the One Ohio Opioid Settlement. (Draft #2021-087)
3. Request for Council's authorization to accept and allocate 3 donations to Kent Parks & Recreation in the amounts of \$700, \$200, and \$200 for memorial trees and to support the youth tackle football player sponsorship fund. (Draft #2021-88, 89, 90)
4. Request for Council's authorization to amend the Portage County Recycling Contract in response to Portage County's request to move from weekly curbside service to every other week. (Draft #2021-091)
5. Request for Committee of the Whole time to allow the members of the Salary Review Committee to present their recommendations.
6. Request for Committee of the Whole time to share an update on the status of the new City Hall project bids.
7. Request for Committee of the Whole time to ask for Council's approval to replace the pages of the City's Ordinances with the updated Ordinances.
8. Request for Committee of the Whole time for Council to consider candidates for vacancies on City Boards and Commissions.
9. Request for Community Development Committee time to present proposed updates to the City's neighborhood grant program.
10. Request for Streets, Sidewalks & Utilities Committee time to present a recommendation to amend the parking restrictions on Walnut Street.
11. Request for Streets, Sidewalks & Utilities Committee time to present a proposed license agreement with Main Street Kent for the installation of a new public art piece on City right of way at Fairchild and N. Water Street.
12. Request for Streets, Sidewalks & Utilities Committee time to provide Council with an update on the status of the East Main Street transportation improvement project.
13. Request for Finance Committee time to present the proposed updates to the City's park fee calculations.

MOTION TO APPROVE ITEMS #1-13 OF THE CITY MANAGER'S REPORT, made by Mr. Amrhein SECONDED by Ms. Rosenberg and CARRIED by a voice vote of 8-0-0.

MOTION TO EXPEDITE COMMITTEE TIME TO SHARE AN UPDATE REGARDING THE NEW CITY HALL MADE by Mr. Ferrara SECONDED by Ms. Shaffer Bish and CARRIED by a voice vote of 8-0-0.

Mr. Ferrara added that time is money and that this needs to be a top priority.

Mr. Sidoti said he has been seeking movement on this issue for the past four years and believes we need to move forward. He added the administration needs to make this its highest priority, other than COVID.

STANDING COMMITTEES/ LEGISLATION

1) COMMITTEE OF THE WHOLE

MOTION TO APPROVE COMMITTEE MEETING MINUTES OF AUGUST 4, 2021 MADE BY Mr. DeLeone SECONDED BY Mr. Sidoti and CARRIED by a voice vote of 8-0-0.

Mayor Fiala asked Clerk Wilkens to read Draft No. 2021-075 by title only.

After a discussion on which motion was to be made, the following was decided and stated: MOTION TO MOVE TO COMMITTEE MEETING A DISCUSSION ON THE CITY FLAG made by Ms. Rosenberg SECONDED by Ms. Shaffer Bish and CARRIED by a voice vote of 7-1 with Mr. Ferrara voting "No".

Ms. Rosenberg stated she wished she would like to give the opportunity to the public to comment on the flag.

Ms. Shaffer Bish said the "Kent Way" is for citizen involvement and that we think better together.

Mr. Kuhar would like to see all of the options and a discussion to continue.

Mr. DeLeone asked if the original resolution could be changed. Mayor Fiala said it could be changed by vote.

2) COMMUNITY DEVELOPMENT COMMITTEE

MOTION TO APPROVE MEETING MINUTES OF July 7, 2021 and August 4, 2021 and the recommended actions made by Mr. Kuhar SECONDED Mr. Ferrara by and CARRIED by a voice vote of 7-0-1 with Ms. Rosenberg abstaining.

RECOMMENDED ACTION:

- 1) Authorize shared sign for Portage Bike and Hike Trail with ONUS water bottling plant.

Draft No. 2021- 076 AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE THE INSTALLATION OF A PUBLIC-PRIVATE SHARED USE SIGN ON THE WEST SIDE OF GOUGLER AVENUE, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens 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. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2021-076 made by Mr. Ferrara and SECONDED by Ms. Shaffer Bish. On roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach. The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE 2021-076 PASSED as stated by Clerk Wilkens.

3) HEALTH AND PUBLIC SAFETY COMMITTEE

MOTION TO APPROVE MEETING MINUTES of July 7, 2021 and August 4, 2021 MADE BY Mr. Amrhein SECONDED Mr. Ferrara by and CARRIED by a voice vote of 8-0.

No Recommended Actions.

4) LAND USE COMMITTEE

No Meeting Minutes or Recommended Actions.

5) STREETS, SIDEWALKS AND UTILITIES COMMITTEE

MOTION TO APPROVE MEETING MINUTES of July 7, 2021 and August 4, 2021 MADE BY Mr. Sidoti, SECONDED Mr. Ferrara by and CARRIED by a voice vote of 8-0.

MOTION TO APPROVE RECOMMENDED ACTIONS of August 4, 2021 made by Mr. Sidoti, SECONDED by Mr. DeLeone and CARRIED by a voice vote of 8-0.

RECOMMENDED ACTIONS:

- 1) Authorize the change in Portage County Recycling Service from weekly to bi-weekly collection of recycling.
- 2) Authorize the amended street closure plan for Main Street Kent's Oktoberfest event.
- 3) Authorize the updates and clarifications for City trash and recycling accounts.
- 4) Authorize the proposed City/KSU Memorandum of Understanding (MOU) for the community ice rink project.

Draft No. 2021-091 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO AMEND THE CITY OF KENT'S RECYCLING SERVICE CONTRACT WITH PORTAGE COUNTY SOLID WASTE MANAGEMENT DISTRICT SPECIFICALLY TO CHANGE THE PICK-UP SCHEDULE; AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Kuhar and SECONDED by Mr. Ferrara. On roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms.

Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2021-091 made by Mr. Kuhar and SECONDED by Mr. Ferrara. On roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein. The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE 2021-091 PASSED as stated by Clerk Wilkens.

Draft No. 2021-077 AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO AMEND THE APPROVED STREET CLOSURE FOR THE KENT OKTOBERFEST BEING HELD ON SEPTEMBER 25, 2021 TO BEGIN AT THE INTERSECTION OF FRANKLIN AVENUE AND ERIE STREET AND PROCEEDING NORTH TO INCLUDE THE CLOSURE OF A PORTION OF MAIN STREET THAT FRONTS HOMETOWN PLAZA, AND DECLARING AN EMERGENCY, was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and SECONDED by Mr. Sidoti. On roll call, voting "Yes": Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2021-077 made by Mr. Ferrara and SECONDED by Mr. DeLeone. On roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein. The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE 2021-077 PASSED as stated by Clerk Wilkens.

Draft No. 2021-078 AN ORDINANCE TO AMEND TITLE 7 OF THE KENT CODIFIED ORDINANCES, TITLED "GARBAGE," CHAPTERS 933, 935 AND 936; AND DECLARING AN EMERGENCY, was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and SECONDED by Mr. Sidoti. On roll call, voting "Yes": Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2021-078 made by Mr. Ferrara and SECONDED by Mr. DeLeone. On roll call, voting "Yes": Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone. The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE 2021-078 PASSED as stated by Clerk Wilkens.

Draft No. 2021-079 AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO AN AGREEMENT WITH KENT STATE UNIVERSITY AND THE CITY OF KENT FOR A TEMPORARY OUTDOOR ICE RINK FOR THE 2021-2022 WINTER SEASON, AND DECLARING AN EMERGENCY, was read by title only by Clerk Wilkens 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. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2021-079 made by Mr. Ferrara and SECONDED by Mr. Sidoti. On roll call, voting "Yes": Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara. The Motion CARRIED by a roll call vote of 8-0

ORDINANCE 2021-079 PASSED as stated by Clerk Wilkens.

6) FINANCE COMMITTEE

MOTION TO APPROVE MEETING MINUTES of July 7, 2021 and August 4, 2021 MADE BY Mr. DeLeone, SECONDED by Ms. Rosenberg by and CARRIED by a voice vote of 8-0.

MOTION TO APPROVE RECOMMENDED ACTIONS of August 4, 2021 made by Mr. DeLeone, SECONDED by Mr. Ferrara and CARRIED by a voice vote of 6-0-0.

RECOMMENDED ACTIONS:

- 1) Approve community enhancement usage in the Neighborhood Grant program and authorize dividing the funding amount 50% between the subset of community Enhancement and assisting with code violations until end of 2022.
- 2) Authorize the renewal of the School Resource Officer Position.
- 3) Certify and authorize the submission of the proposed property tax liens for outstanding payments.
- 4) Authorize the release and repurposing of the Federal interest in the City's revolving loan fund.
- 5) Approve the Revolving Loan Fund plan amendments.
- 6) Approve the 2021 budget appropriation amendments presented.

Draft No. 2021-080 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPROVE AND EXECUTE AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF KENT, OHIO AND THE KENT CITY BOARD OF EDUCATION REGARDING THE SCHOOL RESOURCE OFFICER PROGRAM, EXTENDING THIS AGREEMENT UNTIL JUNE 3, 2022, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Kuhar and SECONDED by Mr. Ferrara. On roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2021-080 made by Mr. Kuhar and SECONDED by Mr. Ferrara. On roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar. The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE 2021-080 PASSED as stated by Clerk Wilkens.

Draft No. 2021-081 AN ORDINANCE AUTHORIZING THE CERTIFICATION OF NON-PAYMENT OF BILLS FOR RESIDENTS RESULTING FROM THE 2018 ANNUAL CONCRETE REPAIR PROGRAM, TO THE COUNTY AUDITOR IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY FOR THE NON-PAYMENT OF SIDEWALK REPAIRS, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens 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 Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2021-081 made by Mr. Ferrara and SECONDED by Ms. Shaffer Bish. On roll call, voting "Yes": Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg. The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE 2021-081 PASSED as stated by Clerk Wilkens.

Draft No. 2021-082 AN ORDINANCE AUTHORIZING THE CERTIFICATION OF NON-PAYMENT OF WATER USE CHARGES, WASTEWATER USE CHARGES, STORM WATER UTILITY CHARGES AND RECYCLING/SOLID WASTE COLLECTION CHARGES TO THE COUNTY AUDITOR IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY FOR THE NON-PAYMENT OF WATER USE CHARGES, WASTEWATER USE CHARGES, STORM WATER UTILITY CHARGES AND RECYCLING/SOLID WASTE COLLECTION CHARGES, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Sidoti and SECONDED by Mr. DeLeone. On roll call, voting "Yes": Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2021-082 made by Mr. Sidoti and SECONDED by Mr. DeLeone. On roll call, voting "Yes": Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish. The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE 2021-082 PASSED as stated by Clerk Wilkens.

Draft No. 2021-083 AN ORDINANCE AUTHORIZING THE CERTIFICATION OF DELINQUENT MOWING BILLS, PROPERTY MAINTENANCE VIOLATIONS-CITATIONS, ZONING VIOLATIONS-CITATIONS, AND HEALTH DEPARTMENT VIOLATIONS-CITATIONS TO THE COUNTY AUDITOR IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST AND DUPLICATE AGAINST THE PROPERTY SERVED BY THE MOWING SERVICES, PROPERTY MAINTENANCE VIOLATION-CITATIONS, ZONING VIOLATIONS-CITATIONS, HEALTH DEPARTMENT VIOLATIONS-

CITATIONS, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens 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. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2021-083 made by Mr. Ferrara and SECONDED by Mr. DeLeone. On roll call, voting "Yes": Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti. The Motion CARRIED by a roll call vote of 7-0-1 with Mr. Kuhar abstaining.

ORDINANCE 2021-083 PASSED as stated by Clerk Wilkens.

Draft No. 2021-084 AN ORDINANCE AUTHORIZING THE CITY TO SUBMIT A REQUEST TO THE DEPARTMENT OF COMMERCE ECONOMIC DEVELOPMENT ADMINISTRATION (EDA) FOR THE RELEASE OF FEDERAL INTEREST IN THE CITY OF KENT EDA REVOLVING LOAN FUND (RLF) PROGRAM AND IF APPROVED BY THE EDA, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN AN AGREEMENT TO RELEASE THE EDA FEDERAL INTEREST IN THE CITY'S ECONOMIC DEVELOPMENT ADMINISTRATION REVOLVING LOAN FUND PROGRAM (EDA RLF), AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Kuhar and SECONDED by Mr. Ferrara. On roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2021-084 made by Mr. Kuhar and SECONDED by Mr. Ferrara. On roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE 2021-084 PASSED as stated by Clerk Wilkens.

Draft No. 2021-085 AN ORDINANCE AUTHORIZING THE AMENDMENTS OF THE CITY OF KENT ECONOMIC DEVELOPMENT ADMINISTRATION REVOLVING LOAN FUND PLAN (EDA RLF PLAN) TO BE SUBMITTED TO THE EDA FOR APPROVAL, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens 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. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti Ms. Wallach, Mr. Amrhein. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2021-085 made by Mr. Ferrara and SECONDED by Mr. DeLeone. On roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti Ms. Wallach, Mr. Amrhein. The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE 2021-085 PASSED as stated by Clerk Wilkens.

Draft No. 2021-086 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 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 Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2021-086 made by Mr. DeLeone and SECONDED by Mr. Ferrara. On roll call, voting "Yes": Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone. The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE 2021-086 PASSED as stated by Clerk Wilkens.

Draft No. 2021-087 AN ORDINANCE AUTHORIZING RECOMMENDATION TO ACCEPT THE ONE OHIO OPIOID SETTLEMENT AND ENTER INTO THE PARTICIPATION AGREEMENT WITH OPIOID DISTRIBUTORS AMERISOURCEBERGEN, MCKESSON, AND CARDINAL HEALTH; AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and SECONDED by Ms. Rosenberg. On roll call, voting "Yes": Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2021-087 made by Mr. Ferrara and SECONDED by Mr. DeLeone. On roll call, voting "Yes": Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara. The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE 2021-087 PASSED as stated by Clerk Wilkens.

Draft No. 2021-088 AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$200.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT TOWARDS 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 SUSPEND THE THREE READINGS made by Mr. Sidoti and SECONDED by Ms. Rosenberg. On roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2021-088 made by Mr. Sidoti and SECONDED by Ms. Rosenberg. On roll call, voting "Yes": Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar. The Motion CARRIED by a roll call vote of 8-0.

ORDINANCE 2021-088 PASSED as stated by Clerk Wilkens.

Draft No. 2021-089 AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$200.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT TOWARDS THE PURCHASE OF A MEMORIAL TREE FOR THE KENT PARKS, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens 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. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2021-089 made by Mr. Kuhar and SECONDED by Ms. Rosenberg. On roll call, voting "Yes": Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg. The Motion CARRIED by a roll call vote of 8-0.

Ms. Rosenberg thanked those who donated money and said it is very much appreciated.

ORDINANCE 2021-089 PASSED as stated by Clerk Wilkens.

Draft No. 2021-090 AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$700.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT TOWARDS THE PLANTING OF A MEMORIAL TREE AND THE ADDITION OF A MEMORIAL BENCH FOR THE KENT PARKS, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and SECONDED by Ms. Rosenberg. On roll call, voting "Yes": Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish. The Motion CARRIED by a roll call vote of 8-0.

MOTION TO ADOPT DRAFT No. 2021-090 made by Mr. Ferrara and SECONDED by Mr. DeLeone. On roll call, voting "Yes": Mr. Sidoti, Ms. Wallach, Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish. The Motion CARRIED by a roll call vote of 8-0.

Ms. Rosenberg said she would also like to extend a thank you for this donation.

ORDINANCE 2021-090 PASSED as stated by Clerk Wilkens.

Unfinished Business: NONE

New Business:

Ms. Wallach prefaced her motion by stating Council should review Board and Commission absences. She asked if members could be dismissed after three absences and it was clarified it would be for unexcused absences.

MOTION TO PUT INTO COMMITTEE A DISCUSSION ON BOARD AND COMMISSION ATTENDANCE MADE BY Ms. Wallach SECONDED by Ms. Rosenberg and CARRIED by a voice vote of 7-1 with Mr. Ferrara voting against the motion.

Mr. Sidoti agreed it should go into Committee but would like to see data and would like to know how Boards and Commissions are doing.

Ms. Shaffer Bish agrees and would like to know what impact absences are having on Boards and Commissions. She would like to know if it affects the ability to have quorum and how often it happens.

Mr. Kuhar said it is not a good situation that needs addressed by Council who should provide solutions or alternatives to prevent from happening.

Mr. Ferrara said it is a relative topic but it is going to be discussed in Executive Session and would like to see what comes out of the discussion before he votes affirmative on this motion.

MOTION TO PUT INTO COMMITTEE A DISCUSSION REGARDING THE SOUND ORDINANCE, TAKING A LOOK AT IT AND TIGHTENING IT UP MADE BY Ms. Wallach SECONDED BY Ms. Shaffer Bish and CARRIED by a voice vote of 8-0.

Ms. Wallach said it seemed a bit extreme that someone could be taken to court over ten minutes worth of a loud noise.

Ms. Shaffer Bish said she would like to look at ways in which mediation could be used instead of it going to court. There should be a way to encourage better relationships in neighborhoods. She said there needs to be a give and take.

Mr. Sidoti said a year ago there was a conversation about open burns and the Fire Chief came to Council to discuss the ordinance. He thinks it would be good to hear from the Chief of Police and Law Director, Hope Jones on what other communities are doing, looking at the data and seeing how things can be applied uniformly across the board.

Ms. Wallach said the Covid-19 numbers are increasing and that she is surprised how much higher they are this year compared to last. She said it is time to reinstate the mask mandate and that Kent State University has already implemented one.

MOTION TO MOVE TO COMMITTEE AN UPDATE FROM HEALTH COMMISSIONER JOAN SEIDEL ON THE CURRENT STATE OF THE COUNTY'S COVID-19 NUMBERS AND DISCUSSION REGARDING THE USE OF MASKS made by Ms. Wallach SECONDED by Ms. Rosenberg and CARRIED by a voice vote of 8-0.

MOTION TO PUT INTO COMMITTEE A DISCUSSION OF WHAT CAN BE DONE TO MITIGATE CLIMATE CHANGE and to have Sustainability Commission report to Council on the work they are doing made by Ms. Wallach **SECONDED** by Ms. Shaffer Bish and **CARRIED** by a voice vote of 8-0.

Ms. Shaffer Bish said the Sustainability Commission has been charged with looking into this and reporting back to Council.

Both Ms. Wallach and Ms. Shaffer Bish added this work is critical.

MOTION TO DISCUSS IN COMMITTEE A DISCUSSION OF THE DECISION OF THE ARCHITECTURE REVIEW BOARD ON PAINT COLORS OF A DOWNTOWN BUSINESS. Before the motion was seconded, Mayor Fiala asked what the appeal process is for the Architectural Review Board.

Ms. Susel clarified the procedure of the business owners submitting notice to the Community Development Department that they would like to appeal the decision and the reason. They can do this only after the minutes are complete and official.

Ms. Rosenberg added she would like to change her motion.

MOTION TO SEND TO COMMITTEE A DISCUSSION OF CREATING DESIGN GUIDELINES FOR THE ARB AND A DISCUSSION OF BINDING AND NON-BINDING DECISIONS MADE BY Ms. Rosenberg **SECONDED BY Ms. Shaffer Bish.**

Ms. Shaffer Bish said in the absence of design guidelines there tends to be very subjective rulings. It creates a chilling business culture.

Mr. Sidoti said this motion may be redundant, as he made a motion that passed to direct Ms. Susel, and Council to hold a work session with the ARB to look at hiring an outside person. The goal is to get this information so decisions can be made. He added it is going to take time to review all of this.

Ms. Wallach said this has already been directed towards staff.

Ms. Rosenberg said it is unclear if this should go through a work session or into Committee. Ms. Susel added that Mr. Sidoti asked for a work session in June between Council and ARB within two to three months. She also asked for Ms. Susel to secure estimate pricing for a consultant to help with design guidelines.

Ms. Rosenberg said she would like to expedite this process and receive this information in September. Ms. Susel said this can be done and Ms. Rosenberg **RESCINDED** her motion.

Council Comments:

- 1) Mr. Sidoti commended the staff and administration on receiving an audit award from the State Auditor's Office and said it is significant and says a lot about the great work being done to account for every dollar. He thanked those involved on behalf of the community.

- 2) Mr. Kuhar asked Ms. Hope Jones if there is an exemption for industrial zoned properties. She said there is. He asked if it includes Commercial Zoned properties. Ms. Jones conferred with Ms. Susel whose response was not audible.

Mr. Kuhar has a second comment regarding his nephew who lived in Florida. He was a paramedic, firefighter, physically fit volunteer with athletics and one of the healthiest, strongest, nicest people. Mr. Kuhar received a phone call a couple weeks ago that he passed away. His brother said his heart and liver failed, his lungs gave out and was in the hospital for two weeks due to COVID. He was a “no-vax-er” and to encourage all to take what they want from this.

- 3) Ms. Rosenberg thanked Main Street Kent for their continued support for the downtown businesses. She knows first hand the impact Main Street Kent has on small businesses and expressed gratitude to the volunteers and the thousands of hours they dedicate to downtown. She said it was particularly stressful for business owners during the pandemic and it looks like we are heading in that direction again. She extends her thanks to the volunteers, the Board and the Director of Main Street Kent.

Mayor’s Report:

Mayor Fiala said there is a lot going on this weekend with Dog Days of Summer, Kent State Student Kickoff on Sunday, the American Legion is celebrating their 100-year anniversary and the Bowman Breakfast is August 31st. He encouraged all to attend.

Before the meeting adjourned, Ms. Wallach asked permission from Council to allow for a resident to speak to Council before the end of the meeting.

Ms. DiAlesandro asked if her question from the beginning of the meeting would be discussed in new business. Mayor Fiala said it was and it was put into Committee for a discussion at the next meeting.

MOTION made by Mr. Amrhein to move into Executive Session, in accordance with ORC §121.22 Section G, Item (1): “To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official.” Items to be discussed: Board and Commission Appointments and City Manager’s Annual Evaluation SECONDED by Ms. Rosenberg. On roll call voting “Yes”: Mr. Amrhein; Mr. DeLeone; Mr. Ferrara; Mr. Kuhar; Ms. Rosenberg; Ms. Shaffer Bish; Mr. Sidoti; and Ms. Wallach.

MOTION TO EXCUSE MR. TURNER MADE BY Mr. DeLeone SECONDED by Mr. Amrhein and CARRIED by a voice vote of 8-0.

MOTION TO RETURN TO THE REGULAR COUNCIL MEETING MADE by Mr. Ferrara (10:05 pm) SECONDED by Mr. Kuhar and CARRIED by a voice vote of 8-0.

The Regular Meeting adjourned at 10:05 P.M.

Amy Wilkens
Clerk of Council

Jerry T. Fiala
Mayor and President of Council

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