

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

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

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

ALSO PRESENT: J. FENDER, MAYOR; D. RULLER, CITY MANAGER; J. SILVER, LAW DIRECTOR; AND L. COPLEY, CLERK OF COUNCIL

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

Mr. Ferrara said the Kent Heritage Festival was held about one month earlier and was a great success. He commended everyone who participated and organized the event, adding it was one of the best ones in a long time. He gave kudos to all who were involved.

Mr. Ferrara said he was recently the recipient of city services, with the installation of a new water line in his house. He said the Service Department was at their home at 8:00 a.m., and on Wednesday, the following week, the road was already patched. He said they were all courteous and polite.

At this time, Mr. Ferrara led those in the Pledge of Allegiance.

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF JUNE 20, 2007.

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

Mayor Fender called for audience communications at this time, reminding those wishing to address Council to sign up with the Clerk of Council prior to speaking.

Stephen: Stephen explained he was an attorney, present, to represent Kent Hotel, LLC. He said he previously sent a letter requesting additional time to speak to Council, and would respectfully request their indulgence to allow more than the allotted three minutes.

Mayor Fender explained he spoke to Stephen prior to the meeting. He said that three minutes are available, and any longer amount of time needs the consent of Council.

MOTION TO GRANT THE TIME NECESSARY FOR THE PRESENTATION.

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

Mr. Wilson said he would vote against the motion. He said the issue was previously discussed and needs to move forward at this time.

Mr. Bargerstock said it is silly to not grant the necessary time. He said they are present because of the safety of the community, and the hotel has been presented as a safety issue. He said the building has languished for years, and there is no good reason to not allow Stephen the time. He said that Mr. Viik nor his representative was present at the last meeting, for whatever reason, and it would be an injustice to the community to not hear them out. He said they have heard lesser things.

Mr. Hawksley said Stephen's client has refused to speak to the Administration. He said to go around the Administration is disrespectful and undermines the whole process.

Mr. Bargerstock called for a point of order, adding that was speculation, and they are unsure that has happened. He commented that is the main reason to listen to Stephen.

The motion failed by a hand count of 2-7, with Mr. Bargerstock and Mr. Kuhar supporting the motion, while all others dissented.

Stephen said the Council is jeopardizing his client's due process rights by engaging in such conduct. He said Mr. Viik, on behalf of Kent Hotel, LLC, did not get notified of the meeting the previous week, although he has responded to Council. He said there are email trails and other documents evidencing

those records.

Stephen said he wanted to be sure Council knew there are no present plans to demolish the structure. He said that Kent Hotel, LLC has disclosed whatever it was doing whenever asked by Council and City representatives. He said they have disclosed project time frames and their intentions for the building. He said they have offered, and continue to offer, any Council member the opportunity for a tour, adding that some of Council toured the facility.

Stephen said they have taken care of the roof issues, demolished the inside of the building, removed walls, plumbing, fixtures, for construction of new walls, plumbing and fixtures.

He said that some certain items were misrepresented or inaccurately reported. Stephen said there are two types of credits being sought. He said that housing tax credits, through the Ohio Department of Development, work like a grant. He said there was an architect who appeared the previous week, although he and Mr. Vilck were not notified of the meeting. He said the applications for the credits were not available until the previous week. He said that 2007 funding does not begin until August 17, 2007.

Stephen said there are other deadlines and time frames that are established. He said that historic tax credits requires certain actions by this Council, and those actions have not been taken. He said they may either request to place the building on the National Registry or create a historic tax district. He said that Ms. Heather Ridge (of ODD) was not speaking about tax credits which have the deadlines. He said she either did not know or failed to disclose those tax credits. He said it is curious to know why she did not disclose those items.

Stephen said that Kent Hotel is willing to negotiate the City, but the City has taken a unilateral position that either the agreed judgment entry be signed or there is nothing else. He said that any liens on the property have been the product of the prior actions and/or conduct of a prior owner. He said that Kent Hotel LLC has taken significant measures to clean up the building, and continues to do so. He said they have obtained bids to secure the structure and the outside of the structure. He said they are willing to set time frames and deadlines to construct a temporary structure to preserve the safety of the structure.

Stephen said it is important to note that the issues of the falling bricks are somewhat tenuous. He said for years and years, no bricks have fallen, nothing has moved, and nothing has loosened. He said that notwithstanding that fact, Kent Hotel LLC is willing to take measures within a reasonable time frame to secure the safety and to erect a temporary structure to preserve the public health and safety.

Stephen concluded that any decision to foreclose on the property is not based on accurate fact and full disclosure of all facts and evidence.

Mayor Fender explained that Council does not respond to comments during the audience portion of the meeting, but may have comments later in the evening.

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

The Clerk reported that an email was received on June 25, 2007 from the Board of Trustees of The Artists Network of Kent (TANK) advising that TANK represents approximately 80 artists in the community. She reported that the email advised that TANK was unaware of the Bicentennial Art project until an article appeared in the newspaper. She said they requested that Council postpone payment of any taxpayer dollars until the entire process has been thoroughly examined, and there is fair and transparent competition in the awarding of public funds for art. The Clerk said that this email was forwarded to all members of Council on June 25, 2007.

The Clerk reported that two notifications were received on June 25, 2007 from the Ohio Division of Liquor Control, advising that a request for a transfer of a C1, C2, and D8 liquor license has been received, along with a Liquor Agency Contract. She said the Liquor Agency Control is to Karma Yogi LLC, dba TLC Liquor, 1205 W. Main Street, Kent. The Clerk reported that the transfer is from TLC Liquor Inc. to Karma Yogi LLC, dba TLC Liquor, 1205 W. Main Street Kent. She said that objections to both notifications must be postmarked by July 23, 2007, and that Safety Director Lillich has responded that there are no legal grounds for objection.

MOTION TO RETURN WITH NO OBJECTIONS.

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

The Clerk reported that a letter was received from Time Warner Cable, by certified mail, on June 22, 2007 advising that they wish to commence proceedings, under the Cable Communications Policy Act, to identify future cable related community needs and interest, and to review their performance for the purpose of renewing their Franchise.

The Clerk reported that a letter was received from Michael E. Kehoe, Vice President of AT&T, advising they will begin offering their new video product in Kent on June 25, 2007.

The Clerk reported that a letter was received from State Representative Kathleen Chandler advising the Ohio House passed Substitute Senate Bill 117, regarding cable video providers. She reported that State Representative Chandler supplied an information sheet on this Bill that will take effect on Sept. 23, 2007.

The Clerk reported that a letter was received from Time Warner Cable notifying the City that their Direct Sales Representatives will be visiting customers in Kent to explain their services. He said they will have ID badges and will be wearing cloths with the Time Warner Cable insignias.

The Clerk reported that Mr. DeLeone placed the minutes of the May 10 and June 14 Standing Rock Cemetery Trustees meetings on file with the Acting Clerk on July 11, 2007.

The Clerk reported that after the agenda was printed, notification was received from the Ohio Div. Of Liquor Control advising the City may object to the renewal of a liquor permit, with said objection and resolution being postmarked no later than Sept. 4, 2007.

The Clerk reported that as was previously referenced, she received an emailed letter from Steven Potter, attorney for Kent Hotel, LLC, asking that his client be included on the agenda for July 18 and be permitted to speak for fifteen minutes. The Clerk advised Mr. Potter, by email, that people are permitted to address Council during their "audience communications" portion of the meeting for three minutes, and any extension of time would require a super majority vote of Council to waive their standing rules. This email was previously forwarded to all members of Council.

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

MOTION TO APPROVE ITEMS #1 AND #2, AUTHORIZATION OF DRAFT NOS. 07-72 AND 07-73.

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

MOTION TO APPROVE ITEM #3, TO AUTHORIZE DRAFT NO. 07-74.

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

MOTION TO APPROVE ITEMS #4 THROUGH #9.

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

The following items were approved by the aforementioned motion:

- 1) Authorization of Draft No. 07-68
- 2) Authorization of Draft No. 07-69
- 3) Agenda time, Finance Committee, Blue Ribbon Panel discussion
- 4) Agenda time, Finance Committee, for discussion of City's Capital Improvement Program
- 5) Authorization of a Special Council meeting on August 1 for assessment legislation for Drainage Area Q.
- 6) Agenda time, Finance Committee, discussion of appropriation amendments

Mr. Ruller said that Mr. Ferrara stole his thunder, as he planned to speak about the Heritage Festival, and that it was terrific. He gave accolades to their fire, police and service personnel. He said he offers his thanks as the person associated with the organization and as an attendee of the event. He said the festival was one of the best.

Mr. Ruller said they heard an update from Main Street the previous week, who presented a lot of progress. He said it was a good presentation, adding that there are business people and residents

leading the charge to restore the downtown. He thanked them for the presentation, and urged them to cheer these individuals on.

Mr. Ruller thanked Council for keeping him around for another year. He told Mayor Fender that he is still excited to be the City Manager of Kent.

STANDING COMMITTEE REPORTS

POLICY & PROCEDURES COMMITTEE

MOTION TO APPROVE THE ORAL REPORT OF JULY 11, 2007, AND THE RECOMMENDED ACTIONS.

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

The following items were approved by the aforementioned motion:

1) Remove Items from Pending List- Administration Items 3,6,7,10,11,13,14,16,17; Finance Committee Item 1

At this time, balloting for vacancies on various Boards and Commissions were tallied. The following people received the necessary votes:

FRAN HERNAN	PARTA
FRAN HERNAN	FAIR HOUSING BOARD/HOUSING BOARD OF APPEALS
DAVID HANSFORD	BOARD OF BUILDING APPEALS

MOTION TO AUTHORIZE DRAFT NOS. 07-66, 07-67, AND 07-78, INSERTING THE APPROPRIATE NAMES.

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

The Mayor asked the Clerk to read Draft No. 07-66 by title only at this time.

A RESOLUTION APPOINTING FRAN HERNAN TO THE PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY (P.A.R.T.A) AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Mr. DeLeone, Mr. Ferrara, Ms. Gavrilloff, 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. Gavrilloff.

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

2007-60: A RESOLUTION APPOINTING FRAN HERNAN TO THE PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY (P.A.R.T.A) 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. 07-67 by title only at this time.

A RESOLUTION APPOINTING FRAN HERNAN TO THE FAIR HOUSING BOARD/HOUSING BOARD OF APPEALS 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. 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. Oswitch.

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.

2007-61: A RESOLUTION APPOINTING FRAN HERNAN TO THE FAIR HOUSING BOARD/HOUSING BOARD OF APPEALS 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 07-78 by title only at this time.

A RESOLUTION APPOINTING DAVID HANSFORD TO THE BOARD OF BUILDING APPEALS 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, 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 Mr. Hawksley, 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.

2007-62: A RESOLUTION APPOINTING DAVID HANSFORD TO THE BOARD OF BUILDING APPEALS AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

COMMUNITY DEVELOPMENT COMMITTEE

MOTION TO APPROVE THE ORAL REPORT OF JULY 11, 2007 AND THE RECOMMENDED ACTIONS.

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

The following actions were approved by the aforementioned motion:

- 1) **PRESENTATION WAS RECEIVED BY PARTA**
- 2) **TO AUTHORIZE THE ADMINISTRATION TO WORK WITH KENTWAY ON POSSIBLE BUS SHELTER**
- 3) **UPDATE ON MAIN STREET PROGRAM**

FINANCE COMMITTEE

Mr. Wilson said they have an oral report of July 11, 2007, and two actions were listed. He said there were two additional actions following executive session. He said one was to authorize a 3% pay increase for the City Manager, and the other was to authorize the purchase of property from Demmer Enterprises and Demmer Hardware.

Mr. Bargerstock said that since their last meeting, he reviewed the agenda from that meeting. He said that actions of Council while in Committee the previous week was a violation of the Ohio Sunshine Statute. He said the agenda listed an Executive Session, and included land acquisition as a reason, but there was nothing on the agenda allowing them to authorize any action. He said the actions being requested are inappropriate at this time.

MOTION TO APPROVE THE ORAL REPORT OF JULY 11, AND THE RECOMMENDED ACTIONS.

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

The following actions were approved by the aforementioned motion:

- 1) TO AUTHORIZE A LEASE AGREEMENT WITH ROCK AND RIVER BIKE SHOP FOR 211 E. SUMMIT STREET
- 2) TO AUTHORIZE UPGRADING THE CODE ENFORCEMENT OFFICER TO A FULL TIME POSITION.
- 3) TO AUTHORIZE A 3% PAY INCREASE FOR THE CITY MANAGER.

MOTION TO REFER THE PURCHASE OF 142 N. WATER STREET TO COMMITTEE.

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

MOTION TO REMOVE DRAFT NO. 76 AND DRAFT NO. 77 FROM THE AGENDAS.

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

The Mayor asked the Clerk to read Draft No. 07-72 by title only at this time.

AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$25.00 TO THE CITY OF KENT FIRE DEPARTMENT FROM MARGARET GARMON FOR PARTICIPATION IN A RESEARCH PAPER 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. Hawksley, Mr. Kuhar, Ms. Oswitch, Mr. Schultz, Mr. Wilson, Mr. Bargerstock, Mr. DeLeone, and Mr. Ferrara. Ms. Gavriloff 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: Mr. Hawksley, Mr. Kuhar, Ms. Oswitch, Mr. Schultz, Mr. Wilson, Mr. Bargerstock, Mr. DeLeone, and Mr. Ferrara. Ms. Gavriloff abstained. The motion carried by a roll call vote of 8-0-1.

2007-63: AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$25.00 TO THE CITY OF KENT FIRE DEPARTMENT FROM MARGARET GARMON FOR PARTICIPATION IN A RESEARCH PAPER 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. 07-73 by title only at this time.

AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$20.00 TO THE CITY OF KENT FIRE DEPARTMENT FROM MARGARET HALL IN MEMORY OF MR. DOLBOW 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. Kuhar, Ms. Oswitch, Mr. Schultz, Mr. Wilson, Mr. Bargerstock, Mr. DeLeone, Mr. Ferrara, and Mr. Hawksley. Ms. Gavriloff 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. DeLeone.

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

2007-64: AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$20.00 TO THE CITY OF KENT FIRE DEPARTMENT FROM MARGARET HALL IN MEMORY OF MR. DOLBOW 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. 07-74 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 LIONS CLUB FOR THE PURCHASE AND TRAINING OF A POLICE K-9 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. Bargerstock, Mr. DeLeone, Mr. Ferrara, Ms. Gavriloff, Mr. Hawksley, and Mr. Kuhar. Mr. Wilson abstained. The motion carried by a roll call vote of 8-0-1.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Ms. Oswitch said this donation, as well as the two previous donations are all wonderful, and she appreciated what the donors were doing.

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

2007-65: AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$500.00 TO THE CITY OF KENT POLICE DEPARTMENT FROM THE KENT LIONS CLUB FOR THE PURCHASE AND TRAINING OF A 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. 07-75 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LEASE AGREEMENT WITH MATTHEW R. BROWN dba ROCK AND RIVER FOR PROPERTY LOCATED AT 211 EAST SUMMIT STREET, KENT, OHIO 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. 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 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. 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.

2007-66: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LEASE AGREEMENT WITH MATTHEW R. BROWN dba ROCK AND RIVER FOR PROPERTY LOCATED AT 211 EAST SUMMIT STREET, KENT, OHIO AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

HEALTH & SAFETY COMMITTEE

MOTION TO APPROVE THE ORAL REPORT OF JULY 11, 2007 AND THE RECOMMENDED ACTIONS #1 AND #3.

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

The following actions were approved by the aforementioned motion:

- 1) TO AUTHORIZE THE JAG GRANT APPLICATION WITH THE SHARING AGREEMENT WITH PORTAGE COUNTY
- 3) TO AUTHORIZE THE ADMINISTRATION TO PLACE "NEW JERSEY BARRIERS" AROUND THE OLD HOTEL.

MOTION TO APPROVE RECOMMENDED ACTION #2, TO AUTHORIZE THE CITY TO PROCEED WITH FORECLOSURE ACTION ON THE OLD HOTEL, AND TO TAKE MEASURES TO PROTECT THE PUBLIC.

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

Mr. Bargerstock said that after witnessing what is going on, he feels their actions are shameful. He said that aside from the renovation, their concern is safety. He said the report issued raised serious concerns, adding he was disappointed to see that Mr. Vilk was not present to answer questions. He said there has been conflicting information on why Mr. Vilk was not present. Mr. Bargerstock said that Mr. Vilk and his representative are present, and asked to present some information and some assurances that there would be a remedy. He said there are people in Kent and on Council who are hell bent to tear down the building or get Mr. Vilk out of it, adding he is unsure which is the case. He said it is shameful, and he would not support the motion. He said he would like to see the safety issues addressed. He said this is the only individual who has put money into the building, adding it is Mr. Vilk's money, and the money does not belong to the City. He said that everyone else comes to the (Council) table asking for a handout.

Mr. Kuhar agreed with a lot of Mr. Bargerstock's comments, adding there is a lot of confusion. He said Ms. Gilbert proposed the sale of that property, while it is not for sale. He said there is evidence of emails. He said Mr. Vilk put a lot of money in the property. Mr. Kuhar said he would hate to see the landmark destroyed. He noted that John Brown's Tannery should have not been knocked down for a park, but should have a park around it, making it a destination point in Kent. He said the hotel could be a destination point. He said it was too bad that Mr. Vilk was not present for the reinspection. Mr. Kuhar said if Mr. Vilk was willing to take immediate action to correct the safety issues with a deadline, he would support moving ahead if Mr. Vilk could not meet the deadline. He said to have him put all of that money in a structure just to tear it down would be wrong.

Mr. Hawksley said he does not want it torn down, adding that the current owner would not talk to the City staff. He said that Mr. Vilk can still come around, work, and negotiate, adding this is just the beginning of the process. He suggested they not let the pressure off, as it comes back to bite them.

Ms. Gavriloff said she was one who was cautiously optimistic and hoped that Mr. Vilk could complete the work. She said she has been in the building. Ms. Gavriloff said she cannot speak to the fact that the structural engineer said the bricks would fall, but did notice something else. She said one only had to

look at their feet to see the potential for injury with the sidewalk grate. She said that one child who gets away from their parent or one intoxicated person could fall through it. Ms. Gavriloff said she is sure that Mr. Vilk has worked hard, but that grate is a blatant obvious problem, that should be corrected. She said if they place pressure through foreclosure that is the way it will be.

Mr. Kuhar said he has first hand information that Mr. Vilk has been sincere in applying for grants monies and loans, adding it is no secret that Charley Bowman has aided him by writing those loans. He said it is also with the service of NDS, who was afraid to step forward for some reason. He said Mr. Vilk has not been ignoring issues, adding he has been attempting to do some things. He said the safety issues need to be addressed immediately.

Mr. Wilson said a while back, they asked staff to put together a time line, because of the unsafe situation. He said Mr. Vilk's attorney said earlier they attempted to negotiate the time line. He said they directed staff to develop the time line. He said the bottom line is that Mr. Vilk wanted to negotiate. Mr. Wilson said they need to follow upon what was started. He said they have given plenty of time, adding he has sat in Council Chambers longer than he cared, talking about the building. He said that something has to be done, adding they can show the Court their time line. He said the Courts may give them the time, adding he did not know how it works. He said they could also discuss a negotiated settlement on the case, and present a time line. He said the Administration may bring it back to Council, if it is feasible, as a possible settlement to the foreclosure action. He said the needed to keep the pressure on.

Ms. Oswitch agreed with Mr. Wilson. She told Mr. Vilk she knows who he is, but he clearly did not know who she was. She said that Mr. Vilk had a discussion in the post office that she overheard where he said he would not sign the contract, had not intention to do so, and would see the City in Court.

Ms. Oswitch said she is thrilled that they demolished the inside of the building, but she is more concerned about the outside. She said it is great to see it is progressing, adding she hoped it continued and Mr. Vilk keeps going. She said they need to continue the process in the event it does not become more of a safety issue.

Mr. Bargerstock said the action listed are actually two actions. He said the recommended actions were to foreclose on the property and to take measures to protect the public.

MOVE TO SEPARATE THE TWO ACTIONS.

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

MOTION TO AUTHORIZE FORECLOSURE ACTION ON THE OLD HOTEL.

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

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

MOTION TO TAKE MEASURES TO PROTECT THE PUBLIC.

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

The Mayor asked the Clerk to read Draft No. 07-68 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" .

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. 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.

2007-67: AN ORDINANCE AMENDING SECTION 313.12 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT ENTITLED "TRAFFIC CONTROL DEVICES" .

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 07-69 by title only at this time.

AN ORDINANCE AMENDING SECTION 353.02 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT ENTITLED "PARKING REGULATION AUTHORIZATION".

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

2007-68: AN ORDINANCE AMENDING SECTION 353.02 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT ENTITLED "PARKING REGULATION AUTHORIZATION".

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 07-70 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPLY FOR A GRANT JOINTLY WITH PORTAGE COUNTY, IN THE AMOUNT OF \$ 11,153 FOR FY 2007 FROM THE BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD FOR THE PURPOSE OF PREVENTING AND REDUCING CRIME, 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. 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 Mr. Wilson, 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

2007-69: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPLY FOR A GRANT JOINTLY WITH PORTAGE COUNTY, IN THE AMOUNT OF \$ 11,153 FOR FY 2007 FROM THE BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD FOR THE PURPOSE OF PREVENTING AND REDUCING CRIME, 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. 07-71 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF KENT, OHIO AND COUNTY OF PORTAGE, OHIO TO JOINTLY APPLY FOR A 2007 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD, 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. Gavriloff. 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. Wilson.

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.

2007-70: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF KENT, OHIO AND COUNTY OF PORTAGE, OHIO TO JOINTLY APPLY FOR A 2007 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD, AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

Mr. Wilson asked Mr. Bargerstock his objection to the land acquisition, adding it was listed on the last week's meeting. He said they discussed it in Executive Session, and came out with action. Mr. Bargerstock said it was listed for Executive Session, but there was nothing listed that allowed them to take action. He said the public did not have an opportunity to be present.

SPECIAL COMMITTEE REPORTS None

UNFINISHED BUSINESS None

NEW BUSINESS

MOTION TO DISCUSS MERIT RAISES.

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

MOTION TO ALLOW MR. VILK AND/OR HIS REPRESENTATIVE TO PRESENT A PLAN FOR REMEDIATION.

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

Mr. Bargerstock said they are present to protect the community and its interests, which is where the foreclosure process began. He said that has been the thrust. He said that instead of getting into a name calling process, they should hear the information. He said Mr. Vilks has been presented an opportunity to remedy the problem, and there is no reason if he does it correctly. He said if Mr. Vilks cannot satisfy those needs, they can make an informed decision.

Mr. Hawksley spoke against the motion. He said if Mr. Vilks cannot work it out with the Administration, then it is none of Council's business. He said they have made a motion to ask the Administration to protect the public.

Mr. Schultz said it is inappropriate to place this in committee once legal action is authorized. He said they should let the lawyers work it out, adding their involvement is not appropriate.

The motion failed by a hand vote of 2-7, with only Mr. Bargerstock and Mr. Kuhar supporting the motion.

MOTION TO DISCUSS THE FEASIBILITY OF DEMOLISHING THE OLD HOTEL FOR THE INTEREST OF PUBLIC SAFETY.

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

Ms. Gavriloff said they have had this discussion about the hotel for four years, whether it was with the ladies from California, Mr. Bujack or Mr. Vilk. She said it is a matter of public safety, adding if they go through with foreclosure, they need to discuss knocking it down.

Mr. Wilson said he never disagreed with Ms. Gavriloff previously, but they need to get through the foreclosure and have a judge say they have the ability to demolish the property.

As requested, the Clerk restated the motion at this time.

The motion failed by a hand vote of 2-7, with only Ms. Gavriloff and Mr. Bargerstock supporting the motion.

MOTION TO ASK THE CLERK TO SEND A LETTER OF THANKS TO MR. WAGENER FOR HIS SERVICE ON PARTA.

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

MOTION TO ASK THE ADMINISTRATION FOR A REPORT ON THE USE OF PUBLIC FUNDS FOR THE BICENTENNIAL ART PROJECT.

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

Mr. Hawksley said it is unclear if they are using public monies, and he wanted clarification.

Mayor Fender asked if Mr. Hawksley was concerned with whether public funds are being used.

Mr. Wilson said they voted to give them \$20,000 in public funds. He said he thinks that TANK feels that not everyone is getting a chance to bid. Mr. Hawksley said he has heard they may not have used public funds. Ms. Oswitch said the City gave them \$20,000 but the actual sculpture was from all private donations. Mr. Wilson asked if they did not use \$20,000 for the sculpture, and if that was appropriate. He said he believed Council thought they were putting up the money for the sculpture with matching funds. Some disagreed. Mr. Hawksley said that is why he wants clarification.

Mayor Fender said that Ms. Pat Morton and Ms. Margaret Garman wanted to be present, but one had a death in the family. He said they wanted Council to know how the monies were spent.

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

MOTION TO ASK THE ADMINISTRATION FOR A PROGRESS REPORT ON THE IMPLEMENTATION OF THE CITY'S ENERGY MANAGEMENT POLICY.

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

Mr. Kuhar said they saw in the newspaper how the school district's energy conservation worked with relation to saving money.

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

MOTION TO DISCUSS EMINENT DOMAIN ON THE RIGHT DIMENSIONS PROJECT.

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

Mr. Kuhar said he wanted to say that he looked around Kent this year, and would like to acknowledge the exception flower gardens and the good image it portrays in Kent.

Mr. Bargerstock said he has been in Kent for twenty-nine years, has sat in Council's Chambers for twenty-nine years, and has sat on Council for almost four years. He said he has spoken about their shameful practices with real estate management. He said Council and the Administration envision themselves as real estate brokers, but none have any experience, and their history in those practices is

horrendous. He said they have waste millions of dollars, which is the reason for their budget issues. He said it is portrayed as economic development, when it is really real estate development with the taxpayers' checkbook.

Mr. Bargerstock said the hotel has been an eyesore for years with safety and appearance issues, and they have an out-of-towner who want to do something, but they are doing everything to prevent discussion from the owner. He said the good old boys in Kent proposed buying property downtown. He said that it was once said the City would own the entire West River neighborhood, adding they may own the whole downtown, but will be driving on dirt roads. He said they are driving outsiders out of Kent, and wonder why people are building in Brimfield, Streetsboro, and Ravenna. He said they are the laughing stock of Portage County, and no serious developer will put a nickel in Kent unless their practices change.

Mr. DeLeone said he went to the Dachshund Picnic at Plum Creek park. He said it was truly a destination, as the license plates were from all over the eastern U.S. He said cars were parked as far out as Cherry Street, and he has never seen that many people in the Park since it was created. He said this was the ten anniversary of the picnic, and is all done by email. He said he has an eight-week old Dachshund, and it was good to see.

Mr. Kuhar said he wished to announce a public service bulletin. He said he was privileged to receive a check for \$3000 from a Michigan company announcing he won a lottery in Canada. He said they expected him to deposit that check, and send them some money. He said he took it to the Attorney General and a Canadian agency. He said they encouraged him to make this known as hundreds of people fall for this scam. He said anything the City or newspaper can do to make the public aware would be helpful.

MOTION TO ADJOURN THIS MEETING.

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

Hearing no further business before this Council, Mayor Fender adjourned this meeting at 8:20 p.m.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council