



City Council Regular Meeting Minutes
The City of Kent, Ohio
Wednesday, June 17, 2020

Special Note: Due to the Covid-19 Pandemic, this meeting was conducted virtually and broadcast live on the City's YouTube Channel

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; 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. Rhonda Hall, Budget and Finance Director; Ms. Melanie Baker, Service Administration Director; Mr. Gary Bishop, IT Manager; Ms. Joan Seidel, Health Commissioner; Mr. Nick Shearer, Police Chief; Mr. John Tosko, Fire Chief; Mr. Tom Wilke, Economic Development Director; and Ms. Amy Wilkens, Clerk of Council.

APPROVAL OF MINUTES:

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF May 20, 2020 made by Mr. Ferrara, seconded by Mr. Sidoti, and CARRIED by a voice vote of 9-0.

COMMUNICATIONS:

Audience Communication

Mayor Fiala asked if there were any members of the public joining the meeting.

Clerk Wilkens introduced Jason Chicatelli of 1224 Fairview Drive, Kent, who wished to speak to Council regarding the use of masks by citizens of Kent. His verbatim comments were submitted to Clerk Wilkens (**Attachment #1**).

Written Communication

- 1.1. Architecture Review Board Agenda for June 2, 2020 and meeting minutes from May 5, 2020 meeting were received on May 28, 2020.
- 1.2. Planning Commission Agenda and Staff Report for June 2, 2020 was received on May 26, 2020.
- 1.3. Sustainability Commission Meeting Agenda for June 1, 2020 and minutes from February 2, 2020 were received on May 29, 2020.
- 1.4. Board of Health Minutes and Statistical Report from May 12, 2020 and agenda for June 9, 2020 was received on June 4, 2020.
- 1.5. Board of Zoning Appeals Agenda and Staff Report for June 15, 2020 was received on June 5, 2020.
- 1.6. Letter from the Portage Substance Abuse Community Coalition was received and forwarded to Council members email on May 29, 2020
- 1.7. Civil Service Agenda for June 15, 2020 was received on June 11, 2020.
- 1.8. Parks and Recreation Board Packet for June 18, 2020 was received on June 12, 2020.

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

1. Amy Wilkens has requested Committee of the Whole time to request Council's authorization to update the Ordinances pages in the City's Ordinance book.
2. Rhonda Hall has requested Finance Committee time to present the proposed 2021 County Tax Budget and Estimate of Resources.
3. Rhonda Hall and Hope Jones have requested Finance Committee time for Council to take the next administrative step (certifying the tax amount) required to get the West Side Fire levy placed on the Fall ballot.
4. Hope Jones has requested Finance Committee time to present a proposed Ordinance required for the City's participation in the CARES Act funding.
5. Jim has requested Finance Committee time to present easement agreements necessary for the repair of the SW Sanitary Sewer Pump station.
6. Joan Siedel has requested Finance Committee time to request the addition of a new tattoo fee that is required by the State of Ohio.
7. Chief Shearer has requested Finance Committee time to seek Council's authorization to renew the Police Department's agreement with Kent City School to share in the cost of a School Resource Officer.
8. Chief Shearer has requested Health and Safety Committee time to present an overview of police operations, training and equipment related to the 21st Century Policing recommendations.

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

STANDING COMMITTEES/ LEGISLATION

1. COMMITTEE OF THE WHOLE:

NO MINUTES OR RECOMMENDED ACTIONS TO BE APPROVED.

2. COMMUNITY DEVELOPMENT COMMITTEE:

MOTION TO APPROVE THE COMMUNITY DEVELOPMENT MEETING MINUTES of May 20, 2020 and June 3, 2020 made by Mr. Kuhar, seconded by Mr. Ferrara, and CARRIED by a voice vote of 9-0.

Recommended Actions:

- 1) Authorize the proposed amendment to the City's regulations of farm animals in residential areas as presented.
- 2) Authorize submission of the DORA application as presented.

MOTION TO APPROVE THE COMMUNITY DEVELOPMENT MEETING Actions #1 made by Mr. Kuhar, seconded by Mr. Ferrara, and CARRIED by a voice vote of 9-0.

MOTION TO APPROVE THE COMMUNITY DEVELOPMENT MEETING Action #2 made by Mr. Kuhar, seconded by Mr. DeLeone and CARRIED by a voice vote of 9-0.

Draft No. 2020-39 AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE APPLICABILITY OF SECTION 1191.13 OF CHAPTER 1191, TITLED "CAPITAL IMPROVEMENT FUND; MATCHING AMOUNT" AS IT PERTAINS TO THE CITY'S OBLIGATION TO MATCH DEVELOPER FEES PAID INTO THE PARKS AND RECREATION DEVELOPMENT 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. Ferrara seconded by Mr. Kuhar. 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. 2020-39 made by Ms. Shaffer and seconded by Mr. Sidoti. 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.

ORDINANCE 2020-39: AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE APPLICABILITY OF SECTION 1191.13 OF CHAPTER 1191, TITLED "CAPITAL IMPROVEMENT FUND; MATCHING AMOUNT" AS IT PERTAINS TO THE CITY'S OBLIGATION TO MATCH DEVELOPER FEES PAID INTO THE PARKS AND RECREATION DEVELOPMENT FUND, AND DECLARING AN EMERGENCY **PASSED** as stated by Clerk Wilkens.

Draft No. 2020-48 AN ORDINANCE AMENDING CHAPTER 505, SECTION 505.19 TITLED "FARM ANIMALS/LIVESTOCK"; 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 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. 2020-48 made by Mr. Sidoti and seconded by Mr. Kuhar. 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.

ORDINANCE 2020-48: AN ORDINANCE AMENDING CHAPTER 505, SECTION 505.19 TITLED "FARM ANIMALS/LIVESTOCK"; AND DECLARING AN EMERGENCY **PASSED** as stated by Clerk Wilkens.

Draft No. 2020-49 AN ORDINANCE CREATING A DESIGNATED OUTDOOR REFRESHMENT AREA KNOWN AS THE DOWNTOWN KENT DESIGNATED OUTDOOR REFRESHMENT AREA, ENACTING REGULATIONS, 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 Ms. Shaffer seconded by Mr. Ferrara. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO AMEND THE PROPOSED ORDINANCE to limit the DORA on N. Water Street north of Portage Street made by Mr. Kuhar.

Mr. Kuhar asked to make an amendment to the ordinance as it is currently presented. He has been talking with people on N. Water Street, specifically, Larry Wright and Mr. Simon, a couple of other business owners and one resident feel that N. Water Street past Portage Street should be eliminated from the DORA at this present time and through the test period. There are no liquor establishments on N. Water past Portage Street so there is no reason for people to be allowed to be carrying beer around. This includes near St. Patrick's Church on Sunday mornings.

Ms. Rosenberg asked if has anyone reached out to Bent Tree about their feelings on this part of creating the DORA. She would hate to eliminate Bent Tree and has spoken with them about this issue, which they are in favor of. She said she would hate to eliminate them without giving the opportunity to weigh in on whether they would like to be eliminated or not.

Ms. Shaffer's concern is that she has not heard any of this from people in her ward. The only input she's received is positive but hasn't heard from anyone on N. Water, pro or con. Her feeling is to try it and make changes if there are problems. The beer drinking on Sunday doesn't bother her because it is not starting until noon. She doesn't want to handicap any businesses unnecessarily. There are residents there so she would like to put a pause on the amendment and revisit it if needed. She would hope Council would get reports of any incidents that might occur as a result of the DORA.

Mr. Ferrara said he would vote against the amendment. The whole idea was to give this as a test run and he would rather see Council go back and cut things out rather than add things in. The business owners who are trying to establish breweries will give them one less thing to worry about having to come back to Council to try to get added back into the footprint. It keeps it simple, it works right now and if it doesn't it can be fixed.

Mr. Kuhar said three of the four businesses on N. Water are opposed to the DORA completely. By cutting off at Portage Street, Bent Tree would miss out on people drinking beer in their coffee shop. Other than that, there are no beer or wine places north of Portage St. Mr. Wright said he doesn't understand why they have to have the DORA at all and have people walking around with beer. He stated concerns regarding "cleaning up the mess". Mr. Simon is opposed to it and the people that are in that two-block area with the exception of Bent Tree are opposed to it.

Mr. Turner asked Hope Jones if there is a modification of DORA, would it need to be reread and what would be the implementation implications of doing so.

Ms. Jones said there would not be an effect on the implementation. If any amendment were made tonight, and the amendment passed, the ordinance would be amended to reflect and would go into effect if it passed by $\frac{3}{4}$ immediately.

Mr. Turner said he has concerns but the ability to revisit these issues that allows the ability to move forward right now and is the more appropriate direction to move. He is not going to support the modification for changing the legislation.

Ms. Rosenberg said Heather Malarcik said in her presentation she reached out to St. Patrick's and they had no objection.

Mayor Fiala replied that it actually was Mr. Wilke who reached out to St. Patrick's.

Mr. Sidoti added that St. Patrick's did not have any problem with this and Mr. Wilke confirmed this.

Ms. Wallach asked Mr. Wilke if he had talked to the business owners on N. Water.

Mr. Wilke said he did not speak to the "businesses up there".

Ms. Wallach asked what everyone would think about it only going up to Brady St. and then when the businesses came "on line" they would be included automatically without having to come back to Council. The motion would be amended to say that right now while the breweries are not open up to Brady Street and then once they open it automatically expands the brewery at the end of N. Water St.

MOTION to amend the original amendment was made by Ms. Wallach, **SECONDED** by Mr. Turner and **FAILED** by a voice vote of 0-9

Ms. Shaffer asked when the Brewery is opening.

Mr. Wilke said there is no definitive timeline but probably not until the end of the year.

Mr. Kuhar asked about the amendment proposed by Ms. Wallach and said that most of the businesses north of Portage do not want the traffic.

Ms. Rosenberg said she is not going to support either of the amendments, stating a fair amount of research has gone into this by the City and she would never want to rule Bent Tree out of something because they weren't able to represent themselves and their best interest. They are suffering tremendously as all small retailers, restaurants and coffee shops are. It may be beneficial for the brewery to use in advertising and being part of DORA could have value. If the DORA expires after ninety days' time limit, it could be revisited. She would hate to exclude the brewery and deny them the opportunity to promote themselves as a downtown brewery and participate in the novelty and marketing that being part of the DORA could generate.

MOTION to amend the ordinance to end the DORA boundary on N. Water St. north of Portage Street made by Mr. Kuhar, **SECONDED** by Mr. Sidoti and **FAILED** with a vote of 1-9 with Mr. Kuhar voting in favor of the amendment.

MOTION TO ADOPT DRAFT NO. 2020-49 made by Ms. Shaffer and seconded by Mr. Sidoti. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 8-1 with Mr. Kuhar voting No.

Ordinance 2020-49; AN ORDINANCE CREATING A DESIGNATED OUTDOOR REFRESHMENT AREA KNOWN AS THE DOWNTOWN KENT DESIGNATED OUTDOOR REFRESHMENT AREA, ENACTING REGULATIONS, AND DECLARING AN EMERGENCY PASSED as stated by Clerk Wilkens.

3. FINANCE COMMITTEE:

MOTION TO APPROVE THE FINANCE COMMITTEE MINUTES of June 3, 2020 made by Mr. DeLeone, seconded by Mr. Sidoti, and CARRIED by a voice vote of 9-0.

MOTION TO APPROVE THE FINANCE COMMITTEE ACTION ITEMS made by Mr. DeLeone, seconded by Mr. Ferrara, and CARRIED by a voice vote of 9-0.

Recommended Actions:

- 1) **Approve the conversion of the City's short-term debt in bank bonds**
- 2) **Authorize the placement of the West Side Fires Operating Levy (.73 MIL) on the November 2020 ballot**
- 3) **Authorize the proposed revolving loan fund**
- 4) **Approve the Budget Appropriations Amendment**

Draft No 2020-50 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN A MAXIMUM PRINCIPAL AMOUNT OF \$2,145,000, 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 Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Kuhar 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. 2020-50 made by Mr. Kuhar 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.

ORDINANCE 2020-50: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN A MAXIMUM PRINCIPAL AMOUNT OF \$2,145,000, 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 Clerk Wilkens.

Draft No 2020-51 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN A MAXIMUM PRINCIPAL AMOUNT OF \$930,000, 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 Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Kuhar 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. 2020-51 made by Mr. Kuhar 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.

ORDINANCE 2020-51: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN A MAXIMUM PRINCIPAL AMOUNT OF \$930,000, 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 Clerk Wilkens.

Draft No. 2020-52 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN A MAXIMUM PRINCIPAL AMOUNT OF \$200,000, 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 Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Kuhar seconded by Mr. Ferrara. 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. 2020-52 made by Mr. Kuhar and seconded by Mr. Sidoti. 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.

ORDINANCE 2020-52; AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN A MAXIMUM PRINCIPAL AMOUNT OF \$200,000, 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 Clerk Wilkens

Draft No 2020-53 A RESOLUTION DECLARING IT NECESSARY TO RENEW THE CITY'S EXISTING 0.73-MILL TAX LEVY FOR THE PURPOSE OF PROVIDING SUFFICIENT FUNDS FOR THE CURRENT EXPENSE OF MAINTAINING AND OPERATING A FIRE STATION IN THE CITY OF KENT WEST OF THE ERIE RAILROAD; REQUESTING THE COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THAT RENEWAL LEVY, PURSUANT TO SECTIONS 5705.03, 5705.19(I) AND 5705.191 OF THE REVISED CODE, 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 seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, 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. 2020-53 made by Mr. Kuhar and seconded by Ms. Rosenberg. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2020-53: A RESOLUTION DECLARING IT NECESSARY TO RENEW THE CITY'S EXISTING 0.73-MILL TAX LEVY FOR THE PURPOSE OF PROVIDING SUFFICIENT FUNDS FOR THE CURRENT EXPENSE OF MAINTAINING AND OPERATING A FIRE STATION IN THE CITY OF KENT WEST OF THE ERIE RAILROAD; REQUESTING THE COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THAT RENEWAL LEVY, PURSUANT TO SECTIONS 5705.03, 5705.19(I) AND 5705.191 OF THE REVISED CODE, AND DECLARING AN EMERGENCY **PASSED** as stated by Clerk Wilkens.

4. HEALTH AND SAFETY COMMITTEE:

NO MINUTES OR RECOMMENDED ACTIONS TO BE APPROVED.

5. LAND USE COMMITTEE:

MOTION TO APPROVE THE LAND USE COMMITTEE MINUTES of May 20, 2020 made by Ms. Shaffer, seconded by Mr. Amrhein, and CARRIED by a voice vote of 9-0.

NO RECOMMENDED ACTIONS TO BE APPROVED.

6. STREETS, SIDEWALKS & UTILITIES COMMITTEE:

MOTION TO APPROVE THE STREETS, SIDEWALKS & UTILITIES COMMITTEE MEETING MINUTES of June 3, 2020 made by Mr. Sidoti, seconded by Mr. Kuhar, and CARRIED by a voice vote of 9-0.

MOTION TO APPROVE THE FINANCE COMMITTEE ACTION ITEMS made by Mr. Sidoti, seconded by Mr. Kuhar, and CARRIED by a voice vote of 9-0.

Draft No 2020-56 AN ORDINANCE ESTABLISHING APPROVING TEMPORARY LICENSE AGREEMENTS FOR OUTDOOR PATIO DINING AREAS, 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 Ms. Shaffer seconded by Mr. Kuhar. 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. 2020-56 made by Ms. Shaffer and seconded by Mr. Kuhar. 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.

ORDINANCE 2020-56 AN ORDINANCE ESTABLISHING APPROVING TEMPORARY LICENSE AGREEMENTS FOR OUTDOOR PATIO DINING AREAS, AND DECLARING AN EMERGENCY **PASSED** as stated by Clerk Wilkens.

Draft No 2020-57 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ALLOW THE HAYMAKER FARMERS' MARKET TO USE A PORTION OF FRANKLIN AVENUE THAT WILL ENSURE SOCIAL DISTANCING CAN BE MAINTAINED FOR VENDORS AND PATRONS IN RESPONSE TO THE STATE OF OHIO'S COVID-19 PANDEMIC HEALTH ADVISORY, 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 seconded by Ms. Shaffer. 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. 2020-57 made by Mr. Kuhar 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.

ORDINANCE 2020-57: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ALLOW THE HAYMAKER FARMERS' MARKET TO USE A PORTION OF FRANKLIN AVENUE THAT WILL ENSURE SOCIAL DISTANCING CAN BE MAINTAINED FOR VENDORS AND PATRONS IN RESPONSE TO THE STATE OF OHIO'S COVID-19 PANDEMIC HEALTH ADVISORY, AND DECLARING AN EMERGENCY **PASSED** as stated by Clerk Wilkens.

SPECIAL COMMITTEE REPORTS: NONE

UNFINISHED BUSINESS: NONE

NEW BUSINESS:

Mr. Amrhein received a call regarding the noise ordinance asking why police will not answer calls when the caller refuses to give their name and address. He was not aware this is the case.

Chief Shearer responded he has had several conversations with who he believes is the same gentleman. He listened to the audio recording of his call to dispatch and this person was not told the police would not respond. He was asked specifically if he would like the officers to respond and handle it or if he would like to sign a complaint. The time of day of his call was approximately at 7 pm, so generally speaking if it is between 9pm and 8 am, the officer will issue a citation on behalf of the complainant. Usually prior to 9 pm complainants are asked to sign but Police still respond and deal with the complaint. The caller was not told he needed to sign to generate a response.

Ms. Wallach stated she has three items of new business. Her first item concerned the monthly reports Council receives from Police and Fire and asked if Council could get numbers on the number of COVID-19 cases in Kent.

Ms. Joan Seidel said she did not see why not and that they are posted on social media and updated any time they change.

Ms. Wallach asked to get these in the packets that are sent to them.

Ms. Seidel stated that information can be sent to them.

MOTION to refer to the appropriate committee the discussion on mask wearing in Kent made by Ms. Wallach **SECONDED** by Ms. Shaffer and **CARRIED** by a voice vote of 8-1 with Mr. Kuhar voting NO.

Ms. Wallach said that Mr. Chicatelli (who spoke during public comments) has a point and the City needs to be consistent. Certain businesses people wear masks and in other they do not. She asked if this an ordinance that is to be followed. She would like to have a general discussion on appropriate mask wearing.

Ms. Shaffer is a little confused and concerned at times. She has seen a high degree of compliance of business owners and employees and not as many customers. This is a request (to wear masks) and believes it would be a good discussion to have because we could strengthen what the State (of Ohio) has if desired.

Mr. DeLeone asked Ms. Hope Jones if people could be made to wear masks.

Ms. Jones replied that it is something that could be explored. The Ohio Department of Health cannot be overridden but she would like to get together with Ms. Seidel to discuss.

Mr. Kuhar said out of courtesy when going into a business he wears a mask and gloves. He would be offended if driving in his car or walking down the street to wear a mask. Business owners have a right to tell you to wear a mask.

Ms. Wallach called point of order, this is to get the discussion into committee.

Ms. Wallach read a statement to Council:

"We are currently experiencing historic events playing out around us and as a Council we need to let our residents know that we are paying attention and are sensitive to what's happening. As a first step, I would like to make a **MOTION** to pass a resolution by the City of Kent stating that we support the mission of Black Lives Matter, which is justice and equality." This was **SECONDED** by Ms. Shaffer and **CARRIED** by a voice vote of 9-0.

Ms. Wallach added that Council needs to stand up for equality and justice.

Ms. Shaffer said she is proud of Kent, which is progressive, and if Council doesn't say something, who would. It is incumbent upon us to have this statement and we are saying we support the mission of social justice and equality.

Mr. Ferrara asked for Council to explore a different venue for Council meetings now that Ohio is in the next phase of reopening. The Zoom meetings are inefficient and awkward and are doing the public a disservice not allowing them into the meeting. He added there are plenty of venues where Council could be socially distancing and would like to explore the opportunity. Mr. Ferrara said he didn't need a motion, that he would like to ask the administration to consider different options.

Mayor Fiala added the Governor has not lifted the restriction of having more than ten people at a time in a meeting.

Ms. Seidel said the Governor has not changed this and said you can have gatherings but they have to be grouped (or sub grouped) in such a way to have ten. It would be difficult but could probably be managed.

Mr. Ferrara said we have to follow the letter of the law of the governor so it does not need a motion.

Mayor Fiala added that it may loosen up a little towards the end of July.

Mr. Sidoti asked Clerk Wilkens for the count of YouTube metrics the number of people who actually participated on the average night of City Council being on Zoom.

Ms. Wilkens replied she did not have the exact count but said the first meeting (on Zoom) there were approximately 85 people that watched the City Council meeting, which was a tremendous increase from in person meetings. Even for people listening to YouTube meetings when there were just audio clips. It has been a larger audience.

Mr. Sidoti agreed that having people together is a lot better only because you can have people come in and stand in front of the Council. On the other side, people have access now to see what goes on. He added it is a balancing act, there is benefit to have meetings on Zoom, but he agrees it is frustrating Council is not together and the public is not coming in.

Mr. Ferrara said the inefficiencies amongst the Council members and the difficulty in having a conversation and a discussion doesn't mean the Council couldn't get together and open the meeting up to the public on a Zoom that way. It is hard to communicate and people are stepping on each other and it inhibits conversation and the free flow of ideas because of all of the technical difficulties that present. He would rather meet and close off the building and open up on YouTube as an option.

Ms. Wallach said if it was a motion she would second it. She does not like having meetings on Zoom either.

MOTION to move to discussion the format of future Council meeting either on Zoom or in person or other options made by Mr. Ferrara, **SECONDED** by Ms. Wallach and **CARRIED** 9-0.

Ms. Shaffer her yoga studio effectively uses Zoom meetings along with allowing a few people into the meeting. They are getting greater attendance and it is really nice to have options. People have to sign up in advance in order to come into the studio. If someone needed to come speak to Council, that would be something to explore.

Mayor Fiala added that Council is a guest in the Fire Department's building and doesn't want to bring anything into the building or take anything out.

Mr. Sidoti said maybe we could explore the Police Community Room where Council could spread out and be ten feet apart.

COUNCILMEMBERS' COMMENTS:

Mr. Kuhar said he believes sometimes government oversteps its boundaries and steps on people's rights. He is disappointed in the public in some cases in regards to bars and social distancing. He sees people coming and going and not doing what they are supposed to be doing, causing the virus to stick around. It is so simple to try to prevent the virus by just cleaning your hands when you leave and enter your house. Canada's numbers have been decreasing and they are not permitting U.S. citizens in their country because our numbers are not going down. Our numbers will never go down unless we start disciplining ourselves to do what is necessary to keep safe. He believes people in this country are smart enough to know how to do two things. He is very disappointed to see people not doing this. He wears a mask when he goes into businesses and asked why people can't just do the basics so we can get this behind us. Until we do what we are supposed to do as residents, it will be this way for a long time. He encouraged Council to see what can be done to encourage people to do this.

MAYOR'S REPORT:

Mayor Fiala thanked Chief Lee for her 33 years of Service to the City of Kent, and announced her retirement date was June 5, 2020. She was given a plaque with her service dates and a proclamation. Firefighter Steve Smith, retired on the 8th of June will 33 years' service as well. The Mayor welcomes the new Chief (of Police), Nick Shearer, who took duty on the June 8, 2020.

He shared the same feelings regarding masks and sanitation. He has gone downtown and sees servers and bartenders wearing masks but clientele not doing so. He and his wife were the only people with a mask on. The flag burning ceremony at the Legion was similar, with no clientele wearing masks. He's not sure what the answer is but to beat this virus we have to do some simple things and we are not doing it.

The Regular Meeting adjourned at 8:35 P.M.

Amy Wilkens
Clerk of Council

Jerry T. Fiala
Mayor and President of Council



Wilkins, Amy <wilkensa@kent-ohio.org>

Invitation: 06.17.20 CITY OF KENT, OH Regular Council Meeting @ Wed Jun 17, 2020 7pm - 9pm (EDT) (jchicate@kent.edu)

JASON CHICATELLI <jchicate@kent.edu>

Wed, Jun 17, 2020 at 7:51 PM

To: wilkensa@kent-ohio.org

Here is my letter for the minutes, thank you very much for the opportunity to address City Council today. Best of luck to everyone.

Hello,

My name is Jason Chicatelli, I currently graduated from Case Western Data Analytics Program, previously I studied Philosophy and Health Care Ethics at Kent State and also taught there until 2015.

We are at a well known and debated crossroads in Healthcare Ethics. Again the ethical principle of autonomy and the ethical principle of benevolence come head to head.

In theory, every action performed by a health care professional, can be expected to be guided by the ethical principle of benevolence.

There is also the ethical principle of autonomy. The right to respect the autonomy of other person.

It is possible for the ethics of autonomy to come into conflict with the ethics of benevolence.

Here is a well known example: a patient who has only recently been diagnosed with a serious sexually transmitted infection (STI) might agree to treatment for this STI only on the condition that the health care professional in question promise to refrain from telling the patient's spouse about the STI To respect this patient's autonomy is to place at risk the health status of the patient's spouse, at the very least, regardless of whether the patient is provided treatment for this STI.

In the case of masks, The Ethics of Benevolence again supersedes the ethics of autonomy, given the act of wearing masks may infringe on autonomy, the act of not wearing masks greatly increases the possibility of spreading the virus. Putting a larger amount of people at risk.

It is important to understand the foundations of our ethics of autonomy since they are directly relevant to both our rule of law, individual liberty, public health, the constitution and the Bill of Rights. The line, "Life, Liberty and Pursuit of Happiness" was taken directly from John Locke. His idea of liberty is as such: I am free to do as I want as long as my actions do not infringe on another's ability to pursue life and liberty, and conversely when my life and liberty is threatened by another individual, I have a duty to uphold the social contract.

Mask wearing in public should be compulsory and I support city council in drafting an ordinance to protect our public health and make it necessary for both workers and customers to wear masks.

Data shows wearing masks can reduce the spread of COVID-19 from 70-80%.

Currently many states have laws making masks mandatory in for both customers and workers.

There is also 100 years of Supreme Court precedent that gives local health officials power to not only close businesses but also enact regulations.

Unfortunately this issue has become a matter of politics instead of public health.

Therefore it is even more necessary that our elected officials follow the advice of the scientific community. There is significant agreement that masks protect our most vulnerable and reduce the spread of Covid19 by significant amounts. Kent is in a unique position as our Gov who once supported compulsory masks for workers and customers, backed down, but has allowed for the ability of counties and cities to write ordinances that go beyond what the State has chosen to do. Cities in states like Texas do not have that option.

6/23/2020

City of Kent, Ohio Mail - Invitation: 06.17.20 CITY OF KENT, OH Regular Council Meeting @ Wed Jun 17, 2020 7pm - 9pm (EDT) (jchica...

We will soon have thousands of students returning to Kent soon who may be forced to wear masks on public, but as soon as they cross the street to go to sit In Starbucks, or use the laundromat, post office, don't have to wear a mask.

We can certainly think of ways to respect the ethics of autonomy, while still creating a space for the ethics of benevolence to follow the best scientific recommendations that protect the greatest number of people.

Thank you again and I look forward to your response, these are important issues.

Jason Chicatelli

6.17.20 Minutes Attachment #1