

**THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WED., DECEMBER 12, 2007**

This regular meeting of Kent City Council was called to order on Wed., Dec. 12, 2007 at 7:30 p.m. by John Fender, Mayor and President.

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

Mayor Fender called upon Council member Schultz for his opening remarks at this time.

Mr. Schultz wished everyone a happy, safe holiday.

Following his opening remarks, Mr. Schultz led those present in the Pledge of Allegiance.

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF NOV. 14, 2007 AND THE MINUTES OF THE SPECIAL COUNCIL MEETING OF NOV. 26, 2007.

Motion made by Mr. Schultz, and seconded by Mr. Hawksley, and carried by a voice vote of 9-0.

MOTION TO SUSPEND THE ORDER OF THE AGENDA TO ALLOW FOR CEREMONIAL ITEMS.

Motion made by Mr. Wilson, seconded by Mr. Hawksley, and carried by a voice vote of 9-0.

MOTION TO AUTHORIZE RESOLUTION NOS. 07-123, 07-124, AND 07-125.

Motion made by Mr. Wilson, seconded by Mr. Hawksley, and carried by a voice vote of 9-0.

The Mayor asked the Clerk to read Draft No. 07-123 by title only at this time.

A RESOLUTION OF COMMENDATION AND APPRECIATION TO THE HONORABLE EDWARD C. BARGERSTOCK FOR THE GENEROUS CONTRIBUTION OF HIS TIME AND TALENTS AS THE WARD 5 REPRESENTATIVE OF KENT CITY COUNCIL FOR THE LAST FOUR YEARS.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Mr. DeLeone, Mr. Ferrara, Ms. Gavriloff, Mr. Hawksley, Mr. Kuhar, Ms. Oswitch, Mr. Schultz, and Mr. Wilson. Mr. Bargerstock abstained. The motion carried by a roll call vote of 8-0-1.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Roll call was taken on the motion. Voting aye: Mr. DeLeone, Mr. Ferrara, Ms. Gavriloff, Mr. Hawksley, Mr. Kuhar, Ms. Oswitch, Mr. Schultz, and Mr. Wilson. Mr. Bargerstock abstained. The motion carried by a roll call vote of 8-0-1.

2007-112: A RESOLUTION OF COMMENDATION AND APPRECIATION TO THE HONORABLE EDWARD C. BARGERSTOCK FOR THE GENEROUS CONTRIBUTION OF HIS TIME AND TALENTS AS THE WARD 5 REPRESENTATIVE OF KENT CITY COUNCIL FOR THE LAST FOUR YEARS.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 07-124 by title only at this time.

A RESOLUTION OF COMMENDATION AND APPRECIATION TO THE HONORABLE CARRIE GAVRILOFF FOR THE GENEROUS CONTRIBUTION OF HER TIME AND TALENTS AS THE WARD 2 REPRESENTATIVE OF KENT CITY COUNCIL FOR THE LAST FOUR YEARS.

MOTION TO SUSPEND THE THREE READINGS.

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

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. Ms. Gavrilloff abstained. The motion carried by a roll call vote of 8-0-1.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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. Ms. Gavrilloff abstained. The motion carried by a roll call vote of 8-0-1.

2007-113: A RESOLUTION OF COMMENDATION AND APPRECIATION TO THE HONORABLE CARRIE GAVRILLOFF FOR THE GENEROUS CONTRIBUTION OF HER TIME AND TALENTS AS THE WARD 2 REPRESENTATIVE OF KENT CITY COUNCIL FOR THE LAST FOUR YEARS.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 07-125 by title only at this time.

A RESOLUTION OF COMMENDATION AND APPRECIATION TO THE HONORABLE BETH OSWITCH FOR THE GENEROUS CONTRIBUTION OF HER TIME AND TALENTS AS THE WARD 6 REPRESENTATIVE OF KENT CITY COUNCIL FOR THE LAST FOUR YEARS.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Ms. Gavrilloff, Mr. Hawksley, Mr. Kuhar, Mr. Schultz, Mr. Wilson, Mr. Bargerstock, Mr. DeLeone, and Mr. Ferrara. Ms. Oswitch abstained. The motion carried by a roll call vote of 8-0-1.

MOTION TO ADOPT THE DRAFT ORDINANCE.

Motion made by Mr. Wilson, seconded by Ms. Gavrilloff.

Roll call was taken on the motion. Voting aye: Ms. Gavrilloff, Mr. Hawksley, Mr. Kuhar, Mr. Schultz, Mr. Wilson, Mr. Bargerstock, Mr. DeLeone, and Mr. Ferrara. Ms. Oswitch abstained. The motion carried by a roll call vote of 8-0-1.

2007-114: A RESOLUTION OF COMMENDATION AND APPRECIATION TO THE HONORABLE BETH OSWITCH FOR THE GENEROUS CONTRIBUTION OF HER TIME AND TALENTS AS THE WARD 6 REPRESENTATIVE OF KENT CITY COUNCIL FOR THE LAST FOUR YEARS.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

Mayor Fender asked Ms. Gavrilloff, Ms. Oswitch, and Mr. Bargerstock to join him at this time. He presented them with framed copies of their resolutions. He said they spent four years of thinking and voting. Mayor Fender said they thought through, a lot, of what they voted for or against, and the City appreciated the time they gave. He also presented each of them with a key to the City, in appreciation for their service, from 2004 to 2007.

Mayor Fender asked them if they wished to say anything at this time, and Ms. Oswitch and Ms. Gavrilloff declined. Mr. Bargerstock thanked the Council and the Mayor for his proclamation and the key to the City.

At this time, Mayor Fender administered the oath of office to Mr. Kuhar as Ward 4 Council. He said Mr. Kuhar was elected as an Independent, and he is an Independent. He suggested that the Independents may take over, and Mr. Kuhar asked, surprised, if they had not taken over. He suggested they can convert the rest.

At this time, Council member Schultz administered the oath of office to Mr. Ferrara, Ward 1; Mr. Amrhein, Ward 2; Mr. Wilson, Ward 3; and Ms. Shaffer, Ward 5. Mayor Fender announced that Ms. Wallach, Council-elect for Ward 6, was

unable to be present, and he would be administering her oath on Dec. 17, 2007. Mayor Fender presented the Council-elect with City pins at this time.

Resuming the regular agenda at this time, Mayor Fender called for audience comment, reminding those wishing to speak to sign up with the Clerk of Council. The Clerk said there was no one signed up to speak, and Mr. Bargerstock offered, "for old times' sake."

Hearing no audience comment, the Mayor asked the Clerk for the written correspondence.

MOTION TO ACCEPT ALL CORRESPONDENCE FOR THE RECORD, WITH THE EXCEPTION OF 4.2.2 AND 4.2.8

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

The following items were accepted by the aforementioned motion:

- 1) Two emails were received on Kevin Clarke on Nov. 17 through Nov. 19, 2007 regarding his thoughts on incidents occurring on University Drive in October. These emails were forwarded to all members of Council on Nov. 19, 2007.
- 2) An email was received on Nov. 22, 2007 from Gregg Vilks, regarding comments he posted on the blog that were not published. Mr. Vilks also made a public record request for a copy of the City of Kent (including the Kent 360 Blog) Operating Policies and Procedure and a copy of every posting in relation to the November 21, 2007 blog article entitled "Same Story, Different City." This email was forwarded to all members of Council on Nov. 23, 2007.
- 3) A carbon copy of an email sent to Mayor Fender was received on Nov. 23, 2007 from Gregg Vilks. Mr. Vilks advised his comments were posted on the blog forty eight hours later. This email was forwarded to all members of Council on Nov. 23, 2007.
- 4) A carbon copy of an email sent to the Building Inspector was received on Nov. 26, 2007 from Gregg Vilks. Mr. Vilks asked that the violations previously cited be addressed in a status report. This email was forwarded to all members of Council on Nov. 26, 2007.
- 5) A carbon copy of an email sent to the Building Inspector, the Health Commissioner, and the Fire Inspector was received on Nov. 26, 2007 from Gregg Vilks. Mr. Vilks requested a status report following up on inspections previously done. In the same email, Mr. Vilks made a public record request for the asbestos reports with respect to the interior demolitions of Glory Days and Ray's Place. This email was forwarded to all members of Council on Nov. 26, 2007.
- 6) An email was received on Nov. 29, 2007 from Gregg Vilks. Mr. Vilks advised Council that he has made public requests that have not been responded to and/or acknowledged. On Nov. 30, 2007, Mayor Fender responded, by email to Mr. Vilks, that the Council is aware of all of his requests, and they are noted on Council's agenda as written correspondence. He further explained that the requests span a multitude of departments, and the Law Department is coordinating the collection of the information and will be contacting him shortly. Both of these were forwarded to Council on Nov. 30, 2007.
- 7) An email was received from Council member Ferrara on Dec. 3, 2007 with an article that appeared in Crane's magazine about Kent and its redevelopment efforts. This email was forwarded to Council on Dec. 3, 2007.
- 8) On Dec. 3, 2007, an email was received from Gregg Vilks, asking for all documents relating to a meeting as referenced in an email that he received in a previous public record request. He sent another email that day requesting information on the current status and past inspection findings regarding the building next door to his building. These emails were forwarded to Council on the days they were received.
- 9) On Dec. 4, 2007, Mr. Vilks sent an email asking the Manager to publicly disclose the names of the individuals he referenced in an email that was part of a previous public record request. Mr. Silver instructed, on Dec. 4, 2007, that an email be sent to Mr. Vilks advising he was asking them to create a document, and it was not a public records request. Mr. Vilks responded, on Dec. 4, 2007, disagreeing with Mr. Silver's opinion. On Dec. 5, 2007, Mr. Vilks forwarded a copy of the previous email referenced in §4.2.6, advising the request was made on Nov. 26 and was not fulfilled. On Dec. 5, 2007, Mr. Vilks also requested a document from Dec., 2002, known as an "information package." All of these emails were forwarded to Council when they were received.
- 10) A certified letter was received on Nov. 29, 2007 from the Ohio Dept. of Public Safety acknowledging receipt of

Ordinance No. 2007-105 (motor vehicle license tax), and advising collection would begin with the 2009 registration year.

- 11) Agenda packets were received on Nov. 26, 2007 from Council's liaison to the Park Board for the June 21 and Nov. 15, 2007 meetings.
- 12) Council member Hawksley received a letter and an article from Dianne Centa on Dec. 5, 2007, asking that the City remember walkers in Kent as they push development. This was forwarded to all members, by email, on Dec. 5, 2007.

The Clerk reported that a letter was hand-delivered by Geneva Hintz on Nov. 21, 2007, tendering her resignation to the Board of Zoning Appeals, effective immediately.

MOTION TO ACCEPT MS. HINTZ'S RESIGNATION, AND SEND HER A LETTER OF THANKS.

Motion made by Mr. Wilson, seconded by Mr. Hawksley, and carried by a voice vote of 9-0.

The Clerk reported that an email was received from Council member Kuhar on Nov. 29, 2007 regarding some issues with parking in the Portage Street area. This email was forwarded to all members of Council when it was received.

The Clerk reported that after the agenda was printed, Council member Ferrara forwarded an email from Sheryl Carpenter, who did not support the policy of landlords being billed for the tenants' water bills. This email was forwarded to all members of Council on Dec. 11, 2007.

The Clerk reported that minutes of the Nov. 8, 2007 Standing Rock Cemetery Board meeting were placed on file by Council's representative, Mr. DeLeone.

The Clerk reported that after the agenda was printed, a letter was received from Don Schjeldahl, endorsing John Thomas, who has applied for the appointment on the Planning Commission. The Clerk reported that this letter was distributed earlier in the evening to all members of Council.

Hearing no further written communications, the Mayor asked the City Manager for his report at this time.

MOTION TO APPROVE ITEMS #1 THROUGH #11

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

The following actions were approved by the aforementioned motion:

- 1) Comm. Dev. Committee, agenda time, Tallmadge/Kent JEDD agreement
- 2) Comm. Dev. Committee, agenda time, Kent/Franklin/Brimfield JEDD agreement
- 3) Comm. Dev. Committee, agenda time, presentation by Environmental Commission, recommendations for Green Building guidelines
- 4) Comm. Dev. Committee, agenda time, discussion on the review process for RFQ submissions
- 5) Comm. Dev. Committee, agenda time, update from Main Street, regarding efforts in 2007 and work plan in 2008.
- 6) Health & Safety Committee, agenda time, follow up by staff on West River parking situation and the lease of the school lot.
- 7) Streets, Sidewalks, and Utilities Committee, agenda time, finalization of terms of the cell tower lease agreement.
- 8) Finance Committee, agenda time, to present recommendations to amend the position allocation ordinance
- 9) Authorization of Draft No. 07-127, Public Defender's contract
- 10) Authorization of Draft No. 07-126, \$75 donation from Pete and Lois Orlando
- 11) Authorization of Draft No. 07-115, request to County Auditor to advance 2007 tax year proceeds.

COMMUNITY DEVELOPMENT COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF DEC. 5, 2007, AND THE TWO RECOMMENDATIONS.

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

Mr. Kuhar requested separation of the items.

MOTION TO APPROVE THE WRITTEN REPORT OF DEC. 5,

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

MOTION TO APPROVE ACTION #1, TO CHANGE THE POLICY WITH THE UTILITY BILL PAID BY THE LANDLORD, WITH ALLOWABLE EXCEPTIONS TO ADDRESS ISSUES RAISED; AND TO DO FINAL READINGS AT THE PROPERTY OWNER'S REQUEST; WITH A DUPLICATE BILL SENT TO THE TENANT, IF THEY REQUEST IT.

Motion made by Mr. Schultz, seconded by Mr. Bargerstock, and carried by a voice vote of 9-0.

Mr. Kuhar said when this first came to Council, it was intended to make the City run smoother, tighten their belt, and offer some solutions to the problems of unpaid bills. He said this change may relieve 40% of the losses, as a lot of the losses are owner-occupied properties.

Mr. Kuhar said approving this motion would make landlords a public utility, with no remedies to shut off the water. He said it is shirking the responsibility of the business portion of the Utility Billing Department. He disagreed with Mr. Silver, adding he checked with the PUCO, the Attorney General's office, and several other communities. He said from what he understood, he was told that if someone had no credit or poor credit, they were able to collect a security deposit. Mr. Kuhar said he previously suggested a \$75 deposit, after the Budget and Finance Director said they had \$21,000 in outstanding bills, with 40% were owner occupied, and the average bill was \$75. He said it only makes sense to operate their utility office like a business function. He said they should be more prudent on their collections, their shut offs, in order to protect the City and the landlords. He said this tells him they do not want to streamline business, but want to push it off onto the landlords, which is the easy way out. Mr. Kuhar said this will cause more hard feelings between the City and the community. He said rentals are a big business in Kent, adding he pays the water on most of his rentals. He said it is wrong to put the situation in the landlords' hands.

Mr. Bargerstock said he felt there was some misunderstanding. He said his vote is not meant to shift the interest from the tenants to the landlords with regard to the water bills. He said that a lot of people do not realize the responsibility for these water bills rests with the property owner, regardless. He said that whether the City chooses to collect them may be a problem, but they are always a liability of the property owner. Mr. Bargerstock said that some landlords collect the problem. He said that regardless of how they deal with it, the property owner is stuck with it. He said the simple solution was to do a dual billing, adding that the landlord can negotiate with the tenants in their lease agreement. Mr. Bargerstock said that nothing prevents the landlord from requiring the tenants to pay for it. He said if they get a duplicate bill, and fail to pay, the landlord will know and can deal with the tenant immediately. Mr. Bargerstock said this changes nothing, adding it is the same liability. He said it simplifies the process, and gives notice to the property owner that they have a problem with the tenant. Mr. Bargerstock said that no one would be stuck with a large bill, adding that landlords could increase their deposit.

Ms. Oswitch said that besides the issue of collecting money, they will also make the landlords be more in touch with whom is in their rental. She said that City will benefit by the landlord knowing what is going on.

Mr. Kuhar said it was a good thought, but was a little more complicated. He said one example would be if he owned a shopping center, all utilities would be in his name. He said that while this appears to target rental properties, it covers everyone. He said they could have a landlord that does not pay their bills in a timely fashion, adding the tenant could be out of water because of the landlord. Mr. Kuhar said that under the Ohio Revised Code, they cannot put a lien on a property for an unpaid water bill unless the owner lives in the property. He said that all this does is shift the burden of responsibility.

The motion carried by a hand count of 7-2, with Mr. Kuhar and Mr. Ferrara dissenting.

MOTION TO AUTHORIZE VOLUNTARY DEED RESTRICTIONS.

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

Mr. Wilson said he has had some discussions about why he voted against this recommendation. Mr. Wilson said he did not want neighborhoods to have a false sense of security. He said it is their responsibility to help the neighborhoods and to enforce their laws. He said they need to concentrate on enforcement. Mr. Wilson said in reality, this recommendation has no more teeth. He said they need more enforcement done, instead of people feeling like they have accomplished something.

Mr. Kuhar said in this particular case, he has to agree with some of the information from the Law Director. He said there will be legal complications on enforcement. He said that while this sounds good in theory, in actuality, they have zoning regulations to protect those homes. He said there is no difference with enforcement, adding the only difference is the City holding the deed restriction.

Mr. Kuhar said he felt they were stepping out of bounds, when a municipal government starts controlling private property rights. He said the City is to service the community, and may be crossing the line. Mr. Kuhar said that people have the

option of using deed restrictions, and it is a civil matter. He said that voluntary deed restrictions would be ineffective, a nice gesture, but would do nothing. He said they need to enforce their zoning code, and work with existing laws on books, of which there are plenty.

Mr. Bargerstock said he never suggested this would be a cure all. He said it is a complicated area, and is a tool. Mr. Bargerstock said that certain neighborhoods want to utilize this tool, adding it may not work everywhere. He said it is no different that platted subdivisions, adding that most of the subdivisions around the University were there before the University existed. He said those types of restrictions did not exist at that time.

Mr. Bargerstock said when a developer comes to town, now, they are encouraged to put deed restrictions or site plat restrictions on the plat. He said this creates an opportunity for a plat restriction, adding it is voluntary. He said it would only work with several neighborhoods. He said it will preserve a certain atmosphere, adding it is merely a tool.

Mr. Schultz said that currently, they go to court, and the court sits on the case. He said if there was a fine of \$10,000 to \$15,000, it would cause people to look at it. Mr. Schultz said this will quickly address the issue, as the property owner will try to negotiate. He said that it is a tool that can have a significant effect.

Mr. Kuhar said he has one more concern, adding it is almost two-faced. He said for instance, they say there are people who like their neighborhoods, like Willow Street or College Street, and want to leave a deed restriction on the property. He asked what happens if the City wants to do the Campus Link. He asked what happens to the deed restriction, and suggested it is something to think about.

The motion carried by a hand vote of 7-2, with Mr. Wilson and Mr. Kuhar dissenting.

FINANCE COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF DEC. 5, 2007 AND THE RECOMMENDED ACTIONS.

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

The following actions were approved by the aforementioned motion.

- A) TO REFER THE CELL TOWER LEASE BACK TO THE ADMINISTRATION TO SHARE THE ISSUES RAISED AT THIS MEETING WITH THE LYLE COMPANY.
- B) TO AUTHORIZE AMENDMENTS TO THE 2007 APPROPRIATIONS ORDINANCE.
- C) TO AUTHORIZE AN AMENDMENT TO THE AFSCME CONTRACT, SO AS TO REFLECT THE CURRENT DATE OF DEC. 24, 2007 FOR THE ANNUAL WAGE INCREASE.
- D) TO AUTHORIZE BOTH EASEMENTS WITH THE WHEELING AND LAKE ERIE RAILROAD FOR THE HIKE AND BIKE TRAIL, FOR A COST NOT TO EXCEED \$5,000 AND TO INCLUDE THE EMERGENCY CLAUSE.

The Mayor asked the Clerk to read Draft No. 07-127 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO CONTRACT, ON BEHALF OF THE CITY OF KENT, WITH THE OFFICE OF THE PUBLIC DEFENDER, PORTAGE COUNTY, FOR THE PROVISION OF LEGAL COUNSEL TO INDIGENT PERSONS CHARGED WITH POTENTIAL PENALTY OF INCARCERATION FOR OFFENSES COMMITTED IN VIOLATION OF THE ORDINANCES OF SAID CITY FOR THE PERIOD JANUARY 1, 2008 THROUGH DECEMBER 31, 2008 AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

Motion made by Mr. Wilson, seconded by Ms. Gavriloff.

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

Motion made by Mr. Wilson, seconded by Ms. Gavriloff.

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

2007-115: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO CONTRACT, ON BEHALF OF THE CITY OF KENT, WITH THE OFFICE OF THE PUBLIC DEFENDER, PORTAGE COUNTY, FOR THE PROVISION OF LEGAL

COUNSEL TO INDIGENT PERSONS CHARGED WITH POTENTIAL PENALTY OF INCARCERATION FOR OFFENSES COMMITTED IN VIOLATION OF THE ORDINANCES OF SAID CITY FOR THE PERIOD JANUARY 1, 2008 THROUGH DECEMBER 31, 2008 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. 07-126 by title only at this time.

AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$75.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT FROM PETE AND LOIS ORLANDO FOR A MEMORIAL TREE TO BE PLANTED IN FRED FULLER PARK IN MEMORY OF ANTHONY ORLANDO AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2007-116: AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$75.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT FROM PETE AND LOIS ORLANDO FOR A MEMORIAL TREE TO BE PLANTED IN FRED FULLER PARK IN MEMORY OF ANTHONY ORLANDO 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. 07-115 by title only at this time.

A RESOLUTION REQUESTING THE COUNTY AUDITOR TO ADVANCE TAXES FROM THE PROCEEDS OF THE 2007 TAX YEAR COLLECTION PURSUANT TO SECTION 321.34 OF THE OHIO REVISED CODE.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2007-117: A RESOLUTION REQUESTING THE COUNTY AUDITOR TO ADVANCE TAXES FROM THE PROCEEDS OF THE 2007 TAX YEAR COLLECTION PURSUANT TO SECTION 321.34 OF THE OHIO REVISED CODE.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 07-118 by title only at this time.

AN ORDINANCE AMENDING ORDINANCE NO. 2006-130, THE CURRENT APPROPRIATION ORDINANCE, PASSED NOVEMBER 28, 2006, AS AMENDED BY ORDINANCE NO. 2007-32, PASSED APRIL 18, 2007; AS AMENDED BY ORDINANCE NO. 2007-54, PASSED JUNE 20, 2007; AS AMENDED BY ORDINANCE 2007-74, PASSED AUGUST 15, 2007; AND AS AMENDED BY ORDINANCE NO. 2007-88, PASSED SEPTEMBER 19, 2007; SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; FUND 102, STREET, CONSTRUCTION, MAINTENANCE & REPAIR; FUND 116, INCOME TAX; FUND 126, COMMUNITY DEVELOPMENT BLOCK GRANT; AND FUND 201, WATER; AND SO AS TO ADJUST TRANSFERS INVOLVING FUND 116, INCOME TAX; FUND 124, INCOME TAX SAFETY; AND FUND 128, FIRE AND E.M.S., AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2007-118: AN ORDINANCE AMENDING ORDINANCE NO. 2006-130, THE CURRENT APPROPRIATION ORDINANCE, PASSED NOVEMBER 28, 2006, AS AMENDED BY ORDINANCE NO. 2007-32, PASSED APRIL 18, 2007; AS AMENDED BY ORDINANCE NO. 2007-54, PASSED JUNE 20, 2007; AS AMENDED BY ORDINANCE 2007-74, PASSED AUGUST 15, 2007; AND AS AMENDED BY ORDINANCE NO. 2007-88, PASSED SEPTEMBER 19, 2007; SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; FUND 102, STREET, CONSTRUCTION, MAINTENANCE & REPAIR; FUND 116, INCOME TAX; FUND 126, COMMUNITY DEVELOPMENT BLOCK GRANT; AND FUND 201, WATER; AND SO AS TO ADJUST TRANSFERS INVOLVING FUND 116, INCOME TAX; FUND 124, INCOME TAX SAFETY; AND FUND 128, FIRE AND E.M.S., 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. 07-129 by title only.

AN ORDINANCE ACCEPTING TWO (2) PERMANENT EASEMENTS FROM THE WHEELING & LAKE ERIE RAILWAY COMPANY FOR THE PURPOSE OF A HIKE AND BIKE TRAIL AT A COST NOT TO EXCEED \$5,000.00, 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. Wilson, Mr. Bargerstock, Mr. DeLeone, Mr. Ferrara, Ms. Gavriloff, Mr. Hawksley, Mr. Kuhar, Ms. Oswitch, and Mr. Schultz. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2007-119: AN ORDINANCE ACCEPTING TWO (2) PERMANENT EASEMENTS FROM THE WHEELING & LAKE ERIE RAILWAY COMPANY FOR THE PURPOSE OF A HIKE AND BIKE TRAIL AT A COST NOT TO EXCEED \$5,000.00, 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. 07-130 by title only at this time.

AN ORDINANCE AMENDING ORDINANCE NO. 2006-65, PASSED MAY 17, 2006, ENTITLED, "AN ORDINANCE AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF KENT AND LOCAL UNION #379, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO FOR THE YEARS 2006 THROUGH 2008, AND DECLARING AN EMERGENCY" TO CORRECT THE DATE FOR WAGE INCREASES, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Mr. Bargerstock, Mr. DeLeone, Mr. Ferrara, Ms. Gavriloff, Mr. Hawksley, Mr. Kuhar, Ms. Oswitch, and Mr. Schultz. Mr. Wilson abstained. The motion carried by a roll call vote of 8-0-1.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Roll call was taken on the motion. Voting aye: Mr. Bargerstock, Mr. DeLeone, Mr. Ferrara, Ms. Gavriloff, Mr. Hawksley, Mr. Kuhar, Ms. Oswitch, and Mr. Schultz. Mr. Wilson abstained. The motion carried by a roll call vote of 8-0-1.

2007-120: AN ORDINANCE AMENDING ORDINANCE NO. 2006-65, PASSED MAY 17, 2006, ENTITLED, "AN ORDINANCE AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF KENT AND LOCAL UNION #379, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO FOR THE YEARS 2006 THROUGH 2008, AND DECLARING AN EMERGENCY" TO CORRECT THE DATE FOR WAGE INCREASES, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

STREETS, SIDEWALKS & UTILITIES COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF DEC. 5, 2007 AND THE RECOMMENDED ACTION.

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

The following actions were approved by the aforementioned motion:

- A) TO AUTHORIZE DEDICATION OF RIVER BEND EAST SUBDIVISION PHASE IV.
- B) TO AUTHORIZE THE CONTINUED WORK ON THE RHODES RD/HORNING ROAD SIDEWALK IMPROVEMENT.

The Mayor asked the Clerk to read Draft No. 07-128 by title only at this time.

AN ORDINANCE ACCEPTING, FOR DEDICATION PURPOSES, THE STREETS, EASEMENTS AND DEDICATED OPEN SPACES OF RIVER BEND EAST SUBDIVISION PHASE IV, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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. Gavriloff, seconded by Ms. Oswitch.

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.

2007-121: AN ORDINANCE ACCEPTING, FOR DEDICATION PURPOSES, THE STREETS, EASEMENTS AND DEDICATED OPEN SPACES OF RIVER BEND EAST SUBDIVISION PHASE IV, 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

MOTION TO REFER THE CURRENT PARKING RESTRICTIONS ON PORTAGE STREET TO THE PARKING ACTION COMMITTEE, FOR DISCUSSION ON WHETHER THE SPACES SHOULD BE TEN-HOUR PARKING SPACES.

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

Mr. Kuhar said they are trying to solve some downtown parking spaces, adding the ordinance shows they may be ten hour spaces. He said they are trying to accommodate the business owners and the residents, so they do not have to get up and move their vehicles, and so the business owners do not get tickets.

The motion carried by a voice vote of 9-0.

MOTION TO APPOINT THE CITY MANAGER TO THE PRESIDENT'S COMMISSION ON INCLUSIONS.

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

MOTION TO REFER THE INTERSECTION OF FAIRCHILD AVENUE AND THE LAKES @ FRANKLIN MILLS TO THE TRAFFIC, SAFETY, AND ENGINEERING COMMITTEE.

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

Ms. Gavrilloff said this was brought to her attention against because of the curve on Fairchild Avenue. She said there are an increased amount of accidents, and the residents are trying to figure out what to do.

The motion carried by a voice vote of 9-0.

Mr. Kuhar said he wanted to say that during his short time he has been on Council, it has been a pleasure to work with the departing members. He said he appreciated everything they have done, adding they put their heart and soul in the position. He thanked them at this time.

Mr. Ferrara said he wished to reiterate those comments. He said it was a learning time, adding it was enjoyable and interesting. He thanked them for their time, and wished them well in their future endeavors. Mr. Ferrara wished the audience Happy Holidays, and a safe New Year.

Mr. Bargerstock said that Mr. Ferrara used the word "interesting," adding it was interesting and rewarding. Mr. Bargerstock said the last four years have been fun, adding he has been reprimanded, investigated, and given a key to the City and a proclamation. He commented it was better than watching television.

Mr. Bargerstock said that he is deeply appreciative of the support from Ward 5. He said he has attended Council meetings regularly since 1989. Mr. Bargerstock said one constituent he wanted to thank was his wife, Julie, who has attended a lot of meetings with him. He said she provided him with support and good advice, and supported his work.

Mr. Bargerstock said he worked closely with some residents, including Bill and Oleta Anderson, Lloyd Atkinson, Robin Turner, and others. He said it was a pleasure to serve the City, adding that although they had differences of opinion and passionate, everyone put their best efforts forward. Mr. Bargerstock said a lot of fine people live in Kent. He said he will soon be leaving Kent, and has had a pleasurable time living in Kent. He wished the best for the citizens and the City.

Mr. Bargerstock said it has been rewarding. He told the new Council members that some of the nicest things are when people are passionate for what you do. He said that people who did not vote for you are appreciative later. He said he is personally proud, as he made a commitment to the voters, and his record reflects that he kept those promises.

Mr. Bargerstock said Kent is challenging and diverse, adding it is rewarding and interesting, with everyone's vast difference of opinions. He wished the citizens the best, and thanked them.

Mayor Fender told the new members they have some real highs and lows, adding they never know what is going to happen.

Mayor Fender asked if any of the newly sworn in members had family members they would like to introduce, and no one did.

Mayor Fender complimented Council Gavriloff on her two daughters, who were in the audience, adding they are great.

The Clerk noted that Mr. Ruller had a few more items for his City Manager's report.

Mr. Ruller said that they received notification on the twentieth straight year, that the City has been awarded the highest award in governmental accounting. He credited Ms. Rissland and her staff. He said they are in full compliance and in good standing. Mr. Ruller said they are one of nine communities in their region, adding it is a real credit to their staff.

Mr. Ruller said the grand opening of Save A Lot is Dec. 20, 2007 at 8:00 a.m. He said that Mr. Wilson worked hard, adding he was somewhat of an extension of the staff.

MOTION TO ADJOURN.

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

Hearing no further business before this Council, Mayor Fender adjourned this meeting at 8:14 p.m.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council