

**THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WEDNESDAY, SEPTEMBER 19 2007**

This regular meeting of Kent City Council was called to order on Wed., September 19, 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 S. CHESTNUTWOOD, ACTING CLERK OF COUNCIL
ABSENT: L. COPLEY, CLERK OF COUNCIL**

Mayor Fender thanked Ms. Chestnutwood for filling in for Clerk of Council, Linda Copley, in Linda's absence. Mayor Fender asked the members of Council to state their names when making or seconding a motion in to order to assist Ms. Chestnutwood in identifying who was speaking during transcription of the meeting minutes.

Mr. Wilson clarified that members of Council should be recognized by the Mayor prior to making a motion.

Mayor Fender called upon Council member Hawksley for his opening remarks at this time.

Mr. Hawksley had no opening remarks except to thank the Bicentennial Committee Members of the audience for attending this evenings meeting and for all of their hard work.

Mr. Hawksley led those present in the Pledge of Allegiance.

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF AUGUST 15, 2007, AND THE SPECIAL COUNCIL MEETING OF AUGUST 29, 2007.

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

COMMUNICATIONS

Mayor Fender stated that the Bicentennial Committee would like to give a report of their activities and has requested Council extend the three minute time period, if they may.

MOTION TO WAIVE THE THREE MINUTE TIME PERIOD AND ALLOW THE BICENTENNIAL COMMITTEE THE TIME THEY NEED TO PRESENT THEIR REPORT.

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

Bicentennial Committee Presentation

Pat: Pat of the Bicentennial Committee said the Committee first came before Council approximately two years ago to present their ideas of what they wanted to do to commemorate the Bicentennial Year and to request Council's support and monetary commitment. Pat said that Council's support gave the Bicentennial Committee a solid beginning, and subsequently allowed so many things to happen. During that first meeting in October of 2005 a list of ideas that the committee wanted to accomplish during the 2006 Bicentennial year was presented to Council. A few of the items on the list changed, many things were added; the initial list did include public art. At that time the Bicentennial Committee did not know what kind of support it would receive from local businesses. Council's initial support at the beginning was key to everything that followed. A summary copy of the Bicentennial Budget was provided to each member of Council. Pat briefly recapped the figures, noting that all monetary income received totaled just over sixty eight thousand dollars and major in kind donations of over twenty-one thousand dollars. Pat specifically noted the in kind contributions from PARTA for bus tours and from Kent State University for parade and events. Pat said the communities support overall, was amazing, and the committee members, the people who helped; made all of this possible.

Pat noted that the budget expenditures to date totaled just over forty-six thousand dollars. The Bicentennial's main account has a remaining balance of just over thirteen thousand, and the Huntington account that was established for the public art has a balance of just over eight thousand dollars. Pat advised Council that of the twenty-four thousand dollars originally allocated to the Bicentennial Committee from the City; a balance of just less than eleven thousand remains. Pat said it is the Bicentennial Committee's hope that all of the funds remaining, approximately thirty thousand dollars, can be rolled over and committed to the public art. Pat displayed a model of the planned public art by George Danhires of Kent and described it as a curved relief in bronze with images of Kent history that will be attached to a bench made of possibly granite or sandstone.

Mayor Fender asked where the art would be located.

Pat replied the art would be located in the green space on property owned by the City of Kent Parks & Recreation Department between the Pufferbelly Restaurant and the Gazebo on Franklin Avenue. Pat described additional plans being made in cooperation with the Main Street Kent Program, City of Kent Parks and Recreation Department, Kent Historical Society, and the Bicentennial Committee for detailed landscaping of the green space area that include replacement of the clock in the stand that is located near the Pufferbelly.

Margaret: Bicentennial Committee Member, Margaret said she would like to thank and recognize Kent City Council for their support of the Bicentennial Project and presented Council with a plaque to the Bicentennial City Leaders, listing the individual Council Members names, Mayor, and City Manager, thanking them for their support and encouragement throughout Kent's Bicentennial year, that helped give our City and Citizens a meaningful and memorable 200th Birthday Celebration with sincere appreciation of the Bicentennial Committee.

Pat said as part of the Bicentennial Committee's work, four sets of historic archives were created and will be distributed to the Kent Free Library, Kent State University Library, The Historical Society and the City of Kent.

Mayor Fender asked the Bicentennial Committee members of the audience including Pat's husband Jeff, to stand and be recognized. Mayor Fender thanked the committee members for all of their hard work.

Mayor Fender asked that Mary of Main Street Kent, be called forward next to address Council.

Main Street Kent - Clydesdale Event

Mary: Mary, Executive Director for Main Street Kent introduced herself and said that she is here tonight to talk about an exciting event that is coming to our downtown; the Anheuser-Busch, Clydesdale Horses. Mary said that she had been contacted by Joe Jordan, a Kent resident and graduate of Kent State University who is currently a sales representative for Anheuser-Busch. Mary explained that Mr. Jordan called her and said the Clydesdales would be in town for a Browns game and asked if there was any interest in having them appear in downtown Kent. Mary said the Clydesdales will be in Kent on Thursday, October 11th and further explained this was the only day that could be scheduled since they will be at the Browns game the following Sunday. Mary said that she knows Thursday evening is not the ideal time however, the cost for the Clydesdales appearance is usually thirty thousand dollars and they would appear here, in Kent at no charge. Mary said the horses will travel the parade route through the downtown several times between 5:30p.m. and 6:30p.m. The hour of day was chosen because it will get dark at about 6:50p.m. Mary explained that the Main Street Bridge will be closed for this event. The horses will arrive at about 4:00p.m., via a semi truck; it takes approximately one and one half hours to unload and hitch the horses. After the parade the horses will be returned to their stalls on the Main Street Bridge where the public will have an opportunity view and take pictures of the horses and purchase Clydesdale merchandise until approximately 8:30-9:00p.m., when the process of unhitching and returning them to the semi will begin. Mary emphasized that only the Main Street Bridge will be blocked off and closed the entire time; from the time they arrive at approximately 4:00p.m. until their departure at approximately 10:30p.m. Mary said that she's aware that this is not the best time of the day to have roads blocked off however; she has worked with Lt. Lee of the Kent Police Department and the downtown businesses to work out a plan for this event. The streets along the parade route will be closed intermittently during the parade hour as the horses pass through. Mary displayed a map

of the planned parade route as she pointed out the streets of the planned route. From the Main Street Bridge the horses will travel down Franklin Avenue, onto Erie Street, onto Water Street, to Columbus Street, onto Depeyster, returning back to Main Street. The horses will travel the route two or three times within the hour, the streets included in the route will only be blocked by the Police as the horses are traveling on that street and will re-open after they pass through. Mary said this is an exciting event for the downtown that will hopefully attract tourists. Mary said she wanted to make this evening's presentation; in order to make sure Council is okay with the planned parade route and to answer any questions.

Ms. Oswitch asked if they would encounter any problems with the raised islands located on the bridge.

Mary responded no. How much space they need has been discussed; other locations were looked at. The Main Street Bridge has been determined to be the best location.

Ms. Gavriloff asked why the streets are selectively being blocked off, instead of closing all of the streets the entire time; as would be done for a block party.

Mary said the decision was made based on the time of day. Thursday evening at 5:30p.m. there are a lot of people leaving the downtown area after work and traveling through downtown. When planning the route, the closing of Erie Street was considered but many of the people that work downtown park in the lot off of Erie and would be blocked in and unable to leave.

Mayor Fender thanked Mary for her work on this event and thanked City Staff adding that he appreciates the work that has been done to accommodate the Clydesdales for this event.

Mary announced that a Wine and Art Festival is being held this Saturday, September 22nd at the Home Savings Bank Plaza from 1:00p.m. until 9:00p.m., and encouraged everyone to attend.

Kevin: Kevin introduced himself and said that he is a twenty-five year resident of the City of Kent. Kevin explained that on July 25th of this year he was cited for placing a sign with a political message on public property. Kevin said he is still somewhat confused as to why in a town such as Kent political speech is criminalized while commercial speech seems to be accepted. Kevin said that he and his attorney, Robert Fittrakis, would like to request a few minutes to address this issue with Council, and requested that this item be included on the October 24th 2007, meeting agenda. Kevin said that Mr. Fittrakis is a first amendment lawyer, and in his opinion would be a good resource, providing another point of view. Kevin stated that he looks at Kent as being a very progressive city; it would be good if we would all come together and see how we can help to keep from criminalizing political speech.

Mayor Fender explained to Kevin that Council listens to audience comments at the beginning of the meeting. If a member of Council wishes to make a motion to place this item in committee, that motion would be made near the end of this evening's meeting.

Mr. Wilson said that you mentioned the date of October 24th, and advised Kevin that this something that would normally be scheduled for a committee meeting, not a regular Council meeting. The next committee meeting is scheduled for October 3rd and asked Kevin if it would alright to have this scheduled for the October 3rd committee meeting. Kevin replied that this is new to him; October 3rd would be alright.

Mayor Fender noted that if a motion is made near the end of tonight's meeting to have this item placed on the Council meeting agenda, the scheduled date would be October 3rd.

William: William said he wanted to speak to the filing fee that is charged when an individual wants to press charges against someone in Kent. William said as far as he knows, this has been practiced for about twenty-five years, and is not a uniform practice but up to the individual officers discretion. William stated he would like to make a public records request as to where these fees go, and who authorized the collection of these fees.

Marlan: Marlan said he no longer lives in Kent he now resides in Rootstown, but has a Church here in Kent

called the Church of Holy Rock and Rollers. Members of his church were supposed to be here tonight but, there was a communications breakdown; they must have gone to a bar and are probably drunk by now. When you come to Kent you have got to be a drinker although, not everyone who comes to Kent is a drinker. Marlan said that our church is not anti-military; we are anti-war. Our belief is you are not anti-war you are anti-Christ; and who wants to be an anti-Christ?

Mayor Fender reminded Marlan that he is addressing Council, not the audience and asked Marlan to please face Council and direct his comments to Council.

Marlan said that the Church of Holy Rock and Rollers is concerned about some unrighteous laws which we know will begin here, the executive branch of our government. You should be writing our congressmen letting them know that the kids in Kent are up in arms about the fact that they can go to war and they can die, but are not old enough to say whether they need a beer or not. Marlan wonders if the men and women over there fighting for us can drink a beer under the age of twenty-one. Marlan acknowledged that yes they are; I guess you must get special privileges if you could die for your country. Prohibition has never worked it did not work eighty years ago and still doesn't work. All prohibition does is create war zones in our neighborhoods, that makes the job of our police very touchy. You have to be crazy to be a cop this day in age; you have to be a good psychologist because there are a lot of people who are disgruntled about the laws. Marlan suggested that we should become more progressive like Denmark and say, you are not bad because you are addicted; you are bad only if you spend all your money on your addiction, so let's make it easier for you so you are less desperate. Marlan said we do not believe prohibition works.

Marlan asked how many people watched the documentary of 911; he did, and could not believe it could be true. Later, Jesus woke him up and told him that it was all true, and if there was one little thing that the Bush administration could prove was a lie; you would not be able to rent the documentary. Marlan admitted to being an ego-maniac, and said he believes in himself.

Tracy: Tracy said the comments she wanted to make were not for Council, therefore it would not be appropriate for her to address Council at this time.

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

The clerk reported that an email was received on August 17, 2007 from Council member Bargerstock, with an email he received from former Kent resident, Patricia Nichols, regarding the inquiry into his residency, terming it an embarrassment, and questioning how the City has enough manpower for this type of investigation. This email was forwarded to all members of Council on August 17, 2007.

The clerk reported that an email was received on August 17, 2007 from Council member Bargerstock reminding the Manager of the public records request he made at the August 15, 2007 meeting requesting the complete investigative record, the names of those persons on staff who authorized and had knowledge of this investigation, starting with the Manager and on down the chain of command to the officers conducting the same; all complaining parties identified by name; and copies of all documents on file for the same. He further said that he expects the report to contain the total cost of the investigation including but not limited to all staff and police time, equipment use cost including police vehicles, LEADS cost and other cost for this activity. Mr. Bargerstock asked that all of the requested information be sent to all members of Council. This email was forwarded to all members of Council on August 17, 2007. The Manager acknowledged receipt of this email on August 20, 2007, and the same was forwarded to all members of Council.

The clerk reported that Wayne Wilson, Council's liaison to the Parks and Recreation Board, placed the agenda packet of the Board's August 16, 2007 meeting on file in the Council office on August 16, 2007.

The clerk reported that a certified letter was received on August 20, 2007 from Time Warner Cable advising of some channel changes to the Music Choice Service. Said change is to occur on or after Sept. 18, with no loss of channels.

The clerk reported that an email was received on August 22, 2007 from Gregg Vilck, Kent Hotel, LLC regarding a conversation between the Law Director and the attorney for Kent Hotel, LLC. Mr. Vilck advised of the company's willingness to repair the safety and code violations, under the condition that the City revokes all judgments, fines and/or liens attached to the property. Mr. Ruller responded to Mr. Vilck on the same day that explained he would review the concerns with the Law Director, and an executive session was being requested with Kent City Council on August 29, 2007 to discuss the latest proposal. Both emails were forwarded to all members of Council on August 22, 2007.

The clerk reported that an email was received on August 22, 2007 from Council member Bargerstock, reiterating his request for public records, and asking for the balance of the documents. This email was forwarded to all members of Council on August 23, 2007.

The clerk reported that an email was received on August 26, 2007 from Council member Oswitch, asking when they would be discussing the issue regarding Mr. Bargerstock's residency inquiry in Committee. This email was forwarded to all members of Council on August 27, 2007.

The clerk reported that an email was received on August 27, 2007 from Council member Bargerstock with an article about enforcement of trash and litter in Bowling Green and Athens. Mr. Bargerstock requested this be referred to the Health & Safety Committee, with the Clerk being authorized to obtain copies of the pertinent ordinances and enforcement procedures. This email was forwarded to all members of Council on August 27, 2007, and Mr. Bargerstock requested its distribution via 'hard copy' with agenda packets.

The clerk reported that an email was received on Sept. 4, 2007 from Gregg Vilck, Kent Hotel, LLC. Mr. Vilck asked for any updates since his last communication of August 22, 2007. He further stated that he plans to do the façade work with a target completion date of Dec. 1, 2007. Mr. Vilck said he would appreciate the City's support and understanding as he completes his goal. This email was previously forwarded to all members of Council.

The clerk reported that the Portage County Pre-Disaster Mitigation Plan for Natural Disasters, as adopted by the Portage County Commissioners was received on Sept. 5, 2007 and is on file in the Council office. The Commissioners have requested that this be accepted by a resolution of Council.

The clerk reported that four Fiscal Officer's Certificates were received from the Director of Budget & Finance on Sept. 6, 2007.

The clerk reported that an email was received on Sept. 7, 2007 from Gregg Vilck, Kent Hotel, LLC, requesting the City Manager to return his calls personally instead of having staff members returning the calls. He further stated he wants to proceed with the façade work, but cannot do so under the current status. This email was previously forwarded to all members of Council.

The clerk reported that an email was received on Sept. 11, 2007 from Kent resident John Rees stating his concern about the new hours of operation of the Yard Waste Transfer Site since its recent relocation to Plum Street. He further stated he has discussed the new hours of operation with the Service Director and understands the cost saving benefits achieved however, the new hours are not convenient for most residents, and requested the operational hours be reconsidered and expanded. A copy of this email was included with the agenda packet.

The clerk reported that after the agenda was written an email was received on September 13, 2007 forwarding a letter from Andrew Lombardo, Right Dimensions, LLC regarding eminent domain. A copy of the email attachment was included with the agenda packet.

The clerk reported that after the agenda was printed an email was received from Sue Jeffers expressing concerns with the Police Chief. This email was received on September 17th and forwarded to all members of Council on the same day.

The Clerk reported that the August 9th, 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 5, #7 AND #8

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

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

- 1) Request City Council's authorization of two resolutions (Draft No. 07-96 and 07-98) accepting donations in the amount of \$858.50 from the Kent Junior Mother's Club for park playground maintenance and \$150.00 Lynda Paul of the Police K-9 unit.
- 2) Request Council time in October to recognize the Adopt-a-Spot volunteers for 2007.
- 3) Request Streets, Utilities, Sidewalk Committee time for staff to advise Council on the safety condition of street light pole mounts on SR 59.
- 4) Request Land Use Committee time in October to allow the Law Department staff an opportunity to report on utility bills, fraternity/sorority penalties, and voluntary deed restrictions from the Pending List.
- 5) Request Finance Committee time to review the City's merit pay policy as requested by Council.
- 7) Request Finance Committee time in October for discussion of the City's proposed 2008 Capital Improvement Plan.
- 8) Request Council's authorization for a Public Hearing in October for the CDBG Annual Performance Report.

MOTION TO APPROVE ITEM #6

REQUEST POLICY AND PROCEDURES COMMITTEE TIME TO REVIEW THE LAW DIRECTOR'S REPORT ON THE RESIDENCY INQUIRY PERTAINING TO COUNCILMAN BARGERSTOCK.

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

Mr. Wilson said he would like to urge his colleagues to vote against this. Mr. Wilson said it is his belief that we have wasted enough staff time. We have received a report from the Law Director. If there are other public records that Mr. Bargerstock has not received; he can request them. If this motion fails I am prepared to make another motion that I think will resolve this situation.

Ms. Oswitch said I would like to encourage all of the Council members to endorse the motion considering that I have several questions. For example, the information we have received states the complaint was made by a citizen; if the complaint was made anonymously, how can we know it was made by a citizen and not an irate colleague, or a business person that is against somebody. Obviously, it can't be anonymous and be known that it is a citizen. The letter also documents that it was a person, but it refers to "they" several times. Ms. Oswitch said that it is her opinion; there are enough questions raised by the information that we have received to warrant further discussion.

Mr. Kuhar said he would vote in favor of this. I hate to see things appear; whether they are or not; to have been swept under the table, just because they might be controversial. There are some questions that I would like to see cleared up, so when in the future we address these issues, they can be addressed with adequate information.

Mr. Bargerstock said this is a far greater issue than Ed Bargerstock. This is an issue as to the appropriateness of what was done. We have a Charter that specifically requires certain actions when questions like this are raised. The question was raised before Charter; an appropriate forum to raise it. There is nothing wrong with the question being raised. The impropriety is in the way that it was handled. Mr. Bargerstock said that Mr. Silver's letter of explanation raises more questions than it answers. Those questions should be of grave concern as to Mr. Silver's behavior, as well as the misuse of the Police Department's resources. To bury this issue is simply wrong. I see a serious attempt here by several

members of Council and perhaps members of the Administration to bury this, and not answer the questions. I have asked the City Manager a very legitimate question as to how much this investigation cost, and have not received an answer. The request to answer this question is not a public records request; it is something the citizens of this community should have answered. Mr. Bargerstock said a former citizen wrote an email that stated as a landlord if he has too many calls made to the city regarding his property, he is assessed a fee for that police action. Will the person that made this anonymous complaint be assessed a fee? Will the person that pursued this investigation be assessed a fee? It is a legitimate question. We have people all over this community who are being assessed fees for having too many visits by the Police Department. Yet, we use the Police Department resources to go out of town and investigate an anonymous phone call from a hearsay comment. Mr. Bargerstock said that it deserves more than a letter from the Law Director and a sweeping under the rug; it deserves committee time. I would request that Council proceed with this in the appropriate committee. In the event that this motion fails, I would request the head of the Safety Committee put it in her committee at her discretion to discuss the misuse of Police Department resources. The resources of this community are greatly strained; we have common complaints from our citizens that they are not receiving proper responses from the Police Department. If we are going to be spending Police Department resources in this manner; there should be a public hearing as to why and the appropriateness of it.

Mr. Schultz said that he would vote against this. We have received the Law Director's report; it spells out who did what. Mr. Schultz said I think the Law Director used bad political judgment; he gave a legal justification for what he did. I thought it was a bad judgment call. Mr. Shultz said to Mr. Silver; I hereby reprimand you personally for that.

Mr. Bargerstock called for a point of order, one council person can not speak on behalf of the rest.

Mr. Shultz said I was speaking for myself.

Mayor Fender reminded Mr. Schultz to speak to the issue.

Mr. Schultz said that I believe that the report concludes the actions, and I am not interested in spending hours, days; with Mr. Bargerstock it could be months; beating a dead horse.

The motion failed by a hand vote of 4-5, with Mr. Bargerstock, Ms. Oswitch, Mr. Kuhar, and Ms. Gavrilloff supporting the motion. Mr. Wilson, Mr. Schultz, Mr. Ferrara, Mr. Deleone, and Mr. Hawksley dissented.

MOTION TO ACCEPT THE LAW DIRECTORS INFORMATION REGARDING THE INVESTIGATION INTO MR. BARGERSTOCK'S RESIDENCY AND PUT A CLOSE TO THIS MATTER

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

Ms. Oswitch said that she is absolutely appalled, and stated that every one of you should be ashamed of yourselves. This is one case where you don't like a member of Council. Someone made an anonymous complaint. The complainant is claimed to be a citizen, but we do not have proof it is a citizen, because it was received anonymously. You are willy-nilly accepting a letter that states that information. It also states "they" several times; who is they? Ms. Oswitch said that if the complaint was made against any of you; I'm sure we would be investigating this. Ms. Oswitch said that Mr. Ruller has asked that we read his blog. There are nineteen comments posted over and over again on this issue and how stupid we look. It was stupid to go ahead and pursue it for a gentleman that has said he is not running again because he will be moving eventually. He knew he was moving and did the right thing by not even running in the primary election. We still spent time and taxpayer money to investigate something silly. Ms. Oswitch said if that is the choice of the Law Director, then that is fine however, we are still entitled to have had the information. Ms. Oswitch said that she still does not understand how this letter is correct. Ms. Oswitch said to the other members of Council if you believe a Law Director who has stated it was from a citizen, yet anonymous; you are not doing your jobs here.

Ms. Gavrilloff said that as Chairman of the Health and Safety Committee, if you choose to close this issue, I will reopen it in Health and Safety. I have double checked with the parliamentarian and as Chair of Health

and Safety I can reopen this, because policing falls under that committee. Ms. Gavriloff asked for the record, where were the police when I had a speeding semi-truck traveling up and down Middlebury Road; waiting for a potential traffic accident involving children? The Police are in Stow playing cops and robbers for somebody who lives in Kent. I am so disgusted with all of you that you want to hide this under the rug. I have talked to my resident's and they want to find out what was had. This could have been a five minute conversation in Policies and Procedures, instead this will make the front page of the news because we are fighting about who did what.

Mr. Ferrara said that I no more believe that we are trying to sweep this under the rug than I believe Mr. Bargerstock was ever living outside of the City of Kent. It is my personal belief that he would never have done that. I think that the Law Director has justified his rationale for making the decision. Frankly, I take it for what it's worth, and believe we do not need to spend any more time or resources on this. How can you say that police time was wasted sending them to Stow and then ask the City Manager and Law Director to continue to explain something that has been answered. Mr. Ferrara said that as far as I am concerned all of the public information and records have been provided, are out there, and suffices to answer the question. It is not an issue with the individual it's out of respect for everyone's time. Let's move on, it is not being swept under the rug, it has been answered and addressed.

Mr. Wilson said in response to Ms. Oswitch's comment that if it were anyone else on Council they would be screaming about it. You are correct; I would be thanking the Law Director for clearing my good name.

Mr. Bargerstock said I did not need my good name cleared. What I need is for the Law Director to follow the Charter of the City of Kent. We all swore an oath to follow the laws of the State of Ohio, and to follow the Charter of the City of Kent. If anything needs to be investigated, it is the Law Director's actions that need to be investigated and those who authorized him to do what he did. That is what needs to be in committee. We have a procedure outlined specifically in the Charter as to how these issues are to be addressed. That procedure the Law Director is sworn to uphold. He ignored it. He chose to act on his own, without authority. The Police Department was tarnished by what happened because of an order that came from the Law Director. The use of the LEADS system took place in Stow, which can only be done for a criminal investigation. In one breath we are told it is criminal, the next breath we are told that it is not. That is what needs to be discussed in committee. Mr. Bargerstock said believe me, this is going to go to BCI. If you folks want to sweep this under the rug; it will get ugly. If you want to discuss it and get it out in the open, then we will get it out in the open and settle the issue. What you are doing is sweeping it under the rug and playing the same old game that you always play here. That is what is destroying this community and will continue to destroy this community. What was done was wrong, you know it was wrong and it was an attempt to silence me and intimidate me. I don't intimidate easily. If you want to continue to play this game; I will escalate it. You better bring it to some investigation. I have asked very clearly for public record documents, and have not gotten them. Mr. Bargerstock said I expect to see answers.

Mr. Kuhar said I will have to vote no also. It is a shame that this had to get to this; if everything would have been handled better from the start we would not be having this conversation. I also know of similar instances where it is questionable on how our Police Department functions. I don't care what the result is of the records; it's just the fact that something doesn't smell good.

Mr. Bargerstock said that a short while ago our Law Director made a ruling. The ruling was never reduced to written form; it involved a public employee, an employee of the City. An anonymous letter was received that accused this individual of using City resources for their own business purposes. The letter went to several members of Council and a question arose if whether or not there should be an investigation of that employee; because obviously that would have been a crime. Mr. Bargerstock stated that at that our Law Director ruled that no investigation could commence because it was an anonymous unsigned letter, and no investigation did commence. I have no problem with that particular ruling but I do have a problem with the fact that the Law Director chose to conduct a criminal investigation thereafter of me, when there was no crime committed and no finding by this Council and my due process rights were ignored to have that issue even presented to this Council to even ask me the question of my residency. Mr. Bargerstock asked are the Law Directors rulings only good for one person, and then are the opposite for me? Will we continue to play this hypocrisy in this town?

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

The motion carried by a hand vote of 5-4, with Mr. Wilson, Mr. Schultz, Mr. Ferrara, Mr. Deleone, and Mr. Hawksley supporting the motion. Mr. Bargerstock, Ms. Oswitch, Mr. Kuhar, and Ms. Gavriloff dissented.

MOTION TO APPROVE THE STREET CLOSING REQUESTED BY THE CITY MANAGER

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

Ms. Oswitch thanked Mary and Main Street Kent and said that this is an exciting event that her family is looking forward to attending.

Mr. Bargerstock said when this was first presented in an email he had some concerns about the street closings. Mr. Bargerstock complimented Mary's work and said a nice job had been done and noted the changes made in the plan that will result in less interruption to the businesses downtown.

Mr. Kuhar said that he agrees this is a good event although; he liked the idea of the streets being blocked as they would be for a festival.

Mr. Ferrara reiterated that a nice job has been done. It is nice to have an event of national prominence come to the City of Kent. Mr. Ferrara said we need to make sure that we market this and get a lot of people downtown.

The motion carried by a voice vote 9-0.

STANDING COMMITTEE REPORTS

COMMUNITY DEVELOPMENT COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF AUGUST 15TH 2007, AND THE RECOMMENDED ACTIONS.

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

The following items were approved by the aforementioned motion:

- A. To authorize both pieces of legislation to begin eminent domain action against Right Dimensions, LLC, with the inclusion of the emergency clause
- B. To schedule a Special Council meeting for August 29, 30, and 31.

The Mayor asked the Clerk to read Draft No. 07-99 by title only at this time.

AN ORDINANCE DIRECTING THE APPROPRIATION OF A FEE SIMPLE INTEREST IN CERTAIN DESCRIBED REAL PROPERTY IN CONNECTION WITH ACTIVITIES NECESSARY FOR THE ELIMINATION AND PREVENTION OF THE RECURRENCE OF CONDITIONS OF BLIGHT AND DETERIORATION, AND TO PROCEED. (AUTHORIZED)

MOTION TO SUSPEND THE THREE READINGS

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

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. Mr. Bargerstock dissented.

MOTION TO AMEND THE DRAFT ORDINANCE TO INCLUDE THE EMERGENCY CLAUSE

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

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

Oswitch, Mr. Schultz, Mr. Wilson, Mr. Kuhar abstained. Mr. Bargerstock dissented. The motion carried by a roll call vote of 7-1-1.

MOTION TO ADOPT THE DRAFT ORDINANCE AS AMENDED

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

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

2007-82 AN ORDINANCE DIRECTING THE APPROPRIATION OF A FEE SIMPLE INTEREST IN CERTAIN DESCRIBED REAL PROPERTY IN CONNECTION WITH ACTIVITIES NECESSARY FOR THE ELIMINATION AND PREVENTION OF THE RECURRENCE OF CONDITIONS OF BLIGHT AND DETERIORATION, AND TO PROCEED AND DECLARING AN EMERGENCY.

Sheri Chestnutwood, Acting Clerk of Council

John Fender, Mayor & President of Council

FINANCE COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF SEPTEMBER 5th, 2007 AND THE RECOMMENDED ACTIONS

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

Mr. Bargerstock asked that they separate item B

MOTION TO APPROVE THE WRITTEN REPORT OF SEPTEMBER 5th, 2007 AND THE RECOMMENDED ACTIONS ITEMS A and C

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. To authorize the four ordinances for the rollover of the notes, with the inclusion of the emergency clause.
2. To authorize an amendment to the 2007 Appropriations ordinance, with the inclusion of the emergency clause, for the revolving loan for Cor Properties, LLC Revolving Loan

MOTION TO APPROVE RECOMMENDED ACTION ITEM B

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

Mr. Bargerstock said when this report was first forwarded to Council by the Department of Community Development; I had no problem with the rationale provided with it. At that time it was my understanding that all of the parties had been treated the same. I have since learned that parties have not all been treated the same; in fact there has been different treatment for different people. Therefore, I have a difficult time supporting this, and would hope that it would not be supported by Council so that we have some equalization and equal opportunity for the people that are leasing these properties.

The motion carried by a voice vote of 8-1, Mr. Bargerstock dissenting.

The following item was approved by the aforesaid motion:

1. To authorize an amendment to the lease with Capelli's Salon

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. (First Reading passed 8/15/07)

MOTION TO APPROVE SECOND READING OF THE DRAFT ORDINANCE

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

Roll call was taken on the motion: Voting aye: Mr. Ferrara, Mr. Hawksley, Mr. Schultz, Mr. Wilson, Mr. DeLeone. Ms. Gavriloff, Mr. Kuhar, Ms. Oswitch, Mr. Bargerstock, dissenting. Second reading passed by a vote of 5-4.

The Mayor asked the Clerk to read Draft No. 07-90 by title only at this time.

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$315,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF RENOVATING THE CITY'S ADMINISTRATIVE OFFICE BUILDING AND RECONSTRUCTING AND EXPANDING THE RELATED PARKING FACILITIES, 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. 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 Mr. Ferrara.

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.

2007-83 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$315,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF RENOVATING THE CITY'S ADMINISTRATIVE OFFICE BUILDING AND RECONSTRUCTING AND EXPANDING THE RELATED PARKING FACILITIES, AND DECLARING AN EMERGENCY.

Sheri Chestnutwood, Acting Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 07-91 by title only at this time.

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$3,130,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF RENOVATING AND EXPANDING THE CITY'S MAIN FIRE STATION, INCLUDING ACQUISITION OF NECESSARY REAL ESTATE, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE

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

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

2007-84 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$3,130,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF RENOVATING AND EXPANDING THE CITY'S MAIN FIRE STATION, INCLUDING ACQUISITION OF NECESSARY REAL ESTATE, AND DECLARING AN EMERGENCY.

Sheri Chestnutwood, Acting Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 07-92 by title only at this time.

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$975,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF REPLACING, UPGRADING AND EXTENDING SANITARY SEWER TRUNK LINES, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS

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

Roll call was taken on the motion. Voting aye: Mr. Kuhar, Ms. Oswitch, Mr. Schultz, Mr. Wilson, Mr. Bargerstock, Mr. DeLeone, and Mr. Ferrara, Ms. Gavriloff, 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. Gavriloff.

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

2007-85 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$975,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF REPLACING, UPGRADING AND EXTENDING SANITARY SEWER TRUNK LINES, AND DECLARING AN EMERGENCY.

Sheri Chestnutwood, Acting Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 07-93 by title only at this time.

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$935,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE THE FUNDS NECESSARY TO REDEEM THE OUTSTANDING PRINCIPAL AMOUNT OF THE CITY'S SEWER SYSTEM IMPROVEMENT REFUNDING BONDS, SERIES 1992 ON DECEMBER 1, 2002, WHICH WERE ISSUED TO ADVANCE REFUND THE OUTSTANDING PRINCIPAL AMOUNT OF THE CITY'S SEWER SYSTEM MORTGAGE REVENUE BONDS, SERIES 1985 AND SEWER SYSTEM MORTGAGE REVENUE BONDS, SERIES 1986, BOTH OF WHICH WERE ISSUED TO PAY A PORTION OF THE COSTS OF IMPROVING THE CITY'S SEWERAGE SYSTEM, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS

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

Roll call was taken on the motion. Voting aye: Ms. Oswitch, Mr. Schultz, Mr. Wilson, Mr. Bargerstock, Mr. DeLeone, and Mr. Ferrara, Ms. Gavriloff, Mr. Hawksley, 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. Gavriloff.

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

2007-86 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$935,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE THE FUNDS NECESSARY TO REDEEM THE OUTSTANDING PRINCIPAL AMOUNT OF THE CITY'S SEWER SYSTEM IMPROVEMENT REFUNDING BONDS, SERIES 1992 ON DECEMBER 1, 2002, WHICH WERE ISSUED TO ADVANCE REFUND THE OUTSTANDING PRINCIPAL AMOUNT OF THE CITY'S SEWER SYSTEM MORTGAGE REVENUE BONDS, SERIES 1985 AND SEWER SYSTEM MORTGAGE REVENUE BONDS, SERIES 1986, BOTH OF WHICH WERE ISSUED TO PAY A PORTION OF THE COSTS OF IMPROVING THE CITY'S SEWERAGE SYSTEM, AND DECLARING AN EMERGENCY.

Sheri Chestnutwood, Acting Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 07-96 by title only at this time.

AN ORDINANCE ACCEPTING A DONATION TO THE CITY OF KENT PARKS AND RECREATION DEPARTMENT FROM KENT JUNIOR MOTHERS CLUB AND DECLARING AN EMERGENCY

MOTION TO SUSPEND THE THREE READINGS

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

Roll call was taken on the motion. Voting aye: Ms. Oswitch, Mr. Schultz, Mr. Wilson, Mr. Bargerstock, Mr. DeLeone, and Mr. Ferrara, Ms. Gavriloff, Mr. Hawksley, 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. Gavriloff.

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

2007-87 AN ORDINANCE ACCEPTING A DONATION TO THE CITY OF KENT PARKS AND RECREATION DEPARTMENT FROM KENT JUNIOR MOTHERS CLUB AND DECLARING AN EMERGENCY

Sheri Chestnutwood, Acting Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 07-97 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; AS AMENDED BY ORDINANCE NO. 2007-54, PASSED JUNE 20, 2007; AND AS AMENDED BY ORDINANCE 2007-74, PASSED AUGUST 15, 2007 SO AS TO INCREASE

APPROPRIATIONS IN FUND 126, COMMUNITY DEVELOPMENT BLOCK GRANT, AND DECLARING AN EMERGENCY

MOTION TO SUSPEND THE THREE READINGS

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

Roll call was taken on the motion. Voting aye: Ms. Oswitch, Mr. Schultz, Mr. Wilson, Mr. DeLeone, and Mr. Ferrara, Ms. Gavriloff, Mr. Hawksley, Mr. Kuhar. 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. Gavriloff

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

2007-88 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; AS AMENDED BY ORDINANCE NO. 2007-54, PASSED JUNE 20, 2007; AND AS AMENDED BY ORDINANCE 2007-74, PASSED AUGUST 15, 2007 SO AS TO INCREASE APPROPRIATIONS IN FUND 126, COMMUNITY DEVELOPMENT BLOCK GRANT, AND DECLARING AN EMERGENCY

Sheri Chestnutwood, Acting Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 07-98 by title only at this time.

AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$150.00 TO THE CITY OF KENT POLICE DEPARTMENT FROM LYNDA PAUL FOR THE PURCHASE AND TRAINING OF THE NEW 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: Mr. Wilson, Mr. Bargerstock, Mr. DeLeone, and Mr. Ferrara, Ms. Gavriloff, Mr. Hawksley, Mr. Kuhar, Ms. Oswitch, 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. Gavriloff

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

2007-89 AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$150.00 TO THE CITY OF KENT POLICE DEPARTMENT FROM LYNDA PAUL FOR THE PURCHASE AND TRAINING OF THE NEW POLICE K-9 AND DECLARING AN EMERGENCY.

Sheri Chestnutwood, Acting Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 07-105 by title only at this time.

AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE LEASE FOR THERESA TRIVELLI dba CAPELLI FOR THE PREMISES KNOWN AS 209 EAST SUMMIT STREET, KENT, OHIO PREVIOUSLY AUTHORIZED BY CITY COUNCIL ON MAY 23, 2007 IN ORDINANCE 2007-51 AND DECLARING AN EMERGENCY

MOTION TO SUSPEND THE THREE READINGS

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE

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

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

2007-90 AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE LEASE FOR THERESA TRIVELLI dba CAPELLI FOR THE PREMISES KNOWN AS 209 EAST SUMMIT STREET, KENT, OHIO PREVIOUSLY AUTHORIZED BY CITY COUNCIL ON MAY 23, 2007 IN ORDINANCE 2007-51 AND DECLARING AN EMERGENCY

Sheri Chestnutwood, Acting Clerk of Council

John Fender, Mayor & President of Council

LAND USE COMMITTEE

The Mayor asked the Clerk to read Draft No. 07-104 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT WITH ROBERT D. MORSON AND MONICA E. MORSON TO RECEIVE A HIKE AND BIKE TRAIL ACCESS EASEMENT IN EXCHANGE FOR A .0280 ACRE PARCEL OF REAL PROPERTY OWNED BY THE CITY OF KENT, OHIO.

MOTION TO SUSPEND THE THREE READINGS

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE

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

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

2007-91 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT WITH ROBERT D. MORSON AND MONICA E. MORSON TO RECEIVE A HIKE AND BIKE TRAIL ACCESS EASEMENT IN EXCHANGE FOR A .0280 ACRE PARCEL OF REAL PROPERTY OWNED BY THE CITY OF KENT, OHIO.

Sheri Chestnutwood, Acting Clerk of Council

John Fender, Mayor & President of Council

STREETS SIDEWALKS & UTILITIES COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF SEPTEMBER 5th 2007, AND THE FIVE RECOMMENDED ACTIONS.

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

The following items were approved by the aforesaid motion:

- A. To authorize the request for water service at 5776 Rhodes Road
- B. To authorize the dedication of the Middlebury Road Bridge right-of-way, with the emergency clause
- C. To authorize the amendments to Codified Chapter 169.
- D. To authorize the grant for the Fishcreek Watershed Plan
- E. An update was received on the bridges in Kent, and specifically, the Fairchild Bridge, with no action.

The Mayor asked the Clerk to read Draft No. 07-100 by title only at this time.

AN ORDINANCE CONDITIONALLY APPROVING THE REQUEST OF ALBERT AND DYANNE SCHOTERMAN FOR WATER SERVICE FROM THE CITY OF KENT FOR PROPERTY LOCATED AT 5776 RHODES ROAD IN FRANKLIN TOWNSHIP AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS

Motion made by Ms. Oswitch 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, Mr. DeLeone. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE

Motion made by Ms. Gavriloff seconded by Mr. Kuhar.

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, Mr. DeLeone. The motion carried by a roll call vote of 9-0.

2007-92 AN ORDINANCE CONDITIONALLY APPROVING THE REQUEST OF ALBERT AND DYANNE SCHOTERMAN FOR WATER SERVICE FROM THE CITY OF KENT FOR PROPERTY LOCATED AT 5776 RHODES ROAD IN FRANKLIN TOWNSHIP AND DECLARING AN EMERGENCY

Sheri Chestnutwood, Acting Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 07-101 by title only at this time.

AN ORDINANCE DEDICATING A PARCEL OF CITY OWNED LAND FOR PURPOSES OF ROAD RIGHT-OF-WAY FOR MIDDLEBURY ROAD AND THE RECONSTRUCTION OF THE MIDDLEBURY ROAD BRIDGE ACROSS THE CUYAHOGA RIVER 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: Ms. Gavrilloff, Mr. Hawksley, Mr. Kuhar, Ms. Oswitch, Mr. Schultz, Mr. Wilson. Mr. Bargerstock, Mr. DeLeone Mr. Ferrara. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE

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

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

2007-93 AN ORDINANCE DEDICATING A PARCEL OF CITY OWNED LAND FOR PURPOSES OF ROAD RIGHT-OF-WAY FOR MIDDLEBURY ROAD AND THE RECONSTRUCTION OF THE MIDDLEBURY ROAD BRIDGE ACROSS THE CUYAHOGA RIVER AND DECLARING AN EMERGENCY.

Sheri Chestnutwood, Acting Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 07-102 by title only at this time.

AN ORDINANCE AMENDING THE ENTIRE CHAPTER 169 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT ENTITLED "TREES" TO REFLECT THE HIRING OF A CITY ARBORIST AND DEFINING THE NEW ROLES OF THE SHADE TREE COMMISSION AND THE CITY ARBORIST.

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

2007-94 AN ORDINANCE AMENDING THE ENTIRE CHAPTER 169 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT ENTITLED "TREES" TO REFLECT THE HIRING OF A CITY ARBORIST AND DEFINING THE NEW ROLES OF THE SHADE TREE COMMISSION AND THE CITY ARBORIST.

Sheri Chestnutwood, Acting Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 07-103 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPLY FOR A GRANT IN THE AMOUNT OF \$15,000.00 FOR FY2008 FROM THE OHIO LAKE ERIE COMMISSION GRANT PROGRAM FOR THE PURPOSE OF WORK ON THE FISH CREEK WATERSHED PLAN, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS

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

Roll call was taken on the motion. Voting aye: Mr. Kuhar, Ms. Oswitch, Mr. Schultz, Mr. Wilson. Mr.

Bargerstock, Mr. DeLeone Mr. Ferrara, 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. Wilson

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

2007- 95 AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPLY FOR A GRANT IN THE AMOUNT OF \$15,000.00 FOR FY2008 FROM THE OHIO LAKE ERIE COMMISSION GRANT PROGRAM FOR THE PURPOSE OF WORK ON THE FISH CREEK WATERSHED PLAN, AND DECLARING AN EMERGENCY.

Sheri Chestnutwood, Acting Clerk of Council

John Fender, Mayor & President of Council

SPECIAL COMMITTEE REPORTS

UNFINISHED BUSINESS

Mr. Wilson asked for clarification on the correct procedure that should be followed regarding approval of the Portage County Pre-Disaster Mitigation Plan, recently adopted by the County Commissioners who have requested the plan be accepted by a resolution of Council.

Mr. Silver said that the current document as it has been presented will probably require some changes and there are some outstanding questions to be answered by the Commissioners before bringing this before Committee.

NEW BUSINESS

Mr. Kuhar said he has concerns regarding the comments made earlier by Mr. Tarver regarding fees charged by the Police Department.

MOTION REQUESTING THE ADMINISTRATION REPORT TO COUNCIL POLICE DEPARTMENT FEE ASSESSMENT PROCEDURES

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

Mr. Kuhar said if Police are following procedures that are unlawful, or have not been condoned or authorized by Council, and are inequitably assessing fees to some residents and not others; the issue needs to be looked into and an explanation given to Council.

Mr. Bargerstock said that when the question of these fees was first posed to him, his first comment was that Council has never authorized such a fee, that he is aware of and upon research could find no record regarding authorization or collection of such fees. Mr. Bargerstock said it disturbs him that our police officers are telling citizen's things of this nature, they need to be better informed and instructed that they can't do this. Mr. Bargerstock said I know of no fee that has ever been passed, or if Council has the authority to pass collection a fee of this nature because it would be in violation of our constitutional rights in the State of Ohio. It disturbs me that citizens are being discouraged to file criminal complaints in any way, and a good solid response from the Administration should be received with regard to exactly what is happening. Mr. Bargerstock said I am aware of a similar situation that I have not yet had a chance to discuss with the Service Director, in which a dispatcher told a citizen, while I was on the line that a party had a permit to take certain actions; when in fact that party did not have a permit, a permit was not granted by anyone on behalf of the City.

Ms. Oswitch said she is interested in receiving more information; this is the first time she has heard anything about this. Ms. Oswitch said her concern is the collection of this fee may discourage the filing of a complaint. If the fee is charged at the Officer's discretion, the charge may not be applied equally and fairly to everyone.

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

Mr. Bargerstock said that although the issue of lowering the legal drinking age was brought up earlier this evening under some levity, it is still an important issue that a lot of our citizens should be taking a serious look at. Mr. Bargerstock stated that it is his opinion that it is very much a wrong that people under the age of twenty-one have not been permitted to purchase alcohol; yet have been put into service, and told that they are legal adults at the age of eighteen, but then denied what some consider a very serious right. Mr. Bargerstock said he understands that alcohol can be a problem for some and does not advocate the abuse of alcohol. For most citizens in this country it is their lawful right to use alcohol. The drinking age being changed to twenty-one has had a detrimental effect on the City of Kent for years. It is one of the factors that helps promote and fuel the boarding house parties and underage drinkers and unlicensed bars that take place in our neighborhoods; rather than being directed into the lawfully, responsibly run bars and liquor establishments we have here. It is one of the things that contribute to what I like to call the drunk and disorderly parade that takes place on weekends and causes a lot of disruption. Mr. Bargerstock said that a Kent State resident called him this morning asking about incidents like that and why we have so much of it here. I think it puts a burden on our Police Department and see no rationale at all for why you can send someone that is eighteen years old off to war and tell them they can not come back and have a beer. Mr. Bargerstock said that he understands that the State of Ohio has had its arm twisted into doing this, because of the Federal Department of Transportation. There is nothing stopping this Council from making the right type of request of our State and Federal Legislators asking that they promote changing the drinking age back to the age of eighteen and put some equity into being a legal adult at the age of eighteen, having both the responsibilities and the rights.

MOTION DIRECTING THE LAW DIRECTOR DRAFT A LETTER TO THE APPROPRIATE GOVERNMENT REPRESENTATIVE INDICATING KENT CITY COUNCIL'S SUPPORT OF LOWERING THE LEGAL DRINKING AGE.

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

Mr. Kuhar said he does not believe the chances of having the legal drinking age lowered are very good. Mr. Kuhar agreed with Mr. Bargerstock in that many of the problems result from uncontrolled alcohol abuse.

Mr. Bargerstock said that when he turned eighteen during the Vietnam war era, his fellow eighteen year olds were being drafted; he was still in high school. Mr. Bargerstock said he abused alcohol when he was young, learned some hard lessons as a result and quit. Mr. Bargerstock said a lot of his peers abused alcohol, some are no longer here today because of it; some have grown and become responsible adults. It is a learning process, eighteen year olds make mistakes. It is not the right way to go; to tell an eighteen year old you have responsibilities but you do not have rights.

Ms. Gavriloff said that an eighteen year old is considered an adult and should be responsible. If the drinking age were lowered; at what age would underage drinking begin? Fourteen? Thirteen? Twelve?

Ms. Gavriloff said that lowering the drinking age will create other problems; an eighteen year old senior in high school could provide alcohol to their thirteen year old friends. Ms. Gavriloff said she is uncertain that this is the right way to go.

Mr. Hawksley said he is ambivalent about it. Mr. Hawksley said it is his opinion that the age of the draft should be raised to about forty-five; we would fight different wars. Mr. Hawksley said that as long as the draft age is eighteen the drinking age should be eighteen and therefore would support the motion.

The motion carried by a hand vote of 5-3-1, with Mr. Bargerstock, Mr. Kuhar, Mr. Schultz, Mr. Ferrara and Mr. Hawksley supporting the motion. Mr. Wilson, Ms. Gavriloff, Mr. DeLeone dissenting. Ms. Oswitch abstained.

MOTION MADE TO SCHEDULE TIME DURING THE OCTOBER 3RD 2007, COMMITTEE MEETING FOR MR. EGLER AND HIS ATTORNEY MR. FITRAKIS TO MAKE A PRESENTATION BEFORE COUNCIL REGARDING THE PLACEMENT OF SIGNS IN THE PUBLIC RIGHT OF WAY AND FREE SPEECH.

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

Mr. Hawksley said that he has received a lot of calls regarding this issue and believes it is worth spending some time on.

Mr. Bargerstock said that he happened to have experienced something similar to this over thirty years ago in the City of Berkley. Mr. Bargerstock stated that he advocates people's right to free political speech; the gentleman poses a very interesting question and dilemma to the City. The other aspect is people should not be littering in the public right of way. There needs to be a proper forum as to where political speech takes place. Mr. Bargerstock said that he believes there are ways to do it, as was done thirty years ago in Berkley when Peoples Park was an issue. It is something that is near and dear to a lot of people but, I do not think we need to advocate outright lawlessness. We need to have laws on our books that are enforceable and that are uniformly enforced. I understand the nature of this issue; it embarrassed the City in a lot of ways because we could not properly enforce our own ordinance. Part of the problem is; we don't enforce it. We don't enforce our graffiti laws uniformly; we have not enforced our littering laws uniformly. Mr. Bargerstock stated that this issue belongs in committee.

Mr. Kuhar said he will probably support this motion also. Mr. Kuhar stated that he is for free speech as much as anybody in the world. It was a strange set of circumstances that flared this whole thing up and everybody needs to understand what those circumstances are; what you can do and what you can't do and still be free in America.

The motion carried by voice vote of 8-1, with Mr. Bargerstock, Mr. Kuhar, Mr. Schultz, Mr. Hawksley Mr. Wilson, Ms. Gavriloff, Mr. DeLeone and Ms. Oswitch supporting the motion. Mr. Ferrara dissented.

Ms. Oswitch requested that the administrations Traffic Safety and Engineering Committee consider prohibiting over-night on street parking on all streets located between Lake Street and Crain Avenue.

Mr. Hawksley asked for clarification of the area Ms. Oswitch is referring to; all streets that are located between Lake Street and Crain Avenue.

MOTION MADE TO REQUEST THE ADMINISTRATION'S TRAFFIC SAFETY & ENGINEERING COMMITTEE CONSIDER PROHIBITING OVERNIGHT ON STREET PARKING ON ALL STREETS BETWEEN LAKE STREET AND CRAIN AVENUE AND DETERMINE WHAT IMPACT THE CHANGE IN PARKING MAY HAVE.

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

Ms. Oswitch said the reason she is making this request is because she has had several concerns brought to her from residents. Ms. Oswitch said that when the parking regulations were changed on her street, what she predicted would happen, did happen and the parking moved to Miller, Dandel, and other streets. Ms. Oswitch said she is aware that the proper procedure is to petition however, she promised the resident's that have contacted her that she would ask the committee to look at the situation and weigh the pros and cons of what impact prohibiting overnight parking in this area would have. Ms. Oswitch said that instead of asking the residents to take the time to petition, she is asking that the committee to look at and determine what impact such a change would have.

The motion carried by voice vote of 9-0.

Mr. Hawksley said that a few weeks ago the City Manager asked what Council's wishes were with regard to continuing to allow St. Patrick's School Staff to park on Portage Street at no charge.

MOTION TO CONTINUE FOR ONE YEAR THE ISSUANCE OF PORTAGE STREET PARKING PERMITS TO ST. PATRICK SCHOOL STAFF AT NO CHARGE.

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

The motion carried by voice vote of 9-0.

Mr. Bargerstock said to the City Manager, since becoming City Manager and when applying for the position one of the things you have advocated is the transparency of government. There are two things that have been brought to my attention with regard to the issue of public records. The first is why suddenly your web log is being censored or edited, and whether the web log is being paid for by City of Kent resources. The second has to do with my own personal public records request, which I have made three times, and have not received an answer. The question I would pose to you is do you intend to answer the question; how much did the investigation of my residency cost? Do you intend to answer the question now, in the future, or are you simply not going to answer the question?

Mr. Ruller responded that the very first communication back to you quoted the number of hours; two hours, multiplied by a figure that was based on the average hourly rate of the employees. Mr. Ruller asked to be forgiven for not quoting the exact figure correctly right now, but wants to say approximately one hundred fifty dollars.

Mr. Bargerstock said to Mr. Ruller that he has not received any documentation that included the number of dollars. Mr. Bargerstock repeated that my question was in dollars; the number of dollars.

Mr. Ruller said to Mr. Bargerstock, the figure is in the memorandum that I sent to you, Sir.

Mr. Bargerstock said I have not seen the answer in dollars anywhere. Mr. Bargerstock stated that he would like to see the memorandum, with the answer in dollars, and have it distributed to Council.

Mr. Ruller said the memorandum was distributed to the entire Council and the will re-create. Mr. Ruller said he will copy it send it again.

Mr. Bargerstock said to Mr. Ruller you are telling me I can expect to receive it?

Mayor Fender said we did receive the memorandum. If I recall correctly; I received it. Mr. Hawksley and Mr. DeLeone have both acknowledged receiving it.

Mr. Bargerstock replied can the clerk or somebody show me where it is? I do not remember receiving it. I have not received anything with the amount in dollars.

Mr. Fender said Mr. Ruller will re-create the memorandum.

Mr. Bargerstock requested the first of his questions about the web log be answered.

Mr. Ruller said the blog's service provider suggested, when first setting up the blog, that a function be installed which allows the blog's owner to preview what is posted, so that not just anything can be posted. Mr. Ruller explained that he did not take the service providers advice, and decided to see how things went. When I set up the blog, I specifically said that this blog is being done in the spirit of constructive criticism; if it ever becomes personalized, or people are being attacked, or it becomes derogatory and items are being posted that are not relevant to the blog post I may have to resort to the editing function. Unfortunately, over the last two weeks a couple of individuals were posting information everyday that had no relevance to the blog post. They were pretty aggressive using slanderous remarks; in particular someone posed as me posted remarks. This was brought to my attention by the service provider who advised that this was a criminal offense and suggested I go after them. I told them I am not interested in chasing someone down about a blog comment. I do not have the time to monitor the blog site every day. Someone could post a misrepresentation in my name on the blog that I do not see over a weekend and it could be aired for a couple of days before I find it. I have talked to staff and the attorneys about this. Since people are taking advantage and abusing the privilege; I asked if there is any issue with me using the selective function as first advised. They have said there is no problem with using the selective function; it is the City Managers blog.

As far as people requesting to see those comments; they are stored in the data base and can be retrieved. The comments are not being posted live.

Mr. Bargerstock asked if all of the comments posted are a City function and a public record.

Mr. Ruller replied all comments are stored in the data base and anyone can ask for the information at any time. All of the comments may not be posted on the internet, but they are stored, can be retrieved, and can be requested by anyone at any time.

Mr. Kuhar said it is with regret that he makes his comments this evening. When first starting on Council he was under the conception that he would be working with the other members of Council as a team. Mr. Kuhar said that someone visited my home the other day and advised me that a fellow council person and a leader of the administration were over heard in the parking lot after a meeting saying "I guess that will shut Mr. Kuhar up" hearing that disappointed me. Those that made these comments know who they are. I am somewhat ashamed to be on that type of team. Mr. Kuhar said that he understands we will not all agree on everything and that is alright, but when we start looking at ways to defeat one another I see no way that we can help our community. We have a mindset that needs to be adjusted for this City to move forward in a positive mode. We need to be more flexible, tolerant and understanding and maybe sometimes yield a little bit on our thoughts and talk to other council members to understand why they think the way they think. If we could look at that; maybe we could be a better City. Maybe, because we have not looked at things that way is why we bring some of our own problems upon ourselves.

Ms. Oswitch commended Mr. Kuhar on his comments. Ms. Oswitch thanked Mr. Silver for his letter on the utility billing issues that we have discussed and said she is happy to see on the scheduled for October 3rd discussion about the utility billing issues and hopes to see the policy, since it has been one year since this was first discussed. Ms. Oswitch thanked Ms. Chestnutwood for filling in for the Clerk of Council in her absence.

Mr. Bargerstock said he is dismayed by the behavior this Council. It is not an issue of Ed Bargerstock being investigated; it is an issue of following the procedures in the City's Charter and having the responsible people in government behave responsibly. Unfortunately this gets sadder and sadder; the way this Council has attempted to discuss or bring to light what took place. I brought this to Council because first of all our Police Department was put in a bad situation; asked and ordered to do something it should never have been involved with in the first place. It embarrasses the City when they do that and it embarrassed the detectives. The detectives apologized to me afterwards. I was unable to get a straight answer from those who initiated this and by own admission it comes from the Law Director. Mr. Bargerstock said he finds the behavior of the Law Director who is the city's prosecutor to act on a hearsay comment to be very unusual. How many anonymous tips does the Law Director go off and investigate? That is a question the Citizens of this community should be asking. It was alluded to, that I potentially was involved in a felony. It was splashed all over the paper that I may not be living in this community. I was denied any type of due process to even have that kind of comment put in the paper. There is a process and procedure in the City Charter that would have resolved the issue. There is nothing wrong with asking the question, it is a legitimate question that could have been answered very simply. Mr. Bargerstock continued and said because of the actions of the administration and the choice of some council members not to discuss this openly and get to the bottom of it, so that a proper procedure takes place so that this kind of witch hunt doesn't happen in the future it is going to escalate and you will have unresolved issues. That is why the questions about censoring the blog came up, is it because he doesn't want comments posted about what has taken place here. Mr. Bargerstock asked Mr. Ruller to step up to the plate and said to him; you run this city. Based on the letter that was given to us; you didn't have a hand in this. The Law Director reports to you. I would ask you to set some procedures before your Law Director takes off on some investigation based upon an anonymous tip. I can't personally believe that Chief Peach would have done this without direction from someone. According to the letter, that direction came from the Law Director. It is not a matter of reputation; it is a matter of conducting a criminal investigation on a legislative person based on a hearsay comment. It is outrageous, plain and simple, let alone how I may feel about it personally. Yes it angers me; it should never have happened. Mr. Bargerstock again asked Mr. Ruller to step up to the plate and deal with it. Do it openly, honestly and transparently; deal with it and put it to rest. If your Law Director needs to be reprimanded, then reprimand him. I have talked

to other cities law directors, friends in the legal community, other county's prosecutor's and the mayor of the neighboring community who all thought it was ridiculous. Let's quit being ridiculous and start acting like a professional city. You may not like me or my opinions. You know what; the voters of ward five liked me enough of me to put me here for four years. I have a couple of more months, and then I won't be in this seat anymore. A new person will be sitting here; when you don't like that person will you go out and investigate them? Run the city professionally and these things won't happen. When you make a mistake own up to it and apologize. I didn't receive an apology. What I did receive was a letter from the Law Director stating that he would do it all over again. Well, I'm sorry, that is just simply wrong; whether it is myself or some other council member sitting here. Mr. Bargerstock said to Mr. Ruller, you were in this city a long time; I would drive by regularly with your van sitting out front with out of state plates on it. The law in Ohio states that you must have your vehicle plated within thirty days. I was going to mention this to you and ask if you had ever changed your residency; you might want to do that because you have a problem. I did not have the Law Director come and investigate you. Mr. Bargerstock said to Mr. Ruller that questions have been mentioned in the blog as to where you actually live. I don't think I'd ask the Law Director to come and investigate you. If I had a question I would have come to you directly and asked you point blank. If I thought you were doing something wrong I would have brought it to Council's attention. I think that you were legitimately living here. Maybe I am wrong; I don't know. Since you are the manager of this city; I would ask you to deal with it effectively, don't hide behind the Law Director, take responsibility for it and deal with it.

MOTION TO ADJOURN THIS MEETING.

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

Hearing no further business before this Council, Mayor Fender adjourned this meeting at 8:40 p.m.

Sheri Chestnutwood, Acting Clerk of Council,

John Fender, Mayor & President of Council