

**THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WEDNESDAY, APRIL 18, 2007**

This regular meeting of Kent City Council was called to order by Mayor & President of Council, John Fender, at 7:30 p.m. on Wed., April 18, 2007.

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

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

Mr. Schultz had no opening remarks, and led those present in the Pledge of Allegiance.

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF APR. 4, 2007.

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

Mayor Fender said he wished to speak quickly about what happened on the campus of Virginia Tech two days earlier. He said this could occur on any campus, and they are mourning the losses. He said these young people never had a chance to live their dreams, and it was tragic. He said their prayers go out to all of victims, their families, and their loved ones. He called for a moment of silence at this time.

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

JUSTIN: Justin invited all members to the Risman Plaza at 12:00 noon Friday for a vigil. He said his term ended last week as the Under Graduate Student Senator, and he introduced his successor Jonathan Bay. He said he would be asking them for their sizes for the "Party Patrol" t-shirt. He said the City Manager will be joining them on this community task force, and the shirts were free for all members. He thanked them for a wonderful year, and said he would be doing graduate school at Kent State. He thanked them for their nice comments the previous week.

Mayor Fender said he had an opportunity to go with Justin, Jonathan, and Greg Jarvie from Kent State. He said he walked down two streets, adding that the students were having parties, although he did not participate. He said they are proactive with the University, and have gone to the fraternity and rooming houses to let them know they can have fun but to be conscious of their neighbors. He said the Manager would be joining them this weekend.

PATRICK: Patrick said he had spoken to them previously with issues regarding the neighbors. He said he hoped to bring it forward when he spoke to the Record Courier, but unfortunately, it seemed to become more of a noise issue. Patrick said it is more than a noise issue, adding there is a safety concern with the tenant's behavior, and inaccuracies with the article concerning the relationship with the neighbors. He said if they had a grudge, they would never purchase a home next door to them.

Patrick said he is upset with Police Chief Peach's response to the problem. He said the Chief puts the blame on them, and they are not the ones breaking the law, so questioned how he is of equal blame.

Eireann: Eireann said she wished to speak to the same situation. She said that Chief Peach called for her earlier in the day, but she was not at home when he called. She thanked him for calling, adding that her husband will make an appointment with him. She said they are willing to give him the benefit of the doubt, adding that no one knows what was said between the Chief and the reporter. She said she would appreciate if the Chief could explain how they are of equal blame, adding they do not cause the loud music. She said the neighbors received many warnings, even after she asked to sign a complaint. She said that once the neighbors were issued fines, the noise stopped, thus proving her point.

Eireann said she would like an explanation why the Chief felt the complaints were not overly significant. She said it is very significant that her daughter witnesses harassment, loud music, and her mother being called a "bitch". She said it is significant that her daughter has nightmares, and begs her mother to do something about the neighbors. She said her daughter will not use the yard without her husband present. Eireann said this has caused her significant stress, adding

she has lost fifteen pounds, which is not good during a pregnancy. She said that nuisance problems differ, adding that noise issues, safety issues absentee landlords, unkept properties, and falling property values affect everyone, and it is everyone's issue. She said she cannot be sure if Chief Peach said these things, but he should know how to speak publicly. She said he needs to be conscious of his word choice, and this needs to be addressed publicly. She said they will not allow this situation to be forgotten, nor will she allow others to be deterred from speaking out. She said she will fight until her reputation is restored, and insisted that someone be held accountable for this situation.

Nancy: Nancy explained she is Eireann's mother, and has tried to not get involved. She said Eireann lived in a rental house next door to her home, and bought her home because she liked the neighborhood. She said her granddaughter was going to Happy Day School, and was at the top of her class. She said the neighbors would help get her granddaughter off the bus. She said they had no problems until the new neighbors moved into the house in October. She said she planned to keep out of this situation. She said she has been told it is a college town, adding that she raised her children in a college town that had four rentals on the street. She said they did not have to call the police, and that is no excuse. She said they have been told if they do not like it, they should move, adding that her granddaughter cannot afford to move.

Nancy explained that she has her granddaughter two weekends out of the month. She said she started crying during the night that she is afraid of the neighbors. She said that when she drove her home two weeks earlier, her granddaughter wanted her to yell at the neighbors, so they would get scared and move. She said this is not just their neighborhood's problem, adding she has understood it to be a widespread problem. She questioned why three-year-old children are getting nightmares. She told the Council it could be their neighborhood, and asked if they are going to tolerate this attitude. She said they would not allow it to get to the point of a derogatory sign hanging in a window. She said they would not allow it to get to the point of someone calling them a bitch. She told Council their children would not have nightmares at night. She concluded that something has to be done.

Norm: Norm explained that he teaches Philosophy at Kent State. He said he appeared before them seven years earlier during the Holden School crisis. He explained that Eireann was her student, and he is concerned about her being stigmatized in the newspaper. Norm said he respects Chief Peach very much, and suggested this may be a mistake. He said that Erin is in one of his classes, and when people speak out, they should not be made to look bad. He said those kinds of comments can hang on for a long time, and it is unfair. He said, again, that he respects Chief Peach, but does not like the way this situation looks.

Hearing no further audience comment, Mayor Fender called upon the Clerk for the written correspondence at this time.

The Clerk reported that notification was received from the Ohio Division of Liq. Control regarding a transfer of a C1, C2, and D6 liquor license from Morrison's University Drive Thru, Inc. dba Morrisons University Drive-Thru, 541 S. Water St to NEM LLC, 541 S. Water Street. She said that objections must be postmarked no later than April 27, 2007

MOTION TO RETURN WITH NO OBJECTIONS.

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

The Clerk reported that a petition was received on April 9, 2007 from eight residents, property owners, or affected citizens of the Portage St./North Water Street area, encouraging Council to accept the proposal submitted, previously, from the Parking Action Committee. She said this petition was distributed to members of the Health & Safety Committee for discussion on April 11, 2007.

The Clerk reported that notification was received from the Clerk-Treasurer of the Standing Rock Cemetery Board, advising that the annual joint meeting with Franklin Township should be scheduled for May 2, 2007.

The Clerk reported that minutes of the March 8, 2007 Standing Rock Cemetery Board meeting were placed on file by Council's representative, Mr. DeLeone, on Wed., April 11, 2007.

The Clerk reported that after the agenda was printed, an email was received from Eireann Bradley of Lake Street, regarding comments in the Sunday Record Courier by Chief Peach and explaining the situation in her neighborhood on Lake Street. This email was forwarded to all members of Council.

The Clerk reported that prior to the meeting, earlier in the evening, Council's representative, Mr. Wilson, placed the Park Board minutes on file.

Hearing no further audience comment, Mayor Fender called for the City Manager's report at this time.

MOTION TO APPROVE ITEMS #1 THROUGH #2

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

The following items were approved by the aforementioned motion:

- 1) Authorization of Draft No. 07-41, donations to the Adopt-A-Spot program
- 2) Authorization of Draft No. 07-43, acceptance of the Middlebury Road Bridge.

Mr. Ruller said this Saturday, there will be a group of volunteers acting as a graffiti brigade, who are volunteers. He said they will meet at the Rock Café on Water Street at 10:00 a.m. Mr. Ruller said they have been knocking on the doors, and have about thirty volunteers including student organizations and local business. He said that Sherwin Williams donated materials, while the Franklin Square Deli and Guy's Pizza have donated food. He said it is part of a campaign that is truly grass roots. He said they call themselves, TAG, Together Against Graffiti, and are working on a website and a location so people can call in when they see any graffiti. He said that the Service Director has been working with them, and they have assembled a master list of graffiti. He wished them well, adding he would try to be there to assist them. He said he hoped the weather would permit this to occur, adding it is a great way for people to take ownership of their community.

STANDING COMMITTEE REPORTS

COMMUNITY DEVELOPMENT COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF APRIL 11, 2007 AND THE RECOMMENDED ACTIONS.

Motion made by Mr. Schultz, seconded by Mr. Ferrara, and carried by a voice vote of 8-0-1, with Ms. Gavrilloff abstaining.

The following items were approved by the aforementioned motion:

- 1) TO APPROVE THE TAX INCENTIVE REVIEW COUNCIL'S RECOMMENDATIONS ON ACTIVE ENTERPRISE ZONE AGREEMENTS IN KENT, AND TO FILL THE REPLACEMENTS ON THE BOARD
- 2) TO APPROVE THE MODIFICATIONS TO THE *CELEBRATE KENT!* PROGRAM GUIDELINES

FINANCE COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF APRIL 11, 2007

Motion made by Mr. Wilson, seconded by Mr. Ferrara, and carried by a voice vote of 8-0-1, with Ms. Gavrilloff abstaining.

MOTION TO APPROVE ACTION #1 THROUGH #4.

Motion made by Mr. Wilson, seconded by Mr. DeLeone, and carried by a voice vote of 8-0-1, with Ms. Gavrilloff abstaining.

The following items were approved by the aforementioned motion:

- 1) **TO AMEND THE APPROPRIATIONS ORDINANCE**
- 2) **TO APPROVE THE POSITION OF THE RECREATION SPECIALIST**
- 3) **TO APPROVE THE SCHEDULE OF FEES AS PRESENTED BY THE SERVICE DEPARTMENT.**
- 4) **TO ACCEPT, A PRESENTATION WAS RECEIVED FROM THE BUXTON COMPANY; NO ACTION REQUIRED.**

MOTION TO SEPARATE THE TWO ISSUES IN ITEM #5, THE PURCHASE OF AND THE SALE OF LAND.

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

MOTION TO APPROVE THE PURCHASE OF LAND FOR THE TRAIL

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

Mr. Kuhar said he did not want to vote against part of the motion, which was the reason for the separation. He said they have one piece of property donated, generously, by Mr. Flynn. He said that on the other hand, they have a piece of property they are being forced to pay four times it's value as they need a sliver of land. He said it is wrong to spend the taxpayers monies on overinflated prices, but he understands the importance, and will probably abstain.

Mr. Bargerstock said he has a different slant. He said the property is being purchased by Park Funds, and was approved by the Park Board, adding it is their prerogative. He said he would not agree with it, but it is their decision. He said he had

a problem with the second half of the motion. Mr. Bargerstock said the purchase of land is their choice, and he does not have a problem.

The motion carried by a voice vote of 7-0-2, with Ms. Gavriloff and Mr. Kuhar abstaining.

MOTION TO APPROVE THE SALE OF LAND TO THE LOCAL COMPANY.

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

Mr. Bargerstock said he appreciated the separation of the motion. He said that Kent has been a lousy steward of assets dealing with real estate, and has a poor history on selling property. He said he has been a longtime critic prior to joining Council and as a Council member. He said he has asked that they follow the statutory requirement that the properties be put up to bid for the highest, best price. Mr. Bargerstock said he is not against the sale, and thinks it is admirable that a Kent business wants to buy it. He asked how many others may be interested, adding they will never know. He suggested they look at the so-called incubator, where they were leased in an unconventional fashion. He said they have lost money, and people have been hurt. He said this is not being done in a proper manner and is disingenuous to the taxpayers.

Mr. Kuhar respected Mr. Bargerstock's comments, and said in some instances he would agree. He said this piece of property is not sellable to a lot of people, adding this business does not need a lot of bells and whistles. He said he felt it was good that they were keeping a business in Kent and that a portion that was needed was removed for Parks and Recreation. He said they are helping their community at a fair price, adding he would support it for that reason. He said he understands that this is not always the best avenue.

Mr. Schultz said they are called upon to make choices. He said their choices here are the bidding process or economic development. He said this would save 25 jobs from going to Brimfield and keep them in Kent. He said they are choosing to not use the bidding process so as to preserve a business and jobs.

Mr. Ferrara said he understood Mr. Bargerstock's comments, adding there has been cases where Council and/or the Administration changed their attitude on disposing of property. He said they have to give the leaders of the Parks and Recreation Department and the Administration the ability to manage day-to-day operations. He said they have to have the ability to look at economic development on a case-by-case basis. He said it is either an open bid or an executive decision needed to salvage a business. He questioned what kind of leaders they are without that discretion. Mr. Ferrara concluded that he respected Mr. Bargerstock's comments, but supported the motion.

The motion carried by a voice vote of 7-1-1, with Mr. Bargerstock dissenting and Ms. Gavriloff abstaining.

MOTION TO APPROVE ACTION #6, TO APPROVE THE OPTION OF \$100 FOR THE RICCIARDI PROPERTY.

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

Mr. Kuhar said he felt this was fantastic, adding it is a way for the City to have some ammunition. Mr. Kuhar said they have property without buying the real estate. He said it is a win/win situation, and is a good thing.

Mr. Bargerstock said he cannot speak to either accepting or approving the option, and will be abstaining as to a conflict. He said he does, however agree, with options versus a purchase. He said it is a smart philosophy.

The motion carried by a voice vote of 7-0-2, with Mr. Bargerstock and Ms. Gavriloff abstaining.

Mayor Fender asked the Clerk to read Draft No. 07-35 by title only at this time.

AN ORDINANCE AMENDING ORDINANCE NO. 2006-130, THE CURRENT APPROPRIATION ORDINANCE, PASSED NOVEMBER 28, 2006, SO AS TO INCREASE APPROPRIATIONS IN FUND 106, RECREATION; FUND 201, WATER; FUND 205, SOLID WASTE; FUND 208, STORM WATER DRAINAGE; AND FUND 301, CAPITAL PROJECTS AND DECLARING AN EMERGENCY.

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. 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 Mr. Wilson, 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.

2007-32: AN ORDINANCE AMENDING ORDINANCE NO. 2006-130, THE CURRENT APPROPRIATION ORDINANCE, PASSED NOVEMBER 28, 2006, SO AS TO INCREASE APPROPRIATIONS IN FUND 106, RECREATION; FUND 201, WATER; FUND 205, SOLID WASTE; FUND 208, STORM WATER DRAINAGE; AND FUND 301, CAPITAL PROJECTS 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. 07-36 by title only at this time.

AN ORDINANCE AMENDING THE GENERAL COMPENSATION PLAN FOR ALL UNCLASSIFIED AND VARIOUS CLASSIFIED EMPLOYEES OF THE CITY OF KENT, EXCEPT THE CITY MANAGER, FROM JANUARY 1, 2006 THROUGH DECEMBER 31, 2008 AS ADOPTED BY ORDINANCE 2006-61, PASSED MAY 17, 2006; AS AMENDED BY ORDINANCE NO. 2006-74, PASSED JUNE 14, 2006; AND FURTHER AMENDED BY ORDINANCE NO. 2006-128, PASSED NOVEMBER 15, 2006 SO AS TO CREATE THE POSITION OF "RECREATION SPECIALIST".

MOTION TO SUSPEND THE THREE READINGS.

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

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

2007-33: AN ORDINANCE AMENDING THE GENERAL COMPENSATION PLAN FOR ALL UNCLASSIFIED AND VARIOUS CLASSIFIED EMPLOYEES OF THE CITY OF KENT, EXCEPT THE CITY MANAGER, FROM JANUARY 1, 2006 THROUGH DECEMBER 31, 2008 AS ADOPTED BY ORDINANCE 2006-61, PASSED MAY 17, 2006; AS AMENDED BY ORDINANCE NO. 2006-74, PASSED JUNE 14, 2006; AND FURTHER AMENDED BY ORDINANCE NO. 2006-128, PASSED NOVEMBER 15, 2006 SO AS TO CREATE THE POSITION OF "RECREATION SPECIALIST".

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 07-37 by title only at this time.

AN ORDINANCE AMENDING ORDINANCE NO. 2006-131, PASSED NOV. 28, 2006, ENTITLED "AN ORDINANCE ALLOCATING THE NUMBER OF PERSONS WHO MAY BE EMPLOYED BY THE CITY FOR THE YEAR 2007 WITH RESPECT TO EACH POSITION, TITLE AND WORK CLASSIFICATION RECOGNIZED BY THE CITY, DESIGNATING THE TREATMENT OF SUCH POSITIONS AS FULL OR PART-TIME POSITIONS AND DESIGNATING THE FUND OR FUNDS FROM WHICH EACH SUCH POSITION SHALL BE PAID." SO AS TO ADD A FULL-TIME POSITION OF A RECREATION SPECIALIST AND TO DELETE ONE REC CENTER COORDINATOR, A PART TIME POSITION.

MOTION TO SUSPEND THE THREE READINGS.

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

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 ADOPT THE DRAFT ORDINANCE.

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

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.

2007-34: AN ORDINANCE AMENDING ORDINANCE NO. 2006-131, PASSED NOV. 28, 2006, ENTITLED "AN ORDINANCE ALLOCATING THE NUMBER OF PERSONS WHO MAY BE EMPLOYED BY THE CITY FOR THE YEAR 2007 WITH RESPECT TO EACH POSITION, TITLE AND WORK CLASSIFICATION RECOGNIZED BY THE CITY, DESIGNATING THE TREATMENT OF SUCH POSITIONS AS FULL OR PART-TIME POSITIONS AND DESIGNATING THE FUND OR FUNDS FROM WHICH EACH SUCH POSITION SHALL BE PAID." SO AS TO ADD A FULL-TIME POSITION OF A RECREATION SPECIALIST AND TO DELETE ONE REC CENTER COORDINATOR, A PART TIME POSITION.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 07-41 by title only at this time.

AN ORDINANCE ACCEPTING DONATIONS TO THE CITY OF KENT ADOPT-A-SPOT TOTALING \$1,000.00 FROM YOUNG & ASSOCIATES, INC.; HUNTINGTON NATIONAL BANK; KENT CITY BOARD OF HEALTH; AND BOWERS LAWNCARE AND DECLARING AN EMERGENCY.

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. 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 Mr. Ferrara.

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.

2007-35: AN ORDINANCE ACCEPTING DONATIONS TO THE CITY OF KENT ADOPT-A-SPOT TOTALING \$1,000.00 FROM YOUNG & ASSOCIATES, INC.; HUNTINGTON NATIONAL BANK; KENT CITY BOARD OF HEALTH; AND BOWERS LAWNCARE 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. 07-42 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A CONTRACT FOR THE OPTION TO PURCHASE THE REAL PROPERTY KNOWN AS 200 SOUTH DEPEYSTER STREET, 205 SOUTH WATER STREET AND 126 ERIE STREET, KENT, PORTAGE COUNTY, OHIO FROM JOSEPHINE RICCIARDI AND ROSARIO RICCIARDI.

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. Kuhar, Ms. Oswitch, Mr. Schultz, Mr. Wilson, Mr. DeLeone, Mr. Ferrara, Ms. Gavriloff, and Mr. Hawksley. Mr. Bargerstock abstained. The motion carried by a roll call vote of 8-0-1.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2007-36: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A CONTRACT FOR THE OPTION TO PURCHASE THE REAL PROPERTY KNOWN AS 200 SOUTH DEPEYSTER STREET, 205 SOUTH WATER STREET AND 126 ERIE STREET, KENT, PORTAGE COUNTY, OHIO FROM JOSEPHINE RICCIARDI AND ROSARIO RICCIARDI.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

HEALTH & SAFETY COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT AND RECOMMENDED ACTION OF APRIL 11, 2007.

Motion made by Mr. Wilson, seconded by Mr. DeLeone, and carried by a voice vote of 6-0, with Mr. Hawksley, Ms. Gavriloff, and Mr. Kuhar abstaining.

The following action was approved by the aforementioned motion:

- 1) TO AUTHORIZE APPROVAL OF THE RECOMMENDATIONS OF THE PARKING ACTION COMMITTEE REGARDING PARKING AT THE SOUTHEAST CORNER OF PORTAGE STREET AND N. WATER STREET

The Mayor asked the Clerk to read Draft No. 07-44 by title only at this time.

AN ORDINANCE AMENDING §353.02, §353.03, AND §354.01 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT SO AS TO ADOPT THE RECOMMENDATIONS OF THE PARKING ACTION COMMITTEE.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Ms. Oswitch, Mr. Schultz, Mr. Wilson, Mr. Bargerstock, Mr. DeLeone, Mr. Ferrara, and Ms. Gavriloff. Mr. Hawksley, and Mr. Kuhar abstained. The motion carried by a roll call vote of 7-0-2.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Roll call was taken on the motion. Voting aye: Ms. Oswitch, Mr. Schultz, Mr. Wilson, Mr. Bargerstock, Mr. DeLeone, Mr. Ferrara, and Ms. Gavriloff. Mr. Hawksley, and Mr. Kuhar abstained. The motion carried by a roll call vote of 7-0-2.

2007-37: AN ORDINANCE AMENDING §353.02, §353.03, AND §354.01 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT SO AS TO ADOPT THE RECOMMENDATIONS OF THE PARKING ACTION COMMITTEE.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

LAND USE COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT AND RECOMMENDED ACTION OF APRIL 11, 2007.

Motion made by Mr. Ferrara, seconded by Mr. DeLeone, and carried by a voice vote of 8-0-1, with Ms. Gavriloff abstaining.

The following action was approved by the aforementioned motion at this time:

- 1) TO AUTHORIZE THE TRANSFER OF PROPERTY TO MR. MORISON, WITH THE OPTION FOR AN EASEMENT TO BE INCLUDED.
- 2) TO RECEIVE INFORMATION ON THE NEWCOMER INVESTMENTS LLC/JOHNSON ROAD INVESTMENTS #779 REQUEST FOR RENEWAL OF THEIR AGRICULTURAL DISTRICT.

MOTION TO APPROVE THE REQUEST FOR A RENEWAL OF THE AGRICULTURAL DISTRICT FOR THE NEWCOMER INVESTMENTS LLC/JOHNSON ROAD INVESTMENTS #779.

Motion made by Mr. Wilson, seconded by Mr. DeLeone, and carried by a voice vote of 8-0-1 with Ms. Gavriloff abstaining.

STREETS, SIDEWALKS & UTILITIES COMMITTEE (Oswitch/ DeLeone)

The Mayor asked the Clerk to read Draft No. 07-43 by title only at this time.

AN ORDINANCE ACCEPTING, FOR DEDICATION PURPOSES, THE STREETS, RIGHT-OF-WAY, EASEMENTS AND DEDICATED SPACES OF THE MIDDLEBURY ROAD BRIDGE 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. 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 Ms. Oswitch, seconded by Ms. Gavriloff.

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.

2007-38: AN ORDINANCE ACCEPTING, FOR DEDICATION PURPOSES, THE STREETS, RIGHT-OF-WAY, EASEMENTS AND DEDICATED SPACES OF THE MIDDLEBURY ROAD BRIDGE AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

SPECIAL COMMITTEE REPORTS

Mr. Wilson said as the Council's representative to the Chamber he wanted to remind them of the business expo at the high school on Saturday from 10:00 a.m. to 3:00 p.m. He said he was sure the Chamber would be happy to see all members present. Mr. Ruller said the City would be there, also.

UNFINISHED BUSINESS

NEW BUSINESS

MOTION TO ASK THE ADMINISTRATION TO DEVELOP AN INCENTIVE PROGRAM FOR NEW CONSTRUCTION AND/OR REMODELING WHERE PEOPLE WOULD USE ENVIRONMENTALLY FRIEND AND MORE ENERGY EFFICIENT PRODUCTS.

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

Ms. Gavriloff said she knew they had talked about this previously. She suggested if Mr. Kuhar had suggestions that they receive them before the meeting.

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

MOTION TO DIRECT THE ADMINISTRATION, IN LIGHT OF FLOODING ISSUES AROUND FISHCREEK AND PROPOSED FUTURE DEVELOPMENT, TO WORK WITH FRANKLIN TOWNSHIP AND THE CITY OF STOW ON A WATERESHED PLAN TO DEAL WITH THE WATER ISSUES.

Motion made by Mr. Schultz, seconded by Mr. Hawksley, and carried by a voice vote of 8-0-1, with Ms. Gavriloff

abstaining.

MOTION TO REQUEST COMMITTEE TIME IN THE POLICY & PROCEDURES COMMITTEE TO REVIEW THE PROCESS FOR THE MANAGER AND THE CLERK'S EVALUATIONS TO BE DONE IN JUNE.

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

Mr. kuhar said hew anted to reiterate with the Mayor said that they are all grieving for the Virginia Tech students. He said they need to change the way people think when addressing violence, and discourage those things that attempt to make violence entertaining. He said they need to turn their backs, instead of applauding it. He said what happened in Virginia could happen in Kent or to a community next door. He said they need to take an extra moment to talk to the troubled persons. He said it is something small, but may keep people from snapping.

Ms. Gavriloff reminded them the first Blue Ribbon meeting would be the following night at the Roy Smith Shelter House at 7:00 p.m. She said this is a combined meeting for Wards 1 and 2.

Mayor Fender said they need their key communicators to get the information out, as these meetings are important.

Mr. Fender said over the weekend, he was part of an audience that honored Mr. Schultz. He said Mr. Schultz was involved with being instrumental with various environmental types of activities. He said Mr. Schultz said something that struck him. He said that Mr. Schultz said the dreams he thought of, environmentally, have come to be, which he found interesting, as he thought many of them would not occur. He said they really can look forward to some of their dreams.

Ms. Oswitch said she talked to the Manager earlier in the week. She said she was upset with the article in the newspaper, adding she was also embarrassed. Ms. Oswitch said her phone has rung nonstop since Sunday morning, from people all over the city who are in the same situation and feel like they cannot speak out. She said one individual told her they chose not to speak to the reporter, and are sorry they did not. She said people are concerned that if they speak, they will be labeled. She said a neighbor had to call the police, and questioned if she is now part of the problem. Ms. Oswitch said it is their responsibility to know what to say, and this has reflected poorly on the City. She said she is hurt for this family and other families going through this type of situation, adding there are three homes within a mile going through this. Ms. Oswitch said they will be discussing it next week in their committee. She said she is saddened to think it has come to this point. She said she is frustrated that they are not helping people. She said she brought it forward because they cannot bring it anywhere else. She said she did not know what to say.

Mr. Schultz asked if she was saddened by the situation or the Chief's comments, and she said she was saddened by both. She said she has always been saddened by the situation, as she has been working for more than a year, but is really saddened by the comments.

Mr. Bargerstock said they did something good tonight, and that was the acceptance of the Middlebury Road bridge. He said Engineering deserves a lot of credit. He said this was the end of that process, thanking God, but noted the neighbors would suffer again when the County bridge closed. He said there was a lot of hard work to get something done, and it was very difficult.

Mr. Bargerstock said he heard comments that brought back sad memories. He said he heard comments about the environmental issues in Kent, adding that the City takes pride in its environmental activity. He said they have a few organizations that are very strong. Mr. Bargerstock said that Kent seems to miss the mark on real environmentalism, which is the quality of life. He said he does not look at green trees and nature, but looks at what it takes to live in the community. He said that deals with economic development issues, retail, and development of the noise ordinance.

Mr. Bargerstock said he moved to Kent in 1979, and knew it was a college town. He said he purposely moved near the college, and has enjoyed living in Kent for nearly twenty-eight years. He said there have been a lot of down times. He said he cannot tell them how many times he was told by those alcohol-inspired to move. He said he was told that Kent is a college town, and he should expect that type of behavior. He said it came with people fueled on alcohol. He said he was told there was something wrong with his thinking process. He said bad behavior distressed him when he was twenty-five and still distresses him at fifty-three. He said it is an ingrained attitude. Mr. Bargerstock said they were just as frustrated with the Police, and when they complained to an officer because he issued three warnings, he was threatened with arrest. He said he did complain to then-Chief Lillich and then-Captain Peach, and it was handled.

Mr. Bargerstock said from his experience, Chief Peach does a good job. He said he did not like the article in the newspaper, and did not know who was at fault. He said he expected the Chief to rectify what went wrong. He said there is

an attitude that develops. He said that because someone has problems with a neighbor, it does not cause them to become part of the problem. He said there are people who are fearful for their children and their own safety. He said they are not doing enough to give these folks or the police the necessary tools. He said that repetitive warnings do not solve it. He said when a charge is dismissed in court, because evidence is lacking, they are not doing enough for the police or the citizens to capture the information. He suggested giving the citizens surveillance equipment, or to place police officers in the areas with surveillance equipment.

Mr. Bargerstock said they are telling the victims they are at the mercy of their rowdy neighbors, with a possibly indifferent court system, or an indifferent police department. He said it is easy to complain about landlords, the campus, and the students. He said he had wonderful experiences with Justin Jeffrey, who is leaving. He said some are excellent neighbors, while others are pains. Mr. Bargerstock said the attitude that the behavior is to be tolerated is wrong, and they need to find a way to stop it. He said they need more than a party patrol or more officers. He said they need to let the people know how to be safe and secure. He said he has been there, adding he was punched in the face previously. He said he did not have children to protect, and can understand how a parent would feel.

Mr. Bargerstock said a gentleman came to his office that he never met previously to ask him about an illegal boarding house in his neighborhood. He said the citizen cannot get action, and does not understand why. Mr. Bargerstock said he does not understand either. He said he wanted to try and cure some of those problems. He said it is twenty years later, and he is still dealing with some of the same issues. Mr. Bargerstock said people are leaving Kent as a result of these problems. He said they are not doing their job, and are not protecting the citizens. He said if they live on the other side of town, it is easy to dismiss these types of problems. He said it is damaging the community, and asked that they not blow it off and deal with it. He said they need to give the police the tools necessary and have the attitude that they will not tolerate it.

Ms. Oswitch said she has always believed the police were overworked, adding she supports that issue. She commended some of their new officers that she had to meet when her children were attacked by some dogs. She praised the way they handled the situation, adding it is good to have such nice guys that are so outgoing. She pointed out that the Animal Control officer is always good with animal issues.

MOTION TO ADJOURN THIS MEETING

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

Hearing no further business before this Council, Mayor Fender adjourned this meeting at 8:18 p.m.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council