

**THE CITY OF KENT, OHIO
REGULAR COUNCIL
WED., FEB. 21, 2007**

This regular meeting of Kent City Council was called to order on Wed., Feb. 21, 2007 at 7:30 p.m. by President Pro Tem Wayne Wilson in the absence of John Fender, Mayor & President of Council.

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

ALSO PRESENT: W. LILLICH, ACTING CITY MANAGER; J. SILVER, LAW DIRECTOR; AND L. ZORC, ACTING CLERK OF COUNCIL

ABSENT: J. FENDER, MAYOR
D. RULLER, CITY MANAGER
L. COPLEY, CLERK OF COUNCIL

MOTION TO EXCUSE MAYOR FENDER.

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

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

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF FEB. 7, 2007 AND THE PUBLIC HEARINGS (2) OF FEB. 7, 2007.

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

At this time, Pro Tem Wilson called for audience comment, reminding those wishing to speak to sign up with the Clerk who will call them forward.

John: Mr. Bard said he was concerned that the City's crews did not have their priorities straight during the snow storm the previous week. He said he saw City workers clearing off the Main Street Bridge, which should not have been a priority since there should have been no parking on the bridge in first place. He said he had to shovel out his own storm sewer, and said it is no wonder that Kent lost their grocery store.

Hearing no further audience comment, Pro Tem Wilson called for written correspondence at this time.

The Acting Clerk reported that a notice was received from the Ohio Division of Liquor Control advising of a request for a transfer of a D1, D3, and D3A liquor license from Joel Jacobson, dba Electric Café, 252 N. Water Street, Kent to B A Powell, LLC, 110 E. Main Street. She reported that objections must be postmarked by Mar. 12, 2007. Ms. Zorc said that the Safety Director advised there are no statutory grounds for objection.

MOTION TO RETURN WITH NO OBJECTIONS.

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

City Manager's Report

There was no City Manager's report.

STANDING COMMITTEE REPORTS

POLICY & PROCEDURES COMMITTEE

Pro Tem Wilson asked the Acting Clerk to read Draft No. 07-17 by title only at this time.

A RESOLUTION APPOINTING AUDREY KESSLER AND PAULA ROSKY TO THE COMMUNITY

REINVESTMENT AREA HOUSING COUNCIL AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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. DeLeone, seconded by Ms. Oswitch.

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.

2007-17: A RESOLUTION APPOINTING AUDREY KESSLER AND PAULA ROSKY TO THE COMMUNITY REINVESTMENT AREA HOUSING COUNCIL AND DECLARING AN EMERGENCY.

Elizabeth Zorc, Acting Clerk of Council

Wayne A. Wilson, President Pro Tem

COMMUNITY DEVELOPMENT COMMITTEE

MOTION TO APPROVE THE ORAL REPORT OF FEB. 21, 2007 AND THE RECOMMENDED ACTION, WHICH WAS TO AUTHORIZE THE CELEBRATE KENT! PROGRAM, REQUIRING MATCHING FUNDS.

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

FINANCE COMMITTEE

MOTION TO AUTHORIZE DRAFT NO. 07-20.

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

President Pro Tem asked the Acting Clerk to read Draft No. 07-20 by title only.

AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$4,000.00 TO THE CITY OF KENT POLICE DEPARTMENT FROM THE VETERANS OF FOREIGN WARS (VFW POST 3703) FOR THE PURCHASE OF A NEW POLICE K-9 AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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.

2007-18: AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$4,000.00 TO THE CITY OF KENT POLICE DEPARTMENT FROM THE VETERANS OF FOREIGN WARS (VFW POST 3703) FOR THE PURCHASE OF A NEW POLICE K-9 AND DECLARING AN EMERGENCY.

Elizabeth Zorc, Acting Clerk of Council

Wayne A. Wilson, President Pro Tem

It was suggested that a thank you note be sent to the VFW for their generous donation.

STREETS, SIDEWALKS & UTILITIES COMMITTEE

MOTION TO APPROVE THE ORAL REPORT OF FEB. 21, 2007, AUTHORIZING THE RIGHT-OF-WAY AGREEMENT WITH ODOT.

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

Pro Tem Wilson asked the Clerk to read Draft No. 07-19 by title only.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF RIGHT-OF-WAY ACQUISITIONS FOR THE FAIRCHILD AVE/CRAIN AVE. BRIDGE PROJECT, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

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

2007-19: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF RIGHT-OF-WAY ACQUISITIONS FOR THE FAIRCHILD AVE/CRAIN AVE. BRIDGE PROJECT, AND DECLARING AN EMERGENCY.

Elizabeth Zorc, Acting Clerk of Council

Wayne A. Wilson, President Pro Tem

SPECIAL COMMITTEE REPORTS - None

UNFINISHED BUSINESS - None

NEW BUSINESS

Mr. Bargerstock asked about seeing a bobcat cleaning a bridge. He wondered if they did that to dump the snow in the river. Mr. Lillich said they cannot dump snow into the river. Mr. Bargerstock said he thought the crews did a nice job with the snow removal during the storm.

Mr. Kuhar said that regarding the snow storm last week, the crews did an excellent job. He said the businesses, however, should have cleaned their sidewalks.

Ms. Oswitch asked about the high piles of snow on the corners. She said they obstructed the vision, and she did not want children walking in the streets. Mr. Lillich said most sidewalks were clean for the school children, but due to the unusual amount of snow, it was piled up.

Mr. Kuhar said that although they have an ordinance to keep sidewalks clean, the Superior Court says it is unenforceable.

Ms. Gavriloff commented that she was concerned about the tandem snow plowing and that the speed caused the snow to fly high up onto sidewalks and properties.

Mr. Lillich said it was a fine line to have enough speed to be able to remove the snow and ice and also not go too fast.

MAYOR'S REPORT

Mr. Wilson said the crews did a heck of a job, and that most people may not be aware that during all this the crews were also dealing with a bad waterline break.

Mr. Wilson announced that the Board of Control meeting that had been recessed prior to this meeting would be reconvened when this meeting was adjourned.

MOTION TO ADJOURN THIS MEETING.

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

Hearing no further business before this Council, Pro Tem Wilson adjourned this meeting at 7:50 p.m.

Elizabeth Zorc, Acting Clerk of Council

Wayne A. Wilson, President Pro Tem