

**THE CITY OF KENT, OHIO
SPECIAL COUNCIL MEETING
WED., AUGUST 29, 2007**

This special meeting of Kent City Council was called to order at 7:30 p.m. on Wed., August 29, 2007 by Wayne Wilson, President Pro Tem, in the absence of John Fender, Mayor & President of Council.

PRESENT: MR. BARGERSTOCK, MR. DELEONE, MR. FERRARA, MS. GAVRILOFF, MR. HAWKSLEY, MR. KUHAR, MS. OSWITCH, MR. SCHULTZ, MR. WILSON

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

ABSENT: J. FENDER, MAYOR

MOTION TO EXCUSE MAYOR FENDER.

Motion made by Mr. Ferrara, seconded by Ms. Gavriloff, and carried by a voice vote of 9-0.

The Clerk reported that notification was received from the Ohio Division of Liquor Control. She said that a request for the transfer of a D5 and D6 liquor license was received from K-B Co., dba Kent Lanes & Patio & Volleyball Cts, 1524 S. Water Street to LRRBOWL, Ltd., dba Kent Lanes & Patio & Volleyball Cts of the same address. She reported that objections must be postmarked no later than Sept. 14, 2007, and that Safety Director Lillich has indicated there are no grounds for objection.

MOTION TO RETURN WITH NO COMMENT.

Motion made by Ms. Gavriloff, seconded by Mr. Ferrara, and carried by a voice vote of 9-0.

MOTION TO AUTHORIZE DRAFT NO. 07-95.

Motion made by Ms. Gavriloff, seconded by Mr. Ferrara, and carried by a voice vote of 9-0.

The President Pro Tem asked the Clerk to read Draft No. 07-5 by title only at this time.

AN ORDINANCE APPOINTING SHERI CHESTNUTWOOD TO ACT AS CLERK OF COUNCIL IN PLACE OF THE REGULARLY APPOINTED CLERK OF COUNCIL WHENEVER SAID CLERK IS NOT AVAILABLE TO PERFORM SUCH DUTIES AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

Motion made by Ms. Oswitch, seconded by Ms. Gavriloff.

Roll call was taken on the motion. Voting aye: Mr. DeLeone, Mr. Ferrara, Ms. Gavriloff, Mr. Hawksley, Mr. Kuhar, Ms. Oswitch, Mr. Schultz, Mr. Wilson, and Mr. Bargerstock. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

Motion made by Ms. Oswitch, seconded by Ms. Gavriloff.

Roll call was taken on the motion. Voting aye: Mr. DeLeone, Mr. Ferrara, Ms. Gavriloff, Mr. Hawksley, Mr. Kuhar, Ms. Oswitch, Mr. Schultz, Mr. Wilson, and Mr. Bargerstock. The motion carried by a roll call vote of 9-0.

2007-80: AN ORDINANCE APPOINTING SHERI CHESTNUTWOOD TO ACT AS CLERK OF COUNCIL IN PLACE OF THE REGULARLY APPOINTED CLERK OF COUNCIL WHENEVER SAID CLERK IS NOT AVAILABLE TO PERFORM SUCH DUTIES AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne Wilson, President Pro Tem

President Pro Tem Wilson asked the Clerk to read Draft No. 07-94 by title only at this time.

A RESOLUTION DECLARING THE NECESSITY AND INTENTION OF THE CITY OF KENT TO APPROPRIATE THE FEE SIMPLE INTEREST IN CERTAIN DESCRIBED REAL PROPERTY IN CONNECTION WITH ACTIVITIES NECESSARY FOR THE ELIMINATION AND PREVENTION OF THE RECURRENCE OF CONDITIONS OF BLIGHT AND DETERIORATION, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Mr. Ferrara, Ms. Gavriloff, Mr. Hawksley, Ms. Oswitch, Mr. Schultz, Mr. Wilson, and Mr. DeLeone. Mr. Kuhar and Mr. Bargerstock dissented. The motion carried by a roll call vote of 7-2.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Mr. Bargerstock said he wished to express his discontent with this process again, adding it is in direct violation of the Norwood case. He said it is a substitution of a proper settlement to a nuisance suit that these individuals have against the city. He said this action is wrong for the city.

Mr. Kuhar said in almost all cases, he is opposed to eminent domain for any reason. He said in this case, he is probably not opposed. He said the questioned property was purchased for the purpose of economic development, which is why the City wants it. He said he cannot support the motion on that basis, and cannot support it as it will result in another real estate purchase for Kent. He said they are looking at \$50,000 in legal fees, adding a lot of residents feel whether this is good or bad, they think the City needs to fix the streets and sewers first. He said that is why he is opposed the motion.

Mr. Schultz said that the property is clearly blighted, and needs to be dealt with, adding that is why they are doing this action.

Mr. Kuhar said he understands it is blighted. He said the City should use its powers to force the owner to knock down the property, rather than buy it.

Mr. Bargerstock said if the cause of this is blight, the rest of Council and anyone else in the City has failed to read the documentation that the owner intends to develop the property. He said that intention was clearly expressed when the owner of the property was brought to this Council as a buyer and redeveloper of the area. He said it is nothing more than a disguise and an attempt to take away the property owner's rights to properly develop his property. He said it is in direct violation of the Norwood case.

Roll call was taken on the motion. Voting aye: Mr. Ferrara, Ms. Gavriloff, Mr. Hawksley, Ms. Oswitch, Mr. Schultz, Mr. Wilson, and Mr. DeLeone. Mr. Kuhar and Mr. Bargerstock dissented. The motion carried by a roll call vote of 7-2.

2007-81: A RESOLUTION DECLARING THE NECESSITY AND INTENTION OF THE CITY OF KENT TO APPROPRIATE THE FEE SIMPLE INTEREST IN CERTAIN DESCRIBED REAL PROPERTY IN CONNECTION WITH ACTIVITIES NECESSARY FOR THE ELIMINATION AND PREVENTION OF THE RECURRENCE OF CONDITIONS OF BLIGHT AND DETERIORATION, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne Wilson, President Pro Tem

MOTION TO RECESS FOR EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION AND LAND ACQUISITION.

Motion made Ms. Gavriloff, and seconded by Mr. Ferrara.

Roll call was taken on the motion. Voting aye: Ms. Gavriloff, 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 9-0.

MOTION TO CANCEL THE SPECIAL COUNCIL MEETINGS OF AUGUST 30 AND AUGUST 31, 2007.

Motion made by Ms. Oswitch, seconded by Mr. DeLeone, and carried by a voice vote of 9-0.

President Pro Tem Wilson recessed this meeting at 7:35 p.m.

Following Executive Session, President Pro Tem Wilson reconvened this meeting at 7:53 p.m.

MOTION TO ADJOURN THIS SPECIAL COUNCIL MEETING.

Motion made by Mr. Kuhar, seconded by Ms. Oswitch, and carried by a voice vote of 9-0.

Hearing no further business before this Council, President Pro Tem Wilson adjourned this meeting at 7:54 p.m.

Linda M. Copley, Clerk of Council

Wayne Wilson, President Pro Tem