

**THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WEDNESDAY, AUGUST 15, 2007**

This regular meeting of Kent City Council was called to order on Wed., August 15, 2007 at 7:30 p.m. by John Fender, Mayor & President of Council.

PRESENT: MR. BARGERSTOCK, MR. DELEONE, MR. FERRARA, MS. GAVRILOFF, MR. HAWKSLEY, MR. KUCHAR, MS. OSWITCH, MR. SCHULTZ & 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 Gavriloff for her opening remarks at this time.

Ms. Gavriloff had no opening remarks, and led those present in the Pledge of Allegiance.

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF JULY 18, 2007; THE SPECIAL COUNCIL MEETINGS OF JULY 11, 2007 & AUGUST 1, 2007; AND THE PUBLIC HEARING OF JULY 11, 2007.

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

COMMUNICATIONS

Mayor Fender called for audience comment, reminding those withing to address Council to sign up with the Clerk of Council, who will call them forward.

Jim: Jim said he knew Council had missed him. He said he was driving up Francis St., hit a chuck hole, and lost the fan motor in his air conditioner. He said it made him think of City Council. Jim said he had heard there is a boondoggle to buy real estate with money they do not have, but they cannot fix streets or water lines. He said he was present, again, to remind them of their priorities, to serve the taxpayers of Kent, not the business people. He said they should not sign sweetheart deals or take care of people, by scratching their backs. He also reminded the Law Director that the Feds infringed upon their civil rights long enough, and he does not need to grandstand, while infringing on another's civil rights. Jim said they should think hard, as there are a lot of signs posted and those people are not cited. He told the Law Director by targeting Mr. Engler, they are infringing on his civil rights. He questioned whether this was a kickoff for Mr. Silver's judge campaign, adding it was terrible. He said they are kicking the little guy while he is down. Jim said they do not have the right to take freedom of speech away.

Mayor Fender told Jim he thought it was good to have him back. Jim noted he could not sell his house.

Mike: Mike apologized for the way he was dressed, adding he was really sick. He thanked Chief Peach and his department. He said he was the victim of a crime in February, and there was some progress made. He thanked them publicly. He thanked the Clerk. He said that while he cannot attend Council every Wednesday, he reads the minutes. He told the Clerk she was the best Clerk in many counties, adding he deals with a lot of them as a lawyer. He told her she was "tops", and she thanked him at this time.

Mike said he agreed with most of the previous speaker's comments. He said it is like asking someone if they wanted to see Harry Potter or read the book. He said whomever they ask would rather read the book. He said the books better. Mike said he has seen the Council meetings and read the minutes, adding the minutes are a lot better. He said the minutes do not show how ugly it gets during Council. He said that people do notice it. He said he ran for Council because he thought he could make a difference. He said that Heidi will do a fine job.

Mike said he loves Kent, and moved back to Kent. He said he has lived in Kent almost ten years, and

knows almost everything about everyone downtown, and almost everyone downtown knows him. He said if they think that people cannot see how ugly they are in meetings, they can and do not have to come to the minutes.

Mike said they are going to discuss eminent domain later in the evening. He said that unless they have a good faith offer on eminent domain, they should not discuss it. He asked if they want to take people's property, and whether they want to be the Council that steps in, telling people they know better than the owner. He said they would become the bad guy. He said when people see them arguing, they may think they are the bad guys. He said that each of them are professionals, and each of them away from the meetings are important and have their own opinions. He said when they argue with each other publicly, people notice. He said they noticed it when he campaigned.

Mike said that whatever they discuss, during the evening, remember that before they speak, someone is listening. He said if the Clerk is not typing it, it is the people in the crowd. He said if they are not present to see it, they can read it. He said if they come to the meetings, they see it even worse. Mike told them to discuss and attack the issues, not the person.

Geneva: Geneva said her house is on the market, and asked that they send her a buyer. She said she was present to speak on two different issues. She said she was taking a shower the other morning, with soap all over her, and then there was no water. She said she was standing there like a scarecrow, with no water. She said she has sensitive skin, and questioned if she was going to dry off with soap all over her, allowing her skin to break out. She said she did not have bottled water, adding she had a problem.

Geneva said she did get to the point to speak to the men at the end of the street repairing the water pipe. She said it is the third time it has broken since she has lived in her house. She said it makes her wonder why they would spend \$385,000 on a hardware store, older than her dead grandmother, without a current appraisal, when her water is not running. She said it really bugged her that she had not had her coffee yet.

Geneva agreed with the previous speaker. She said people are supposed to look up to Council as an example. She said that if they had children in the room, they should be able to say they were glad to attend a Council meeting because Council members were professional. She said they scream at each other and sound like second graders. She said if her children screamed like that, she would have spanked them so they could not sit down for six months. She said she is ashamed.

Geneva said she told them that she was proud of them previously, and wanted them to represent her. She said she can no longer say that, and consequently, she is moving out of Kent. She said she is not the only one, adding it is in the neighborhood. She said it is an embarrassment how their elected officials fuss, gripe, carry on, and attack each other. She said if they had swords, they would stab each other. She said it is disgusting to watch.

Geneva said it would be nice if they got to the people with respect to the unbalanced budget. She said she listened to them trying to find \$1.3 million, adding she hoped they find it, as the City needs it.

Geneva told the Law Director he is not the person doing anything to the man who is setting out the signs. She said the Law Director did not give him the ticket. She said she takes offense to the speaker's comments about the sign, adding he is doing what he is told to do. She said the City Manager tells him what to do. Geneva said she hopes her house sells quickly.

Ray: Ray referred to Item #3 of their pending list. He said that some of the college kids are grouping together in "annexes" in the rental houses. He said the house next to him on Columbus Street, and one house west of them are turning into annexes. He said they are standard rental houses, with kids who sign a lease with a management firm. He said they consider themselves an annex to the fraternity house. He said they will have everything for a fraternity house, except the signs. He said it is now happening. He said the problem on South Willow Street has exported from that neighborhood to another residential area.

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 Dominion East Ohio on July 20, 2007 advising of their intent to pursue a rate increase with the PUCO. She said this letter was previously forwarded to Council via the City Manager's Report of July 27, 2007.

The Clerk reported that a letter was received from Jeanette Palomo, thanking the City for doing their part with respect to providing NDS with funding. She said that Ms. Palomo explained that through the Down Payment Assistance Program, she was able to buy her first home.

The Clerk reported that after the agenda was written, emails were received from Carl and Mary LaLonde, and Marlin and Janet Mankamyer regarding semi truck traffic on Middlebury Road. This email was forwarded to all members of Council on August 14, 2007.

The Clerk reported that after the agenda was written, an email with a letter attached was received from Andrew Lombardo, CEO, of Right Dimensions. She said that Mr. Lombardo offered to sell his property for \$550,000, with a deadline for response at 5:00 p.m. on Sept. 6, 2007. The Clerk reported that this information was previously forwarded to all members of Council on August 14, 2007.

The Clerk reported that the July 12, 2007 minutes of the Standing Rock Cemetery Board meeting were placed on file, prior to the start of this meeting, by Council's representative, Mr. DeLeone.

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

MOTION TO APPROVE ITEMS #1 THROUGH #6

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

The following items were approved by the aforementioned motion at this time:

- 1) Authorization of Draft No. 07-84, accepting a donation of \$500 from the Kent Jaycees for the purchase of a new Police K9
- 2) Authorization of Draft No. 07-87, authorizing a resolution accepting the amounts and rates as determined by the Budget Commission.
- 3) Agenda time with the Finance Committee, in September, to review a request from an incubator tenant to change the terms of the lease.
- 4) Agenda time with the Finance Committee, in September, to discuss an agreement pertaining to the city of Tallmadge and the Brimfield/Kent JEDD.
- 5) Agenda time with the Streets, Sidewalks, and Utilities Committee, in September, to consider a water service request on Rhodes Road
- 6) Agenda time with the Community Development Committee, in September, to consider the adoption of the International Property Maintenance Code

STANDING COMMITTEE REPORTS

POLICY & PROCEDURES COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF JULY 11, 2007 (ORAL REPORT/ACTIONS APPROVED ON JULY 18, 2007).

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

COMMUNITY DEVELOPMENT COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORTS OF JULY 11, 2007 (ORAL REPORT/ACTIONS APPROVED ON JULY 18, 2007) AND AUGUST 1, 2007, AND THE RECOMMENDED ACTIONS.

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

Mr. Bargerstock requested separation of the actions.

MOTION TO APPROVE THE WRITTEN REPORTS OF JULY 11, 2007 (ORAL REPORT/ACTIONS APPROVED ON JULY 18, 2007) AND AUGUST 1, 2007.

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

MOTION TO AUTHORIZE THE REALLOCATION OF CDBG MONIES

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

MOTION TO SCHEDULE FURTHER DISCUSSION ON AUGUST 15 ON THE ISSUES OF EMINENT DOMAIN AND THE ADMINISTRATIVE RECOMMENDATION TO USE EMINENT DOMAIN FOR THE RIGHT DIMENSION'S PROPERTY.

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

The Mayor asked the Clerk to read Draft No. 07-82 by title only at this time.

AN ORDINANCE AUTHORIZING AMENDMENTS TO ORDINANCE NO. 2003-66, PASSED MAY 7, 2003 (FY 2003 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND ANNUAL ACTION PLAN) AND ORDINANCE NO. 2005-48 (FY 2005 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND ANNUAL ACTION PLAN) PASSED MAY 18, 2005 IN ORDER TO TRANSFER \$11,079.79 ORIGINALLY EARMARKED FOR THE FRED FULLER PARK IMPROVEMENT IN THE FY 2003 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM TO THE FY 2005 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AS AN ADDITIONAL ALLOCATION FOR THE PLUM CREEK PARK PROJECT, AND DECLARING AN EMERGENCY.

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, 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 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, Mr. Wilson, and Mr. Bargerstock. The motion carried by a roll call vote of 9-0.

2007-72: AN ORDINANCE AUTHORIZING AMENDMENTS TO ORDINANCE NO. 2003-66, PASSED MAY 7, 2003 (FY 2003 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND ANNUAL ACTION PLAN) AND ORDINANCE NO. 2005-48 (FY 2005 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND ANNUAL ACTION PLAN) PASSED MAY 18, 2005 IN ORDER TO TRANSFER \$11,079.79 ORIGINALLY EARMARKED FOR THE FRED FULLER PARK IMPROVEMENT IN THE FY 2003 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM TO THE FY 2005 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AS AN ADDITIONAL ALLOCATION FOR THE PLUM CREEK PARK PROJECT, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

FINANCE COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF JULY 11, 2007 (ORAL REPORT/ACTIONS APPROVED ON JULY 18, 2007) AND THE WRITTEN REPORT OF AUGUST 1, 2007.

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

MOTION TO APPROVE ITEMS #1, #2, AND #6.

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

Mr. Bargerstock asked that they separate #6.

MOTION TO APPROVE ITEMS #1 AND #2.

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

The following items were approved by the aforementioned motion:

- 1) REPORT WAS RECEIVED ON STAFFING LEVELS; NO ACTION WAS TAKEN
- 2) TO ACCEPT THE BLUE RIBBON PANEL'S REPORT IN PRINCIPLE

MOTION TO TABLE ITEM #3, SUBMITTING THE QUESTION OF REDUCING RECIPROCITY BY 25% TO THE VOTERS

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

MOTION TO APPROVE ITEM #4, TO AUTHORIZE A \$5 LICENSE PLATE TAX, WITH THE MONEY DEDICATED TO STREETS AND SIDEWALKS IMPROVEMENTS

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

MOTION TO TABLE ITEM #4.

Motion made by Ms. Oswitch, seconded by Mr. Bargerstock, and failed by a hand count of 4-5, with Mr. Wilson, Mr. Ferrara, Mr. DeLeone, Mr. Schultz, and Mr. Hawksley dissenting.

Ms. Gavriloff said she has a problem with the process. She asked why they were in a hurry when they missed the deadline, and could not enact the taxes until 2009 anyway. She said if they tabled reciprocity, they should table the \$5 license plate tax also at this time.

Mr. Bargerstock said this was previously submitted to the voters, and they voted it down. He said there are too many unanswered questions about the budget, and to impose a tax at this time is wrong.

Ms. Oswitch said she agreed with both Ms. Gavriloff and Mr. Bargerstock. She said she decided against voting for this when she learned it would not be enacted until 2009. She said she is still missing money in the financial information they received, and did not think they needed it.

Mr. Kuhar said he would reverse his original thoughts on this also, based on the 2009 enactment. He said he would hope that by 2009, the \$125,000 from this tax would not make a difference and they should be well on their way. Mr. Kuhar said he pays for six licenses a year, and would do it if it would fix potholes. He said since they have that much time, they can do it later.

Mr. Schultz said they are a do-nothing Council. He said they have spent nearly two years looking at the situation. He said a panel of experts, and not them, the politicians, recommended the actions to move forward. He said that some feel nothing should be done, and he disagrees.

Mr. Ferrara said he would support the tax. He said part of their infrastructure issues deals with needing proper time to plan them. He said that knowing these funds would be available would help in the planning process. Mr. Ferrara said if this is not enacted until 2009, the time frame gets pushed back. He said this gives their budget process the ability to look forward.

Mr. Wilson said that the past two City Managers proposed this at different times. He said he supported it

then, because it would be used for streets, sidewalks, and traffic lights. Mr. Wilson said he supported it then, and will support it now.

Mr. Bargerstock said that Mr. Schultz speaks of the experts. He said the voters are the experts, and they have said "no" previously. Mr. Bargerstock said the Blue Ribbon Panel was spoon fed their information by the Administration, adding their conclusions were not valid, with regard to the community's expertise. He said it was the only answer they could come up with based on the information they received. Mr. Bargerstock said there are unanswered questions about the budget, and Council is on a spending spree. He said it is wrong, and they have not done their job. Mr. Bargerstock said to lay it off on the Blue Ribbon Panel was wrong also.

Mr. Schultz said it is insulting to say that the Administration cooked the books, and that the Panel did not have the independent intelligence. He said he watched them ask questions as they reviewed the data and came up with individual judgements. He said to say they did not have that ability and are just followers of the Administration is wrong.

The motion carried by a hand count of 5-4, with Ms. Oswitch, Mr. Bargerstock, Mr. Kuhar, and Ms. Gavriloff dissenting.

MOTION TO AUTHORIZE THE PURCHASE OF 225 S. WATER STREET.

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

Mr. Bargerstock said they just voted to raise taxes in the last motion, and now they are spending money they do not have. He said it is absolutely ridiculous, and there is no good reason to purchase the property. He said there is no fiscal planning and no benefit to the purchase. He said it is a continued boondoggle of the wishes of a select group in Kent that runs Kent like a cult. He said it is "simply wrong."

Mr. Hawksley said the City has been working on developing that block for more than six years. He said it is a smart move, and he is glad they are doing it.

Mr. Kuhar said if they were a business, it would be a good strategic move. He said he is opposed to the motion, mainly because of the phone calls he received. He said only one caller supported the purchase, while most were against it.

Mr. Kuhar said they do not have a current professional appraisal of the property, adding an option would have been in line. He said the taxpayers are in an uproar at Council for spending money when they are broke. He said he knows it makes them stronger when they go to a developer, but that the fact is that because the Demmers are willing to sell at a reasonable price has some strength of its own. He said he would vote against the budget, until they have a balanced budget with money to burn. He said they are currently burning money they do not have.

Mr. Schultz said they cannot develop some of the stuff, but they have been trying to get the block. He said Mr. Kuhar is right, as it is a strategic move and a way to redevelop the downtown. Mr. Schultz said it is an opportunity they did not have previously.

Mr. Schultz suggested they look at how DeBartolo went after the site for the mall. He said they did not pay the straight price, adding they paid three and four times more. He said they need to acquire the property, adding once that is done, the project can move forward. Mr. Schultz said that nothing happens without the property.

Mr. Bargerstock said was a financial genius who developed an empire from nothing. He said he was a wise developer of real estate, and surrounded himself with wise investment people. He said it is unfortunate that Mr. DeBartolo's experience in Kent was unwise because of the political arena.

Mr. Bargerstock said to compare Council to the genius of Mr. DeBartolo was an absolute farce. He said if they want to discuss track history, Kent has the worst track history in real estate development. He said they made a nightmare out of the West River nightmare, and made a nightmare out of every real estate

purchase they have been involved in. He said they have been a laughing stock, and there is not a developer that takes any of them seriously. He said that he says that as a licensed real estate agent for twenty-seven years. He said the only two licensed real estate agents on Council will be voting "no" regarding the purchase. He said he does not know enough about the real estate business to call himself a developer, but the rest of the Council feels they are developers. He said they are a bunch of buffoons.

The motion carried by a hand count of 5-4, with Ms. Oswitch, Mr. Bargerstock, Mr. Kuhar, and Ms. Gavrilloff dissenting.

MOTION TO AUTHORIZE ITEM #6, AMENDMENTS TO THE 2007 APPROPRIATIONS ORDINANCE.

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

The Mayor asked the Clerk to read Draft No. 07-76 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A PURCHASE, LEASE AND RELOCATION EXPENSE AGREEMENT WITH DEMMER ENTERPRISES, INC. AND DEMMER HARDWARE, INC. FOR PROPERTY LOCATED AT 225 SOUTH WATER STREET, KENT, OHIO IN THE AMOUNT OF \$365,000.00 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. Ferrara, Ms. Gavrilloff, 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 Mr. Wilson, seconded by Mr. DeLeone.

Roll call was taken on the motion. Voting aye: Mr. Ferrara, Mr. Hawksley, Mr. Schultz, Mr. Wilson, and Mr. DeLeone. Mr. Bargerstock, Ms. Gavrilloff, Mr. Kuhar and Ms. Oswitch dissented. The motion carried by a roll call vote of 5-4.

2007-73: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A PURCHASE, LEASE AND RELOCATION EXPENSE AGREEMENT WITH DEMMER ENTERPRISES, INC. AND DEMMER HARDWARE, INC. FOR PROPERTY LOCATED AT 225 SOUTH WATER STREET, KENT, OHIO IN THE AMOUNT OF \$365,000.00.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 07-83 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; AND AS AMENDED BY ORDINANCE NO. 2007-54, PASSED JUNE 20, 2007, SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; FUND 106, RECREATION; AND FUND 126, COMMUNITY DEVELOPMENT BLOCK GRANT, 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: Ms. Gavrilloff, Mr. Hawksley, Mr. Kuhar, Ms. Oswitch, Mr. Schultz, Mr. Wilson, Mr. DeLeone, Mr. Ferrara. 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. Wilson, seconded by Ms. Oswitch.

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

2007-74: 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; AND AS AMENDED BY ORDINANCE NO. 2007-54, PASSED JUNE 20, 2007, SO AS TO INCREASE APPROPRIATIONS IN FUND 001, GENERAL; FUND 106, RECREATION; AND FUND 126, COMMUNITY DEVELOPMENT BLOCK GRANT, 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. 07-80 by title only at this time.

A RESOLUTION ACCEPTING THE PORTAGE COUNTY BUDGET COMMISSION'S ALTERNATIVE FORMULA FOR THE DISTRIBUTION OF THE LOCAL GOVERNMENT FUND AND THE LOCAL GOVERNMENT REVENUE ASSISTANCE FUND; REQUESTING THAT THE COUNTY BUDGET COMMISSION APPORTION THE FUNDS IN ACCORDANCE WITH THE APPROVED ALTERNATIVE FORMULA 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. Hawksley, Mr. Kuhar, Ms. Oswitch, Mr. Schultz, Mr. Wilson, Mr. Bargerstock, Mr. DeLeone, Mr. Ferrara, and Ms. Gavrilloff. 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. Hawksley, Mr. Kuhar, Ms. Oswitch, Mr. Schultz, Mr. Wilson, Mr. Bargerstock, Mr. DeLeone, Mr. Ferrara, and Ms. Gavrilloff. The motion carried by a roll call vote of 9-0.

2007-75: A RESOLUTION ACCEPTING THE PORTAGE COUNTY BUDGET COMMISSION'S ALTERNATIVE FORMULA FOR THE DISTRIBUTION OF THE LOCAL GOVERNMENT FUND AND THE LOCAL GOVERNMENT REVENUE ASSISTANCE FUND; REQUESTING THAT THE COUNTY BUDGET COMMISSION APPORTION THE FUNDS IN ACCORDANCE WITH THE APPROVED ALTERNATIVE FORMULA 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. 07-81 by title only at this time.

AN RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT A GRANT IN THE AMOUNT OF \$163,000 THROUGH THE CLEAN OHIO TRAILS FUND PROGRAM, FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES, 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. 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 Ms. Oswitch.

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.

2007-76: AN RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT A GRANT IN THE AMOUNT OF \$163,000 THROUGH THE CLEAN OHIO TRAILS FUND PROGRAM, FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES, 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. 07-84 by title only at this time.

AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$500.00 TO THE CITY OF KENT POLICE DEPARTMENT FROM THE KENT JAYCEES FOR THE PURCHASE AND TRAINING OF THE NEW POLICE K-9 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: 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.

Ms. Oswitch publicly thanked the Jaycees for their donation, adding it is a wonderful thing. She said the K-9s do a wonderful job, as do the staff who works with them.

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.

2007-77: AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$500.00 TO THE CITY OF KENT POLICE DEPARTMENT FROM THE KENT JAYCEES FOR THE PURCHASE AND TRAINING OF THE NEW POLICE K-9 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. 07-85 by title only at this time.

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

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. Schultz, Mr. Wilson, Mr. DeLeone, Mr. Ferrara, and Mr. Hawksley. Mr. Bargerstock, Ms. Gavriloff, Mr. Kuhar, and Ms. Oswitch dissented. The motion failed by a roll call vote of 5-4.

MOTION TO APPROVE FIRST READING.

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

Ms. Oswitch said it is sad they are enacting something that will not happen until 2009, adding they will be having a lot of discussions on the budget. She said they will soon be discussing the 2008 budget. Ms. Oswitch said they had a discussion two weeks earlier, and she still cannot find some of the money. She said it is ridiculous to impose another tax when they do not know if it will be needed. She said it was irresponsible.

Mr. Hawksley said they have discussed this for an entire year, and Mr. Schultz said it was two years. Mr. Hawksley said they can use the money whenever it shows up.

Mr. Kuhar suggested revisiting it later when they are still in a crunch. He said that \$125,000 would not solve the problem. He said the timing on this issue, given the new information they have received, is not good, which is why he will not support it.

Mr. Bargerstock said he has seen an unbalanced budget for three years. He said he has voted against all of them, since they are willfully spending more money than it brings in. He said by supporting it, they are not doing their job as a Council, and others are not doing their job as a Manager or Finance Director. Mr. Bargerstock said that every City Manager has acknowledged that the revenues were decreasing, while their expenses were increasing. He said they are forcing a tax increase on the voters, adding that is wrong, and not why they were elected. He said they should not play monopoly with the money, adding he would rather respect it.

Mr. Schultz said he is sorry that some do not take the time to spend with the Finance Director to understand the budget or to find the numbers they cannot seem to find. He said all they have to do is look at the budget, or go to the Finance Director, adding it is not that difficult. He said this is an issue about leadership. Mr. Schultz said that Mr. Bargerstock is right, adding that the voters have spoken about leadership in the last two election cycles, and Mr. Bargerstock was not on their side.

Ms. Oswitch said the last comment was not fair and is cheap digging. She said it is not her place to ask for additional help, when she is asking questions in the meeting. She said they are the same questions that others have, and they are not given the answers. She said she is tired of being made to appear stupid, when she is not, adding she did not need any help from Mr. Schultz. She said she did not appreciate it, and it was not right.

Roll call was taken on the motion. Voting aye: Mr. Schultz, Mr. Wilson, Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, and Ms. Oswitch. Mr. Bargerstock, Ms. Gavriloff, Mr. Kuhar, and Ms. Oswitch dissented. First reading carried by a roll call vote of 5-4.

The Mayor asked the Clerk to read Draft No. 07-87 by title only at this time.

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

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. 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.

2007-78: A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

Mayor Fender said that two or three people spoke from the audience earlier in the evening about respect and professionalism. He said they spoke of keeping words and emotions out of it. Mayor Fender said that one gentleman said they should speak to the issues. He said as they continue this meeting and future meetings, they must do that. He said they have had citizens speaking to that, adding they need to watch themselves and behave professionally. Mayor Fender said it is the issues that count, not the personalities or emotions.

HEALTH & SAFETY COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF JULY 11, 2007 (ORAL REPORT/ACTIONS APPROVED ON JULY 18, 2007); AND THE WRITTEN REPORT OF AUGUST 1, 2007 AND THE RECOMMENDED ACTION WHICH WAS TO AUTHORIZE THE PROHIBITION OF LEFT TURNS, ELMWOOD @ E. MAIN STREET AND WILSON @ E. MAIN STREET, WITH THE EMERGENCY CLAUSE.

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

The Mayor asked the Clerk to read Draft No. 07-86 by title only at this time.

AN ORDINANCE AMENDING SECTION 313.12 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT ENTITLED "TRAFFIC CONTROL DEVICES", AND DECLARING AN EMERGENCY.

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. Bargerstock, Mr. DeLeone, Mr. Ferrara, Ms. Gavriloff, Mr. Hawksley, Mr. Kuhar, Ms. Oswitch, Mr. Schultz, and Mr. Wilson. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE

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

Mr. DeLeone said he had voted against it two weeks earlier, adding he wished they had more information on the number of accidents at these locations. He said one reason they have the accidents, in his opinion, has to do with the location of the barriers. He said he wished they had been given more information, previously, and said he would probably support the motion.

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

2007-79: AN ORDINANCE AMENDING SECTION 313.12 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT ENTITLED "TRAFFIC CONTROL DEVICES", 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 None

MOTION TO CONTINUE SUMMER SCHEDULE, WITH COMMITTEE MEETINGS ON THE FIRST WEDNESDAY AND COUNCIL MEETINGS ON THE THIRD WEDNESDAY FOR SEPTEMBER AND OCTOBER.

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

Mr. Hawksley asked if he is assuming they would have special Council meetings as required, and Mr. Wilson said that was correct.

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

MOTION TO AUTHORIZE A DONATION FOR THE PORTAGE COUNTY VETERAN’S MEMORIAL IN THE AMOUNT OF \$1000.

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

Mr. Bargerstock said that something took place this week that is a black eye on the citizens of Kent. He said it may be, at best, nothing more than an attempt to silence a Council member who is very critical of Council and the City. He said at worst, it could rise to the level of criminal activity.

Mr. Bargerstock said a situation occurred on Monday that involved the use of City property outside of the City limits, without the approval of Council. He said it involved the use of the LEADS system, without the proper criminal complaint following it or its use approved by Council. He said it was possibly an attempt to intimidate him, as a Councilman, from expressing his ideas and performing his activities as a Councilman in Kent. He said he was very distressed by it, but did not know who the party or parties were behind it. He said the Police Department was misused, as were their resources. He said they embarrassed themselves with the City of Stow, also.

Mr. Bargerstock said he received a telephone call on Monday afternoon from one of the detectives, asking to talk to him. He said they left a voice mail message. Mr. Bargerstock said he did not know if it was something political, and suggested they may not wish to meet with him at his office, so they did not have to be seen with a Councilman. He suggested they meet elsewhere.

Mr. Bargerstock said they met at the University Plaza, adding it was two plain clothed detectives, Lt. Stein and Lt. Todd. He said he asked them how he could help them, and they informed him they were conducting an investigation, and as part of the investigation, they needed to confirm some information. Mr. Bargerstock said there were two stabbings in his ward in last few weeks. He said there was a nearly-\$5000 crime that occurred in a garage. He said he felt it could be something important.

Mr. Bargerstock said they informed him they were investigating him, adding he was rather shocked. He asked why he was being investigated, and they said a complaint was filed that he lived in Stow. He said after he was done laughing, he asked who filed the complaint, and received no response. He said he apologized to them for having their time wasted on something this silly, but it was nothing more than an attempt to silence his activity on Council. He said he told them he does not live in Stow, and lives in Kent. He apologized to them for their time being wasted, and apologized to them for the idiot or idiots that put them up to it. He said he went on "his merry way" to his home on S. Willow Street to have lunch.

Mr. Bargerstock said as he continued to think about the situation, he called the detective back, and left a message for him that possibly the idiot or idiots who filed the complaint would like to visit him at 2:30 a.m. when he goes on patrol for couch burnings; broken trees; and/or other vandalism in the neighborhood or other idiots who wake him up, causing him to waste the Police Department's time. He said he received a call the next day from Lt. Stein who advised him that the investigation was complete and he had received Mr. Bargerstock's message. He said they apologized, and said they found nothing wrong. He said they could not tell him who was the complainant. He said he told them they wasted their time, and Lt. Stein said it would "put the rumors to rest."

Mr. Bargerstock said he did not know that the Police Department investigated rumors. He said he thought they were to investigate crimes. He said he asked Lt. Stein if they were being budgeted to fly to Florida, and suggested they should investigate Mr. Kuhar's neighbors to discuss how many nights he sleeps in Florida. He suggested they should pick another day to go to Mr. Kuhar's cabin to investigate his neighbors. He said that Lt. Stein thought it was humorous, and apologized for wasting his time.

Mr. Bargerstock said it really disturbed him. He said he reviewed the Charter, and can find no crime if he decides to live on the property he owns in Stow. He said it is not a criminal activity, but may be a violation of the Charter. He said that the Charter is clear that the body that controls that activity is Council, and they make the decisions. He said if someone filed a false criminal complaint, he needs to know who did so. He said someone took two trained detectives, placed them on a so-called criminal investigation, outside of the City limits, using the LEADS system to wake up his tenant, calling his tenant's mother and scaring the daylights out of her. He said they went to his neighbors, scaring them, as they thought possibly he was murdered and/or killed. He said they identified themselves as Kent detectives, without the benefit of the Stow Police Department involved. He said the crime supposedly took place in Kent, but they are in Stow. He said one of the neighbor's fathers is a retired Kent Police officer. She thought it was humorous, and her husband owns businesses. He said it would be a while before he comes to Kent.

Mr. Bargerstock said he had a nice discussion with the Mayor of Stow. He said she was shocked and surprised, and found it unusual. He asked if she could talk to the Police in Stow to find out if Kent's detectives notified them that they were taking Kent's resources to Stow and attempting to investigate people. He said that she called him, and let him know that the Police Chief knew nothing about it, and felt it was unusual that two Kent detectives would interrogate Stow residents. He said the Mayor did not find it funny.

Mr. Bargerstock said he did not think it was funny either. He said a lot of things have gone wrong. Mr. Bargerstock said they had a detective that used the LEADS system on a non-criminal activity, adding that is a potential issue. He said he was unsure who authorized the detective to do that. He said they had City detectives and property in Stow, without a criminal investigation taking place, using City property and wasting City time.

Mr. Bargerstock said he was making a formal public records request for the complete investigative report, having the same distributed to his fellow Council members, so they can see the report and the

complaining party or parties. He said he would also like the cost of the investigation, distributing the same to all members of Council so they can see how wisely their tax dollars are spent.

Mr. Bargerstock said if they had knocked on his door, they would have seen he was a resident, especially since the parking officer waves as he drives by daily. He said that ½ of the City officials drive by and wave to him, also. He said they could visit the Rugby team next door, and they will tell you what a “pain in the ass” he is, because he tells them to put out the bonfires or he will call the police. He said the next time they investigate a Council member, he would suggest they follow the Charter. He suggested they find out who filed the complaint, and since it is a false complaint, that used the resources of two detectives on a supposed criminal activity, when it was not a criminal activity, that person should be charged for the criminal misuse of City resources.

Mr. Bargerstock said he would leave that to the rest of the Council members to think about. He said it gave Kent a black eye and the folks in Stow are having a big laugh.

Ms. Oswitch said she did not wish to show any disrespect to Mr. Ruller, but she requested they stop getting the blogs in her packets.

MOTION TO STOP RECEIVING THE BLOGS IN THEIR PACKETS.

Motion made by Ms. Oswitch.

Ms. Oswitch said they have worked hard to go paperless, adding she always follows the blog through the website. She said she did not want to keep using a lot of paper, when they have worked hard to go the other direction. She said she is already reading it.

Ms. Gavrilloff seconded the motion.

Mr. Wilson asked if she meant the blog comments only, and Ms. Oswitch said that was correct.

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

Ms. Oswitch said she would like an update on their bridges in the wake of the recent tragedy. She said the Beacon Journal reported on Monday, Aug. 13 that the West Main Street bridge has structural problems.

MOTION TO RECEIVE AN UPDATE ON THE BRIDGES IN KENT.

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

Mr. Wilson said the Service Director was in the audience. He said that he thought they only owned one bridge in Kent, adding that was a brand-new bridge. He asked if her motion is to get current reports as they are received by the City or to hire consultants, and Ms. Oswitch said she wanted the current reports on whatever bridges are in Kent.

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

MOTION TO REFER THE ISSUE RAISED BY Mr. BARGERSTOCK TO COMMITTEE.

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

Ms. Oswitch said she would like to know why they are investigating something frivolous. She said she cannot help but wonder why, adding it is ridiculous. She said he has already announced he was not running for Council again, and questioned how it could be for political reasons. She questioned what harm he could do in the next four months. She asked if there was something coming up that they did not know about and wanted to keep Mr. Bargerstock quiet. She questioned if they are checking her, her colleagues, residents or staff. She said it had nothing to do with a criminal activity, to the best of her knowledge, and she did not understand why the money was spent this way. She said she sits up there monthly, for the last 3.5 years, saying she wants more police, and now she finds out they are looking around to see if Mr.

Bargerstock is sleeping in his own home. She suggested they look at gang activity, investigate the stabbings, or solve the murders that have not been solved. She said if they had enough time to send detectives on a wild goose chase as to where Mr. Bargerstock is sleeping, they are spending money again. She said she would like to discuss what has occurred.

Ms. Gavriloff said Ms. Oswitch said it for her. She said she has three items for referral, adding she has some problems in Ward 2. She said she cannot believe their priorities and that they have so much free time to investigate a Council member when it should have come to them.

MOTION TO AMEND TO REFER THE ISSUE TO ADMINISTRATION FIRST.

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

Mr. Schultz said he was trying to understand what they are investigating. He asked if they are investigating that a complaint was filed, which every citizen has the right to do. He asked if they were investigating misuse by the Police, and saying they did not know their job. He said he is trying to understand what they are investigating.

Ms. Oswitch said they are investigating who gave the authority for this investigation, when it should have been Council. She said if they have a problem with Mr. Bargerstock not sleeping in his house, it is Council's decision, not the Police Department. She asked who gave the authority to have taxpayers' employees to spend so much time to see if someone is sleeping in their house. Mr. Schultz asked if they are voting on who gave the authority, and Ms. Oswitch said she also wanted to know how much money was spent. She said it is big, and it makes her wonder.

Mr. Kuhar said they want an intelligent answer to a situation. Mr. Schultz said he was just waiting to be clear on what they were voting on.

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

Mr. Bargerstock said he was glad the motion was made. He said besides it being a personal insult, the bigger issue is whether or not a crime was involved for investigation. He said they do not use the investigative arm of the City Police to determine if a Council member was sleeping in his home. He said if a criminal complaint was filed against him by a citizen, the prosecutor, or a grand jury, it would be a different matter. He said he wanted to know who filed the complaint. He said he wanted to know if a criminal complaint was filed. He said if it was not a criminal complaint, there was a misuse of City property, City employees, and the City Police Department. He said the Administration should take a careful look at that situation, and who authorized it.

Mr. Bargerstock said in the years he has lived in Kent, he has had a high degree of respect for Chief Peach, adding he cannot believe the Chief would let that happen unless he was told to do it or he did not know about it. He said it would shock the daylights out of him to hear otherwise.

Mr. Bargerstock said if someone thinks he committed a crime, he wants to know who it is. He said he wants to know what the crime is, also. Mr. Bargerstock said if there was no crime, someone misused the system. He said it had better stop. He said if they do not like what he has to say, then they may be at a colleague's door if they do not like what they have to say.

MOTION TO CALL THE QUESTION.

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

The Clerk restated the motion as amended at this time.

Mr. Schultz tried to ask for clarification, and ***Ms. Gavriloff called for a point of order, since the question had been called.***

The motion carried by a hand count of 6-3, with Mr. Schultz, Mr. Hawksley, and Mr. Wilson dissenting.

Mr. Ferrara said that in light of their budget discussions, he had a discussion with Ms. Rissland. He suggested they may need a committee meeting to determine what is a satisfactory level for reserves. He said it is an issue they should discuss.

MOTION TO REFER THE DISCUSSION ON A SATISFACTORY LEVEL FOR RESERVES TO COMMITTEE.

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

MOTION TO RECEIVE AN UPDATE ON THE STATE OF THE WATER LINES, IDENTIFYING THE PROBLEM AREAS.

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

Ms. Gavriloff said the water line on Yacavona Dr. has broken 17 times in the last six years. She said she would like to see how their infrastructure is holding up, and where they need to invest their money.

Ms. Oswitch said when they were first elected, they took a tour. She said there was a map on one of the walls in Service Department, and she asked what it was. She said they explained it was a map that showed all of the water main breaks.

Ms. Oswitch said they are hearing about a huge sink hole in Cleveland. She said Kent's infrastructure is falling apart, and it would be nice to have an update.

Mr. Schultz said he did not have a problem with the discussion, but wanted to remind them that water lines are paid with enterprise funds. He said if they do not think they have enough resources, they need to raise the water rates. He said if they have too much of a surplus, they would decrease the water lines, adding that is where the money comes from.

Mr. Bargerstock said there is another side of that coin. He said enterprise funds are typically short, adding that in an attempt to keep the rates low, other communities use CDBG monies and excess General Funds for rehabs to water and sewer lines. He said this is done all over Portage County, by other communities, that do not play real estate games. He suggested they use the money for the citizens' benefit, rather than raping and robbing them.

Mr. Schultz asked how they rape a water line.

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

MOTION TO REFER TO THE TRAFFIC, SAFETY & ENGINEERING COMMITTEE THE ISSUE OF TRUCKS ON MIDDLEBURY ROAD AND WAYS TO STOP THE TRUCK TRAFFIC.

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

Ms. Gavriloff said there are two residents that have been vigilant with reporting truck^s on Middlebury Road. She said that one resident was walking, and was told by a truck driver to not be on the road, as it was not dangerous. She said they need to look at managing the traffic on Middlebury Road.

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

MOTION TO CONTACT KENT STATE UNIVERSITY ABOUT THE SITUATION OF ANNEXES FOR FRATERNITY AND SORORITY HOUSES.

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

Ms. Gavriloff said she was a former member of a sorority. She said that sorority and fraternity houses are supposed to be dry, and annexes would give them the ability to drink. She said they need to work with the University on how to address it. She said if they are holding unofficial fraternity or sorority activities, they need to be addressed as well.

Ms. Oswitch said they have discussed this for the last several years. She said there are numerous houses, adding it is knowing where to go for the party. Ms. Oswitch said that the fraternity or sorority does not get in trouble, since it is not on their official premises. She said it is a huge problem, and there are more of them in the residential neighborhoods. Ms. Oswitch said she was unsure of the solution, adding it is just a regular house. She suggested they need to work more with the realtors who are working to license those homes.

Mr. Kuhar supported the motion. He questioned if these were licensed rooming houses, adding they have ordinances to control the noise. He suggested that should be in the discussion also.

Mr. Bargerstock said this was brought up in 1996 at the first Town/Gown relations committee that Mayor Chandler had him appointed to, adding it was discussed at length. Mr. Bargerstock said they did a nice report, and everyone got a pat on the back and dinner. He said the report is still sitting on his desk, with dust on it.

Mr. Bargerstock said they do not have official places for the fraternity and sororities to operate, adding they are operating outside of the law because they are not getting support from the university or anyone else.

Mr. Bargerstock said there is a wink and nod approval process, adding the homes should be able to house thirty or forty people, not ten or five. He said for a fraternity or sorority to operate as a sanctioned house, the first condition should be a proper place to conduct their activities on one of the campuses. He said it should not be a post office box or a rooming house, but a proper facility. He said that should be the first condition in Kent. He asked why no one has applied the law to the fraternity and sororities is beyond him. He said the University agreed that it was a good idea, at that time, but it is still sitting in the book, and the City is still dealing with the same problem.

Mayor Fender said if Mr. Bargerstock knows someone that they have given a wink and a nod to, to let them know. He said if someone is breaking the law, they need to know.

Mr. Kuhar said it is nice to be at this meeting, as they had some participation from the citizens in the community. He said there are times when he gets mad where there is no participation. Mr. Kuhar said he gets phone calls and complaints, but they do not come in front of Council. He said he would like to see the room packed every evening. He said whether they agree with him or not, it is good that they show up and voice their opinion. He applauded them.

Mr. Kuhar said there is another issue he would like to address. He said that supposedly, it was a rumor that the person he replaced did not live in Kent, adding he did not know if they sent out the MOD Squad to investigate. He said if this was done administratively, someone needs to be removed. He said he was told to vote the way he feels, and should not be condemned or applauded. Mr. Kuhar said he tries to make his opinion after hearing as much information as possible. He said there are times when he must set aside his own personal feelings. Mr. Kuhar said he does not want to be talked at or to by another Council member. He said it is an open meeting for anyone when they have something to say.

Mr. Kuhar said he does the best he can, from his heart, and does not need lectures or fingers pointed at him. He applauded the citizens, and told them to recruit more so people know what it going on in Kent. He said he gets all of the information when his phone rings at home, but obviously, no one believes him. He said he would like the Chambers packed full of concerned people, whatever their thoughts likes, or dislikes. He said if they do not attend, they can email Council, and everyone will get it. He said they need to be Council members who represent the community. He said if they do not like something or if they do like something, they should show up at City Hall.

Mr. Wilson said he wanted to clarify something said earlier in the evening. Mr. Wilson said the Law Director was not at fault for the sign nor was the policeman. He said if Council wants to blame anyone about the law on the books, they should blame themselves. He said that all the Law Director and the Police officer did was follow the law on the books.

Mr. Schultz said it is a complicated issue. He said he has heard from a lot of people, and they do not understand a ticket for \$125 when realtors and others put signs in the right-of-way with their names and addresses on the signs. He questioned how the police cannot find them.

Mr. Wilson said that every time he sees a sign, he calls the Service Department, and does not care if there is a ticket issued or the sign is removed. He said he calls about a lot of signs.

Ms. Oswitch said it is poor to go from a fine of \$125 to a higher amount of money and jail time.

Ms. Oswitch just requested those responsible to bring forward the merit policy for discussion.

Ms. Oswitch said she has asked for a policy on the direct billing to the landlords, adding she asks about it every other month. She said that now the students are back, there will be more issues, and they need to bring it forward.

Mayor Fender said that Mr. Kuhar mentioned he does not like to hear lectures. He said that they all do that, adding it is a learning situation and they should be able to absorb it. He said the audience participants have a chance to see democracy working.

Mayor Fender said that three or four of them slammed the Council earlier in the evening when they become irritated at each other. He suggested they look at themselves as an audience also. He said that the audience participants need to watch their outbursts also.

MOTION TO ADJOURN THIS MEETING.

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

Hearing no further business before this Council, Mayor Fender adjourned this meeting at 8:45 p.m.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council