

**THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WED., NOVEMBER 14, 2007**

This regular meeting of Kent City Council was called to order on Wed., Nov. 14, 2007 by John Fender, Mayor & President of Council, at 7:30 p.m.

PRESENT: MR. BARGERSTOCK, MR. DELEONE, MR. FERRARA, MR. HAWKSLEY, MR. KUCHAR, MS. OSWITCH, MR. SCHULTZ, AND MR. WILSON

ALSO PRESENT: J. FENDER, MAYOR; D. RULLER, CITY MANAGER; J. SILVER, LAW DIRECTOR; AND L. COPLEY, CLERK OF COUNCIL

ABSENT: MS. GAVRILOFF

MOTION TO EXCUSE MS. GAVRILOFF.

Motion made by Ms. Oswitch, seconded by Mr. Hawksley, and carried by a voice vote of 8-0.

Mayor Fender called upon Ms. Oswitch for her opening remarks at this time.

Ms. Oswitch said she watched a good friend lose her young sister to an awful tragedy, causing her to reflect on her life and those around her. She said she would use her opening remarks to reflect on the past four years on Council.

Ms. Oswitch thanked the residents of Ward 6 for allowing her to serve them and the rest of the citizens in Kent. She explained that serving on Council was a real eye opener. Ms. Oswitch said she realized how hard the staff worked, and thanked the staff for always being there for her and the residents.

Ms. Oswitch said she reflected on how Council has been perceived, adding that some of those perceptions were good, while others were bad. She said that several of them did not vote with the majority for most of the time, adding it is interesting as they came to Council with a different view than those who have been on Council for a long time. She said she hoped this brought new issues to the table and to the residents.

Ms. Oswitch said she is proud of the progress they made on neighborhood issues, the purchasing of Depeyster's field, the help to some businesses to keep them in Kent, and their work at continuing to make Kent thrive.

Ms. Oswitch said she is leaving with a clear conscience, because she questioned things that did not look correct, even when others were not concerned. She said she hoped future Councils will do the same.

Ms. Oswitch thanked those she has met through the process, adding they have an effect on her life.

Ms. Oswitch wished everyone a very happy Thanksgiving, and asked they take some time to reflect and appreciate their life and their friends.

Following her opening remarks, Ms. Oswitch led those present in the Pledge of Allegiance.

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF OCT. 17, 2007; THE PUBLIC HEARING OF OCT. 17, 2007; AND THE SPECIAL COUNCIL MEETING OF OCT. 24, 2007.

Motion made by Ms. Oswitch, seconded by Mr. DeLeone, and carried by a voice vote of 8-0.

Mayor Fender introduced Dr. Rick Robyn at this time. He explained that Dr. Robyn is the Director for the APLE program. He asked Dr. Robyn to provide a little summation of the program, and to introduce the class.

Dr. Robyn thanked Mayor Fender for the invitation to the meeting. He said attending this meeting was an important part of the process for students to learn about local government. He said they are in a class for American politics, and are learning the theory. He said it is more important to see it in practice, with Council doing it.

Dr. Robyn said they are honored to be present. He said this is the second year they have done the program. Dr. Robyn said APLE stands for Applied Politics Learning Environment. He said they will have a series of activities this semester, as well as the next semester, with one activity being to invite the Mayor and the City Manager to speak to them informally. He said that St. Representative Tim Ryan had spoken to their class also.

At this time, six students who were present, introduced themselves to Council.

Dr. Robyn said that all students are first year students at Kent State, and their future leaders. He said they will take Council's place in the future.

COMMUNICATIONS

Mayor Fender called for audience comment at this time. He reminded those wishing to speak to sign up with the Clerk, who would call them forward.

Kevin Poland, Mayor of Ravenna: Mayor Poland said he appreciated the opportunity to be present, and congratulated the students from the University. He said they usually have no one attending their meetings, and it is important that the students witness it first hand. He said it is easy to sit back and criticize, without seeing what is going on and without voicing an opinion.

Mayor Poland said he took over as Mayor in January 2006. He said he received a call in the fall, inviting him to the annual Coaches Lunch, which is held prior to the Ravenna/Kent high school football game. He said he has known Mayor Fender and a lot of Council for a long time.

Mayor Poland said in the last two years, the Mayor of Ravenna has always been at the Coaches Lunch, adding he could not understand why the previous Mayor did not attend. He said the coaches promote each other, and it is in the spirit of cooperation and fun.

Mayor Poland said he and Mayor Fender had a little friendly wager this year. He said Mayor Fender wanted points, and Mayor Fender noted he wanted a lot of points. Mayor Poland said he opted for the loser of the game agreeing to wear the t-shirt for the winner during the duration of the Council meeting. He pointed out that Mayor Fender was conveniently absent from the meeting immediately after the game.

At this time, Mayor Poland presented Mayor Fender with a t-shirt from the Ravenna Ravens, and Mayor Fender donned it at this time.

Mayor Poland said he was sure the Mayor would try and get back at him at the annual Thanksgiving Brunch, and was sure that Mayor Fender would pack the audience.

Mayor Fender said that he and Mayor Poland have agreed to be adversarial auctioneers, and he is hitting up a lot of his friends. He said it will be a lot of fun, and they will enjoy themselves. He thanked Mayor Poland for stopping by at the meeting.

Gregg: Gregg said he wanted to bring everyone up to date, adding he has not been before Council for a while. He said as of today, the building had another inspection, which he anticipated to be the final inspection. He said it was the final, as the engineer gave approval of the entire building, with the exception of a lag bolt and a little more mortar. Gregg said City Service Director Gene Roberts will do a visual.

Gregg said he has received a clean bill of health for the property. He said he has addressed 100% of the order and judgment placed against the case. He said he has satisfied the City Code, and all fire, health and building violations with respect to property as of this day.

Gregg said he has requested the Chief Building Official do another "walk through," as he anticipated Mr. Nitzsche would sign off on the July 2007 citation that was presented for his signature. He said that citation was signed by the Acting Director of Community Development.

Gregg said he hoped to have other opportunities to come forward with further information on the development of the property.

Hearing no further audience comment, Mayor Fender called upon the Clerk to read the written correspondence.

The Clerk reported that notification was received from the Ohio Division of Liquor Control. She said that Moran Foods, Inc. dba Save A Lot 645, 1415 S. Water Street, requested a C1 and C2 liquor license, with the deadline for objections being Nov. 23, 2007. The Clerk reported that Safety Director Lillich has no objections to this application.

MOTION TO RETURN WITH NO OBJECTIONS.

Motion made by Mr. Wilson, seconded by Mr. Ferrara, and carried by a voice vote of 8-0.

MOVE TO ACCEPT ALL WRITTEN COMMUNICATIONS FROM 4.2.2 THRU 4.2.12.

Motion made by Mr. Wilson, seconded by Mr. Hawksley, and carried by a voice vote of 8-0.

The following written communications were accepted by the aforementioned motion:

- 4.2.2 The 2007 Annual Bridge Inspection Report, received Oct. 27, 2007 from the Portage County Engineer's office; and emailed to all members of Council on Oct. 29, 2007.
- 4.2.3 Emails between Gregg Vilks, Kent Hotel, LLC and the Service Director regarding inspections of the building, received Oct. 17 through Oct. 30, 2007; and emailed to all members of Council on the days they were received.
- 4.2.4 Emails between Gregg Vilks, Kent Hotel, LLC and the Law Director, regarding Mr. Vilks's public records request, received Oct. 20 and Nov 4; and forwarded to Council on the days they were received. Said public records request was also emailed to Mayor Fender on Nov. 1, by Mr. Vilks; forwarded to all members of Council the same day.
- 4.2.5 Emails from Kevin Clarke from Oct. 28, 2007 through Nov. 6, regarding incidents he witnessed on University Drive and his requests for public records. The emails were forwarded to the Police Chief; City Manager; Council; on the days they were received. Safety Director Lillich responded to Mr. Clarke on October 31, acknowledging receipt of his submission, and this was forwarded to Council on the same day.
- 4.2.6 A certified letter, on Oct. 19, 2007, from Time Warner Cable; explaining their new retail rates for 2008 which will reflect a 5% increase.
- 4.2.7 A certified letter, on Oct. 24, 2007 from Time Warner Cable, advising of some channel changes that will be occurring on or around Nov. 25, 2007.
- 4.2.8 A letter was received on Oct. 24, 2007 from Ronald Heineking, Chair of the Mental Health & Recovery Board, announcing the promotion of Harold Farrier as the next Executive Director.
- 4.2.9 Emails were received from Gregg Vilks on Nov. 2, 2007, with his thoughts on building code violations, with photos attached, for properties at 142 N. Water Street, 157 S. Water St., 233 S. Water St., 162 N. Water Street, and the W.W. Reed Building on E. Main Street. These emails were forwarded to all members of Council when they were received.
- 4.2.10 Oct. 11, 2007 Standing Rock Cemetery Trustees meeting minutes, placed on file by Council's representative, Mr. DeLeone, on Nov. 7, 2007.
- 4.2.11 Information from the Kent Area Chamber of Commerce's Nov. 1, 2007 meeting, placed on file from Mr. Wilson, Council's liaison.
- 4.2.12 A letter, received Nov. 6, 2007 from Christopher Myers regarding drunken students and out-of-towners who make a mockery out of civilized behavior in Kent. The letter was forwarded to all members of Council on Nov. 7, 2007.

The Clerk reported that after the agenda was written, additional correspondence was received. She said that an email was received on Nov. 9, 2007 from Gregg Vilks, Kent Hotel, LLC, with photos regarding properties at 217 N. Water Street, 909 S. Water Street, and 120 Portage Street. The Clerk reported these emails were forwarded to all members of Council when they were received.

The Clerk reported that carbon copies of emails sent by Greg Vilks, Kent Hotel, LLC were received on Nov. 13, 2007, regarding his public records requests, along with emails and photos regarding properties located at 217 N. Water Street; the old Kent Diner; and the property located at the corner of Water and Portage Streets. The Clerk reported that Mr. Vilks also made a public records request for all information regarding the old diner from Jan. 1, 1988 to Nov. 12, 2007. She said these emails were forwarded on Nov. 13, 2007.

The Clerk reported a carbon copy of an email sent by Gregg Vilks, Kent Hotel, LLC to the Chief Building Official was

received on Nov. 13, 2007. She said this email responded to an email Mr. Vilk received from the Chief Building Official regarding some of his previous emails about possible fire or building violations. The Clerk reported this email was forwarded on Nov. 14, 2007 to all members of Council.

The Clerk reported a carbon copy of an email sent by Gregg Vilk, Kent Hotel, LLC to the Chief Building and the Fire Inspector regarding the Silk Mill building on Nov. 14, 2007. The Clerk reported this email was forwarded on Nov. 14, 2007 to all members of Council.

The Clerk reported that a letter was personally delivered earlier in the day by Mary Drongowski. She said that Ms. Drongowski raised issues as to whether or not KUSO was a qualified nonprofit organization, and if they were not qualified, whether they should be paying half of the expenses incurred by the City for the annual festival.

Hearing no further written correspondence, the Mayor called upon the City Manager for his report.

MOTION TO APPROVE ITEMS #1 THRU #6

Motion made by Mr. Wilson, seconded by Mr. Hawksley, and carried by a voice vote of 8-0.

The following items were approved by the aforementioned motion:

- 1) Authorization to reappoint the City Manager as the City's representative to the Kent-Franklin JEDD Board.
- 2) Agenda time in Finance Committee, further review and discussion of the proposed 2008 Operating budget.
- 3) Agenda time in Streets, Sidewalks & Utilities Committee to discuss Council's request to evaluate the opportunity to extend sidewalks along Horning Road for improved public safety
- 4) Agenda time in Community Development Committee, for consideration of purchasing an easement for the Portage County Hike and Bike Trail from the Wheeling & Lake Erie Railroad.
- 5) Agenda time in Community Development Committee, consideration of final acceptance of Phase 4 of the River Bend East subdivision.
- 6) Approval to change Council's December schedule, with committees on Dec. 5 and the regular meeting on Dec. 12 so as to avoid the conflict with the holidays.

MOTION TO AUTHORIZE EXECUTIVE SESSION TO DISCUSS TWO PIECES OF LITIGATION.

Motion made by Mr. Wilson, seconded by Mr. Ferrara.

Roll call was taken on the motion. Voting aye: Mr. Bargerstock, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Oswitch, Mr. Schultz, and Mr. Wilson.

MOTION TO AUTHORIZE DRAFT NOS. 07-120 AND 07-119.

Motion made by Mr. Wilson, seconded by Mr. Hawksley, and carried by a voice vote of 8-0.

Mr. Ruller said he wished Mayor Poland was still present, adding he has been a real pleasure to work with, noting it was an enjoyable experience. He said he has had an opportunity to meet with him, as they see if there are opportunities to work together and do more. He said Mayor Poland is a real pleasure to work with, especially with the fun rivalry. He said the City hopefully will restore the balance of power during the basketball season.

STANDING COMMITTEE REPORTS

POLICY & PROCEDURES COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF OCT. 17, 2007, WHERE THERE WAS NO RECOMMENDED ACTION, AS THE ADOPT-A-SPOT VOLUNTEERS WERE RECOGNIZED.

Motion made by Mr. Hawksley, seconded by Mr. DeLeone, and carried by a voice vote of 8-0.

COMMUNITY DEVELOPMENT COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF OCT. 3, 2007 (ORAL REPORT & ACTIONS WERE APPROVED ON OCT. 17, 2007).

Motion made by Mr. Schultz, seconded by Mr. Hawksley, and carried by a voice vote of 8-0.

FINANCE COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF OCT. 3, 2007 (ORAL REPORT & ACTIONS WERE APPROVED ON OCT. 17, 2007) AND THE WRITTEN REPORT OF NOV. 7, 2007.

Motion made by Mr. Wilson, seconded by Mr. Hawksley, and carried by a voice vote of 8-0.

THE FOLLOWING ACTIONS (FROM NOV. 7, 2007) WERE RECOMMENDED BY THE AFOREMENTIONED MOTION:

- 1) DISCUSSION WAS HELD ON THE PROPOSED 2008 BUDGET
- 2) AUTHORIZATION OF TWO PIECES OF LEGISLATION NECESSARY TO ACQUIRE EASEMENTS FROM THE WHEELING & LAKE ERIE RAILROAD AND THE CSX RAILROAD TO BUILD THE FAIRCHILD AVENUE BRIDGE.

The Mayor asked the Clerk to read Draft No. 07-85, which stands on second reading, by title only.

AN ORDINANCE AUTHORIZING THE LEVY OF A MUNICIPAL MOTOR VEHICLE LICENSE TAX PURSUANT TO OHIO REVISED CODE SECTION 4504.171.

MOTION TO APPROVE THE THIRD READING.

Motion made by Mr. Wilson, seconded by Mr. Ferrara.

Roll call was taken on the motion. Voting aye: Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Mr. Schultz, and Mr. Wilson. Ms. Oswitch and Mr. Bargerstock dissented. The motion carried by a roll call vote of 6-2.

2007-105: AN ORDINANCE AUTHORIZING THE LEVY OF A MUNICIPAL MOTOR VEHICLE LICENSE TAX PURSUANT TO OHIO REVISED CODE SECTION 4504.171.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 07-120 by title only at this time.

AN ORDINANCE AUTHORIZING POLICE CHIEF JAMES PEACH TO TRANSFER OWNERSHIP OF CODI, THE POLICE CANINE, TO A DESIGNATED QUALIFIED INDIVIDUAL OF HIS CHOOSING, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

Motion made by Mr. Wilson, seconded by Mr. Hawksley.

Roll call was taken on the motion. Voting aye: Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Oswitch, Mr. Schultz, Mr. Wilson, Mr. Bargerstock, and Mr. DeLeone. The motion carried by a roll call vote of 8-0.

MOTION TO APPROVE THE DRAFT ORDINANCE.

Motion made by Mr. Wilson, seconded by Mr. Hawksley.

Roll call was taken on the motion. Voting aye: Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Oswitch, Mr. Schultz, Mr. Wilson, Mr. Bargerstock, and Mr. DeLeone. The motion carried by a roll call vote of 8-0.

2007-106: AN ORDINANCE AUTHORIZING POLICE CHIEF JAMES PEACH TO TRANSFER OWNERSHIP OF CODI, THE POLICE CANINE, TO A DESIGNATED QUALIFIED INDIVIDUAL OF HIS CHOOSING, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

HEALTH & SAFETY COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF OCT. 3, 2007 (ORAL REPORT & ACTIONS WERE APPROVED ON OCT. 17, 2007).

Motion made by Mr. Kuhar, seconded by Mr. Hawksley, and carried by a voice vote of 8-0.

STREETS, SIDEWALKS & UTILITIES COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF OCT. 3, 2007 (ORAL REPORT & ACTIONS WERE APPROVED

ON OCT. 17, 2007.

Motion made by Ms. Oswitch, seconded by Mr. DeLeone, and carried by a voice vote of 8-0.

The Mayor asked the Clerk to read Draft No. 07-119 by title only at this time.

AN ORDINANCE CONDITIONALLY APPROVING THE REQUEST OF ROBERT L. AND RUTH I. WEBER FOR WATER SERVICE FROM THE CITY OF KENT FOR PROPERTY LOCATED AT 5823 HORNING ROAD IN FRANKLIN TOWNSHIP AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

Motion made by Ms. Oswitch, seconded by Mr. Hawksley.

Roll call was taken on the motion. Voting aye: Mr. Hawksley, Mr. Kuhar, Ms. Oswitch, Mr. Schultz, Mr. Wilson, Mr. Bargerstock, Mr. DeLeone, and Mr. Ferrara. The motion carried by a roll call vote of 8-0.

MOTION TO APPROVE THE DRAFT ORDINANCE.

Motion made by Ms. Oswitch, seconded by Mr. Hawksley.

Roll call was taken on the motion. Voting aye: Mr. Hawksley, Mr. Kuhar, Ms. Oswitch, Mr. Schultz, Mr. Wilson, Mr. Bargerstock, Mr. DeLeone, and Mr. Ferrara. The motion carried by a roll call vote of 8-0.

2007-107: AN ORDINANCE CONDITIONALLY APPROVING THE REQUEST OF ROBERT L. AND RUTH I. WEBER FOR WATER SERVICE FROM THE CITY OF KENT FOR PROPERTY LOCATED AT 5823 HORNING ROAD IN FRANKLIN TOWNSHIP AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 07-121 by title only at this time.

AN ORDINANCE ACCEPTING, FOR DEDICATION PURPOSES, THE STREET CURRENTLY KNOWN AS ADMORE DRIVE, RENAMING IT STONEWATER DRIVE, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

Motion made by Ms. Oswitch, seconded by Mr. Hawksley.

Roll call was taken on the motion. Voting aye: Mr. Hawksley, Mr. Kuhar, Ms. Oswitch, Mr. Wilson, Mr. Bargerstock, Mr. DeLeone, and Mr. Ferrara. Mr. Schultz dissented. The motion carried by a roll call vote of 7-1.

MOTION TO APPROVE THE DRAFT ORDINANCE.

Motion made by Ms. Oswitch, seconded by Mr. Hawksley.

Roll call was taken on the motion. Voting aye: Mr. Hawksley, Mr. Kuhar, Ms. Oswitch, Mr. Wilson, Mr. Bargerstock, Mr. DeLeone, and Mr. Ferrara. Mr. Schultz dissented. The motion carried by a roll call vote of 7-1.

2007-108: AN ORDINANCE ACCEPTING, FOR DEDICATION PURPOSES, THE STREET CURRENTLY KNOWN AS ADMORE DRIVE, RENAMING IT STONEWATER DRIVE, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

SPECIAL COMMITTEE REPORTS **None**

UNFINISHED BUSINESS **None**

NEW BUSINESS

MOVE TO AUTHORIZE THE 2008 APPROPRIATIONS ORDINANCE, INCREASING THE MAYOR'S BUDGET BY \$500; AND AUTHORIZING THE 2008 PERSONNEL ALLOCATION ORDINANCE; TO BE CONSIDERED AT THREE SPECIAL COUNCIL MEETINGS TO BE HELD ON NOV. 26, NOV. 27, AND NOV. 28, 2008 AT 7:30 P.M.

Motion made by Mr. Wilson, seconded by Mr. Hawksley.

Ms. Oswitch asked if this was a temporary appropriation or a permanent one, and Mr. Wilson said it would be for 2008.

Mr. Kuhar said he would not support the motion, as he had some of his own thoughts.

Mr. Bargerstock said he would not support the motion, for the same reasons as stated before. He said when they bring forward a budget that spends more revenues, they are bringing forward a problem, and not a budget. He acknowledged they have the Managed Reserve fund and undesignated funds, but the expenditures exceeding the revenues should be debated on a case by case decision. He said the current process eliminates fair debate, and never solves the problem. He said it is the wrong process, and by continuing with this process, they are putting the City in peril.

The motion carried by a voice vote of 5-3, with Ms. Oswitch, Mr. Bargerstock, and Mr. Kuhar dissenting.

MOTION TO LOOK AT THE FORMATION OF A POLICE OVERSIGHT COMMITTEE WITH CIVILIAN MEMBERS.

Motion made by Mr. Kuhar, seconded by Mr. Schultz.

Mr. Kuhar said as he looks at all universities, he realizes that no one gets as much attention as Kent. He said that part of the reason is the City's past history. Mr. Kuhar said it is not the kind of attention they like.

Mr. Kuhar said with an oversight committee, they can see if there are problems. He said it would help blend the community and the administration together, adding it will keep their good police force better.

Mr. Bargerstock said he would vote against the motion. He said he has been reading about some of the issues with great interest. He said he has reviewed emails and other materials, adding he also reviewed the video.

Mr. Bargerstock said he still believes that Council is the oversight committee. He said if the problems are not addressed by the Manager, they could be brought to Council. Mr. Bargerstock said to pawn something off on other people, who are not qualified, is not the correct way to go, and they are undermining good police. Mr. Bargerstock said he is not uncomfortable with what he has read. He said in the future, he is confident that Council will deal with it, if the Manager fails. He said he did not agree with the way he was investigated, but realized that was from the Law Director, and not the police. He noted he would still like to see the Manager deal with that issue. He said it is easy to make allegations, but they can be unfounded without proper information. Mr. Bargerstock said they have outside prosecutors and attorney generals to review situations.

Ms. Oswitch said she could not support the motion. She said many other organizations are involved, adding there is no reason to add another committee.

Mr. Wilson said he cannot support the motion. He said to take someone not trained in law enforcement, and allow them to make decisions, is wrong. He said if they put together a board with retired police officers, those would do not like it would say it was a set up. He said people will not like the answer either way.

Mr. Wilson said they can investigate things internally, and can have assistance from the Sheriff's office or the FBI if they need additional information. Mr. Wilson said people will be reading accounts in the Record Courier and the Daily Kent Stater. He said he read the accounts from the alleged incident on University Drive, and they did not come close to what he witnessed, as he was present. He said if decisions are based on what people hear or read, the Police Department would not get a fair shake.

Mr. Hawksley said he was unsure whether an oversight committee is needed, but agreed with Mr. Kuhar that there are concerns. He said he would not use the word "misconduct," adding he felt it was a cultural issue that was worse discussing. He said he did not think this type of committee was the way to do it, and hoped Council could discuss it in the next term.

Mr. Kuhar said he did not think they understood the intent. He said the Committee would not run the Police Department, adding Council would make the major decisions. He said this committee would give a venting tool to those who feel the wrong things happened. He said it would be a fresh set of eyes. Mr. Kuhar said that if Council looked at every detail, they

may be prejudiced. He said if a police department's internal affairs viewed it, they would be prejudiced. He suggested an oversight committee could bring up good things. He said there is something wrong when everything popping up in the media is from Kent, and not other parts of the county.

The motion failed by a hand count of 2-6, with Mr. Schultz and Mr. Kuhar supporting the motion, with all others dissenting.

Mr. Wilson, as he referred to the Manager's report, said he wished to make clear that Item #2, committee time for further review of the 2008 budget, would not be needed.

Mr. Bargerstock asked Mr. Ruller when he responds to Ms. Drongowski's letter that it be carbon copied to Council.

MAYOR'S REPORT None

MOTION TO RECESS THIS MEETING FOR THE PREVIOUSLY AUTHORIZED EXECUTIVE SESSION.

Motion made by Ms. Oswitch, seconded by Mr. DeLeone, and carried by a voice vote of 8-0.

Mayor Fender recessed this meeting at 8:00 p.m. Following Executive Session, Mayor Fender reconvened this meeting at 8:15 p.m.

MOTION TO ADJOURN THIS MEETING.

Motion made by Ms. Oswitch, seconded by Mr. Ferrara, and carried by a voice vote of 8-0.

Hearing no further business before this Council, Mayor Fender adjourned this meeting at 8:16 p.m.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council