

**THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WEDNESDAY, FEBRUARY 7, 2007**

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

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

ALSO PRESENT: D. RULLER, CITY MANAGER; J. SILVER, LAW DIRECTOR; L. COPLEY, CLERK OF COUNCIL; AND G. LOCKE, ACTING DIR. OF COM. DEV.

ABSENT: J. FENDER, MAYOR; AND G. FERRARA, COUNCIL.

MOTION TO EXCUSE MAYOR FENDER AND MR. FERRARA.

Motion made by Ms. Oswitch, seconded by Mr. DeLeone, and carried by a voice vote of 8-0.

Due to the absence of Mr. Ferrara, there were no opening remarks, and Pro Tem Wilson led the Pledge of Allegiance at this time.

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF JAN. 17, 2007 AND THE PUBLIC HEARING OF JAN. 24, 2007.

Motion made by Mr. DeLeone, seconded by Ms. Oswitch and carried by a voice vote of 8-0.

COMMUNICATIONS

At this time Pro Tem Wilson called for audience comment. He reminded those wishing to speak to sign up with the Clerk, and to confine their comments to three minutes.

Hearing no audience comment, Pro Tem Wilson called upon the Clerk for the written communications.

The Clerk reported that a letter was received on Jan. 17, 2007 from Time Warner Cable advising the City that the America's Store Channel on the Digital Tier was going out of business, and would be going "dark" on Feb. 3, 2007.

The Clerk reported that a letter was received on Jan. 25, 2007 from Time Warner Cable advising that network agreements were due to expire with WEWS and WEWS (HD). She said the letter expressed optimism that there would be no disruption in service to the community.

The Clerk reported that a public notice was received from the Ohio EPA regarding the City's NPDES permit. She said this public notice is required by law, and must be displayed for thirty days.

The Clerk reported that after the agenda was printed, an invitation was received from Gordon Vars, Facilitator of the Friends of the Bog inviting Council to their public meeting on Feb. 27, 2007, 7:30 p.m., at the Roy Smith Shelter House, commemorating the 20th anniversary of the formal dedication of the Kent Bot Nature Preserve.

The Clerk reported that Council's liaison to the Park Board, Wayne Wilson, has placed their minutes on file in the Council office.

The Clerk said that Council's representative on the Standing Rock Cemetery Board, Mr. DeLeone, placed minutes of the Jan. 11 meeting on file prior to the start of this meeting.

The Clerk reported that there were some issues with the CRA Council, and she has received some

emails from this issue. She said she needed Council's guidance, as both individuals' terms had expired and they emailed me their intent, per Mr. Weddle, to "re establish" their appointments. She asked that they discuss this during the "New Business" portion of the meeting.

Hearing no further written correspondence, Pro Tem Wilson called for the City Manager's report at this time.

MOTION TO APPROVE ITEM #1, AUTHORIZATION OF DRAFT NO. 07-16, OF THE CITY MANAGER'S REPORT.

Motion made by Ms. Gavrilloff, seconded by Ms. Oswitch, and carried by a voice vote of 7-0-1, with Mr. Wilson abstaining.

STANDING COMMITTEE REPORTS

POLICY & PROCEDURES COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF JAN. 24, 2007, WHERE INTERVIEWS WERE HELD FOR BOARDS AND COMMISSION AND NO ACTION WAS RECOMMENDED.

Motion made by Mr. DeLeone, seconded by Mr. Hawksley, and carried by a voice vote of 8-0.

At this time, balloting for the vacancies on the boards and commissions were held. Mr. DeLeone announced the winners as follows:

Parking Action Committee - Charlie Thomas

Housing Advisory Council - Howard T. Boyle II, Arlyne Habeeb, Paulette Kordinak, Fred Zawilinski, Doug Wagener, and Amy Arnold

Planning Commission - Sean Kaine

Cable Television Commission- David Smeltzer and Henry Halem

Board of Building Appeals - Gerald Budrevich and Janet E. Rusanowsky

Board of Zoning Appeals - Rich Fender

MOTION TO AUTHORIZE THE NAMES TO BE INSERTED IN THE APPROPRIATE DRAFT ORDINANCES, NOS. 07-09 THROUGH 07-14.

Motion made by Mr. DeLeone, seconded by Ms. Gavrilloff, and carried by a voice vote of 7-0-1, with Mr. Wilson abstaining.

President Pro Tem Wilson asked the Clerk to read Draft No. 07-09 by title only at this time.

A RESOLUTION APPOINTING CHARLIE THOMAS TO THE PARKING ACTION COMMITTEE AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2007-09: A RESOLUTION APPOINTING CHARLIE THOMAS TO THE PARKING ACTION COMMITTEE AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne A. Wilson, President Pro Tem

Pro Tem Wilson asked the Clerk to read Draft No. 07-10 by title only at this time.

A RESOLUTION APPOINTING HOWARD T. BOYLE II, ARLYNE HABEEB, PAULETTE KORDINAK, FRED ZAWILINSKI, DOUG WAGENER , AND AMY ARNOLD TO THE HOUSING ADVISORY COUNCIL 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: 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 8-0.

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, and Mr. DeLeone. The motion carried by a roll call vote of 8-0.

2007-10: A RESOLUTION APPOINTING HOWARD T. BOYLE II, ARLYNE HABEEB, PAULETTE KORDINAK, FRED ZAWILINSKI, DOUG WAGENER , AND AMY ARNOLD TO THE HOUSING ADVISORY COUNCIL AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne A. Wilson, President Pro Tem

President Pro Tem Wilson asked the Clerk to read Draft No. 07-11 by title only at this time.

A RESOLUTION APPOINTING SEAN KAINE TO THE PLANNING COMMISSION 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. Hawksley, Mr. Kuhar, Ms. Oswitch, Mr. Schultz, Mr. Wilson, Mr. Bargerstock, Mr. DeLeone, and Ms. Gavriloff. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2007-11: A RESOLUTION APPOINTING SEAN KAINE TO THE PLANNING COMMISSION AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne A. Wilson, President Pro Tem

President Pro Tem asked the Clerk to read Draft No. 07-12 by title only at this time.

A RESOLUTION APPOINTING HENRY HALEM AND DAVID SMELTZER TO THE CABLE TELEVISION COMMISSION 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. Kuhar, Ms. Oswitch, Mr. Schultz, Mr. Wilson, Mr. Bargerstock, Mr. DeLeone, Ms. Gavriloff, and Mr. Hawksley. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2007-12: A RESOLUTION APPOINTING HENRY HALEM AND DAVID SMELTZER TO THE CABLE TELEVISION COMMISSION AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne A. Wilson, President Pro Tem

President Pro Tem Wilson asked the Clerk to read Draft No. 07-13 by title only at this time.

A RESOLUTION APPOINTING GERALD BUDREVICH AND JANET E. RUSANOWSKY TO THE BOARD OF BUILDING APPEALS 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: Ms. Oswitch, Mr. Schultz, Mr. Wilson, Mr. Bargerstock, Mr. DeLeone, Ms. Gavriloff, Mr. Hawksley, and Mr. Kuhar. The motion carried by a roll call vote of 8-0.

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

2007-13: A RESOLUTION APPOINTING GERALD BUDREVICH AND JANET E. RUANOWSKY TO THE BOARD OF BUILDING APPEALS AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne A. Wilson, President Pro Tem

President Pro Tem Wilson asked the Clerk to read Draft No. 07-14 by title only at this time.

A RESOLUTION APPOINTING RICH FENDER TO THE BOARD OF ZONING APPEALS 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,

Ms. Gavriloff, Mr. Hawksley, Mr. Kuhar, and Ms. Oswitch. The motion carried by a roll call vote of 8-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2007-14: A RESOLUTION APPOINTING RICH FENDER TO THE BOARD OF ZONING APPEALS AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council
COMMUNITY DEVELOPMENT COMMITTEE

Wayne A. Wilson, President Pro Tem

MOTION TO APPROVE THE WRITTEN REPORT OF JAN. 24, 2007, AND THE RECOMMENDED ACTION, WHICH WAS TO AUTHORIZE THE BOUNDARY AMENDMENT FOR HTE BRIMFIELD-KENT JEDD

Motion made by Mr. Schultz, seconded by Mr. Hawksley, and carried by a voice vote of 7-0-1, with Mr. Wilson abstaining.

Pro Tem Wilson asked the Clerk to read Draft No. 07-15 by title only at this time.

AN ORDINANCE AMENDING ORDINANCE NO. 2005-34, PASSED APRIL 20, 2005, ENTITLED " AN ORDINANCE PROVIDING FOR APPROVAL OF THE BRIMFIELD-KENT JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT; AND DECLARING AN EMERGENCY" SO AS TO APPROVE AMENDMENT NO. 1 OF THE BRIMFIELD-KENT JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT; 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. Wilson, Mr. Bargerstock, Mr. DeLeone, Ms. Gavriloff, Mr. Hawksley, Mr. Kuhar, Ms. Oswitch, and Mr. Schultz. The motion carried by a roll call vote of 8-0.

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

2007-15: AN ORDINANCE AMENDING ORDINANCE NO. 2005-34, PASSED APRIL 20, 2005, ENTITLED " AN ORDINANCE PROVIDING FOR APPROVAL OF THE BRIMFIELD-KENT JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT; AND DECLARING AN EMERGENCY" SO AS TO APPROVE AMENDMENT NO. 1 OF THE BRIMFIELD-KENT JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT; AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council
FINANCE COMMITTEE

Wayne A. Wilson, President Pro Tem

MOTION TO APPROVE THE WRITTEN REPORT OF JAN. 31, 2007 AND THE RECOMENDED ACTIONS.

Motion made by Mr. Schultz, seconded by Mr. Hawksley, and carried by a voice vote of 7-0-1, with Mr. Wilson abstaining.

The following actions were approved by the aforementioned motion.

- 1) TO SEND A LETTER TO THE STATE SENATOR AND STATE REPRESENTATIVE TO SEE IF THEY CAN PURSE ADDITIONAL COMPENSATION FOR IMPACTED COMMUNITIES.
- 2) TO REQUEST MR. SILVER CONTACT THE KENT BOARD OF EDUCATION, SEEKING THEIR COOPERATION, AS THEY REQUEST COMPENSATION FROM THE STATE ON LOST PROPERTY TAXES.
- 3) TO ADOPT THE TOP THREE GOALS, AS RECOMMENDED COUNCIL, FOR 2007.

President Pro Tem Wilson asked the Clerk to read Draft No. 07-16 by title only at this time.

AN ORDINANCE ACCEPTING A DONATION TO THE CITY OF KENT FROM A T & T AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Mr. Bargerstock, Mr. DeLeone, Ms. Gavriloff, Mr. Hawksley, Mr. Kuhar, Ms. Oswitch, Mr. Schultz, and Mr. Wilson. The motion carried by a roll call vote of 7-0-1, with Mr. Wilson abstaining.

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. Bargerstock, Mr. DeLeone, Ms. Gavriloff, Mr. Hawksley, Mr. Kuhar, Ms. Oswitch, Mr. Schultz, and Mr. Wilson. The motion carried by a roll call vote of 7-0-1, with Mr. Wilson abstaining.

2007-16: AN ORDINANCE ACCEPTING A DONATION TO THE CITY OF KENT FROM A T & T AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

Wayne A. Wilson, President Pro Tem

HEALTH & SAFETY COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF JAN. 17, 2007 (ORAL REPORT/ACTION APPROVED ON JAN. 17, 2007).

Motion made by Ms. Oswitch, seconded by Mr. DeLeone, and carried by a voice vote of 6-0-2, with Mr. Wilson and Ms. Gavriloff abstaining.

STREETS, SIDEWALKS & UTILITIES COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF JAN. 24, 2007 AND THE RECOMMENDED ACTION, WHICH WAS TO AUTHORIZE THE AMENDMENT TO THE DOMINION EASEMENT, CONTINGENT TO DISCUSSIONS BY THE ADMINISTRATION WITH DOMINION.

Motion made by Ms. Oswitch, seconded by Ms. Gavriloff, and carried by a voice vote of 7-0-1, with Mr. Wilson abstaining.

SPECIAL COMMITTEE REPORTS None

UNFINISHED BUSINESS None

NEW BUSINESS

The Clerk said that Council makes two appointments to the Community Reinvestment Area Council. She said the terms of the two people who served expired in July, 2006. She said that both members were notified by mail that their terms were expiring, and neither reapplied. She said the positions were also advertised in the Summer, Fall, and Winter editions of the Tree City Bulletin and no one applied.

The Clerk said she noticed their annual meeting was scheduled and advertised for Feb. 15, 2007. She said she notified the staff person that he did not have a full complement, and would not have a quorum. She said she notified him on Jan. 31, and never heard from him. She said that she did, however receive emails from the former members who had tagged on to an email from the staff person advising they could have their appointments "reestablished" and to advise me and the their Council representatives. She said they were told those appointments could be done either on Feb. 7 or Feb. 14, 2007 and allow the meeting to continue on Feb. 15, 2007.

The Clerk said she does not have the authority to change the Standing Rules for appointments to Boards and Commissions, nor does any other staff member. She said it is up to them if they wish to schedule a Special Council meeting the following week to reappoint these two individuals.

MOTION TO SUSPEND STANDING RULES WITH RESPECT TO COUNCIL APPOINTMENTS.

Motion made by Mr. Schultz, seconded by Mr. Hawksley, and carried by a voice vote of 7-1, with Mr. Bargerstock dissenting.

Mr. Schultz asked the Clerk who the two individuals were, and she said they were Audrey Kessler and Paula Rosky.

MOTION TO APPOINT AUDREY KESSLER AND PAULA ROSKY TO THE COMMUNITY REINVESTMENT AREA COUNCIL.

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

Mr. Kuhar asked the Clerk if they have asked to be reappointed, and she said that was correct, as she received emails from both of them.

Mr. Bargerstock spoke against the motion. He said these vacancies should be advertised, and if no one else applies, these people can be appointed.

Ms. Oswitch agreed with Mr. Bargerstock, but pointed out that no one came forward. She said she would hate to see the meeting not happen.

Mr. DeLeone asked how many times the vacancies were advertised, and the Clerk said they were in the Tree City Bulletin for the Summer, Fall, and Winter issues.

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

MOTION TO AUTHORIZE THE ADMINISTRATION TO SEND A LETTER TO DR. KELLER AND MRS. ANDERSON, THANKING THEM FOR THEIR SERVICE ON THE PLANNING COMMISSION AND BOARD OF ZONING APPEALS RESPECTIVELY.

Motion made by Ms. Oswitch, seconded by Mr. DeLeone, and carried by a voice vote of 7-1, with Mr. Bargerstock dissenting.

MOTION TO SCHEDULE A SPECIAL COUNCIL MEETING ON FEB. 14 TO APPOINT MS. ROSKY AND MS. KESSLER TO THE COMMUNITY REINVESTMENT AREA COUNCIL.

Motion made by Ms. Gavriloff, seconded by Ms. Oswitch, and carried by a voice vote of 6-1-1, with Mr. Bargerstock dissenting and Mr. Wilson abstaining.

MAYOR'S REPORT

Mr. Wilson said he is serving on the joint fire district meeting with Chief Jim Williams and Safety Director Bill Lillich. He said they met in Ravenna, and it was suggested they needed a citizen member on the board. He said that after it was in the newspaper, they were approached by someone willing to serve. He said this person has a degree in public administration. He said his name is John Thomas. He said they have accepted him on board, adding the committee has no say so and is just an investigative committee. He said that Mr. Thomas will be an asset, and he will tell the others Mr. Thomas can serve as long as he hears no objections.

MOTION TO APPOINT MR. THOMAS AS THE CITIZEN REPRESENTATIVE ON THE JOINT FIRE DISTRICT MEETING.

Motion made by Mr. Schultz, seconded by Mr. DeLeone, and carried by a voice vote of 6-0-2, with Mr. Wilson and Ms. Gavriloff abstaining.

Mr. Wilson said the next issue has to deal with their budget. He reminded Council that they removed all of the monies in their travel budget for 2007. He said he strongly endorsed that issue during budget discussions.

He said the International Institute of Municipal Clerks will be having their annual conference the third week of May in New Orleans. He said the estimated cost would be \$1935.50, and they would need to authorize a transfer from the Contingency Fund.

MOTION TO AUTHORIZE THE CLERK'S ATTENDANCE AT THE IIMC CONFERENCE IN MAY, 2007 WITH ALL EXPENSES BEING TAKEN FROM A CONTINGENCY FUND TRANSFER INTO THE COUNCIL BUDGET.

Motion made by Mr. Schultz, seconded by Ms. Oswitch, and carried by a voice vote of 7-0-1, with Mr. Wilson abstaining.

Hearing no further business before this Council, Pro Tem Wilson adjourned this meeting at 7:51 p.m.

Linda M. Copley, Clerk of Council

Wayne A. Wilson, President Pro Tem