

**THE CITY OF KENT, OHIO
HEALTH & SAFETY COMMITTEE
WED., APRIL 25, 2007**

This meeting of the Health & Safety Committee of Kent City Council was called to order on Wednesday, April 25, 2007 at 8:00 p.m. by Chair Carrie Gavriloff

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

ALSO PRESENT: J. FENDER, MAYOR; D. RULLER, CITY MANAGER; J. SILVER, LAW DIRECTOR; W. LILLICH, SAFETY DIRECTOR; AND J. PEACH, POLICE CHIEF

Chair Gavriloff said the first item on their agenda dealt with neighborhood issues, and she knew there was no prepared staff presentation. She asked the parliamentarian if they could do this in the workshop format, and the Clerk said it was not posted as a workshop. She reminded them that workshops do not have audience comment.

Ms. Oswitch said she has a lot of issues. She said she would like to have everyone discuss and learn about these issues. She said they have a problem in the neighborhoods, which is why the topic is general.

Ms. Oswitch said they have more homes becoming rentals, and they are not just student rentals. She said it is happening around the entire City. She said then there are homes that are well maintained, but directly across the street or next door, there may be an absentee landlord. She said if someone owns something, they have more pride than those who are not paying. She said it is frustrating for neighbors to put time and effort into their homes, only to look at unkept homes.

Ms. Oswitch said they have weeds and abandoned homes, adding she has been working with Mr. Silver on one house. She said it has been up for auction two times, and has been vacant for at least twelve years. She said the residents are tired of trashy homes, and have said they have had enough and are moving. She said they are risking the loss of residents. She said then there are residents who better themselves, and move. She said if their house is vacant or sits on the market for a long period of time, they rent it out or take a hit on the cost. Ms. Oswitch said that previously University Heights did not have these types of problems, and now there are two rentals.

Ms. Oswitch said they have talked about behaviors, adding they need to work on it. She said she realized there is no solution, but they do need to work on it. Ms. Oswitch said the ideas of neighborhood councils is a good one. She said she has no problem knocking on doors, asking people to clean up their property.

Ms. Oswitch said she had her neighborhood meeting the previous night, and people are tired of trash, homes falling apart, and abandoned houses. She said she can report on their status, but the residents do not care and are asking for the City's help.

Ms. Oswitch said that trash is a big thing, adding she has learned a lot reading the City's codes over the last two weeks. She said she talked to Al Hall, the City's Code Enforcement Officer, and found that Chapter 1381 talks about residential and vacant properties, and how they can go after them for the exterior maintenance issues. She said in the Ohio Revised Code, a dwelling with more than five people is considered to be commercial property, and they cannot touch it. She said Mr. Hall cannot touch every house on fraternity row or boarding houses. She said the residents across the street do not want to hear that.

Ms. Oswitch said another loophole deals with tall grass. She said one house has tall grass, and the City mowed it seven or eight times the previous year. She said Chapter 551 talks about mowing the grass,

and sending the bill to the County. She said she has heard they cannot do that as it costs too much to go through the court system. Mr. Silver told Ms. Oswitch they just took judgment on the one in her ward. Ms. Oswitch said she was told it is \$5000 overall, and not just that house. She said this falls under the nuisance code, Chapter 199, but they are not using it. She said the nuisance code did not help the people.

Ms. Oswitch said with respect to unruly neighborhoods, other cities have had similar problems. She said one community has a university that is making students face warnings and/or expulsions. She suggested this is one avenue they can take.

Ms. Oswitch said the biggest thing she hears at her meetings is a license to run a boarding house that can be revoked. She said it would apply to all nonowner occupied houses, and would probably be complaint driven. She said they need to find something that is complaint driven. She questioned if they went out on a complaint, and the one next door is just as bad, if they can handle it also, adding she knows there are time constraints.

Ms. Oswitch said they need to deal with the student rentals, and need to fix the loophole with the commercial issues. She said they need to find a way to license boarding houses, whether it can be done, and how to pay for it.

Ms. Oswitch said she did not want to tell a company how to do business, and that is not what she is trying to do. She said she received a complaint that the Circle K on Main Street had a piece of gutter hanging that was clanging against the propane cage. She said neighbors were afraid of a fire starting. Ms. Oswitch said she was told they cannot touch it because it is a commercial property.

Ms. Gavriloff asked if they should go to staff for their comments, and Mr. Ruller said he is interested to hear what Council thinks at this time.

Mr. Bargerstock said he had some discussions with people from Wards 5 and 65, and one of the most discussed items deals with the issues surrounding boarding houses. He said this includes lawful and unlawful boarding houses. He said the suggestion of licensing all rentals is the wrong approach. He said other communities have done it, and found it to be a real problem. He said to burden the rental population is unfair because of some bad apples. Mr. Bargerstock said it is a small amount of people causing the problem, and it is unfair to burden some sixty-five-year-old woman with licenses and fees. He said the simple solution is to hold the offender accountable, adding they do not do that. He said in Kent, they hold everyone else accountable. Mr. Bargerstock said their process costs a lot of money, with little results. He said the people living in the house, not the landlord, are the ones causing the problem.

Mr. Bargerstock said that behavior is 99% of the problem, whether it is a noise problem, violence, litter, or loud properties. He said they attack the landlords, and the offenders move on, starting all over again. He said there are a couple of simple solutions that would target the problem homes. He said one solution involves a little bit of volunteerism through the use of deed restrictions. He said it can be applied to single family homes. Mr. Bargerstock said that flight is characteristic of blighted neighborhoods. Mr. Bargerstock said the deed restrictions would be held by the City. He said he was not suggesting they buy the home. He said he has people on North Willow Street that are concerned with homes staying single-family, and he would suspect that a number of them would be willing to donate a deed restriction. He said the City could do the legal work and pay the filing fees. He said it would not damage the sale of the property, and actually would enhance it. He said all would know it is a single-family home, and all of the neighbors would continue to take pride. He said it would avoid long fights in court.

Mr. Bargerstock said that others will not do a deed restrictions, and will put their homes up for sale. He said when that happens, nothing stops the City from saying they want an opportunity for a deed restriction. He said this gives the agent a tool when marketing the house as a single-family home. He said that is how they are going to control the environment, without bankrupting the City. He said it is a simple tool. He said the residents are concerned and work closely.

Mr. Bargerstock said they have licensed boarding homes used in an unlawful manner because someone moved in unlawfully. He said there are times when people in the same unit will turn others in. He suggested an ordinance that makes it a minor misdemeanor, tailored similar to the nuisance law, for occupying an unlicensed boarding house, as it exists. He said they could cite with a traffic ticket. He said if the neighbors knew a house could be cited, they would turn them in, similar to the parking violators. He said they can issue a ticket, send it to municipal court, and have them pay a fine. He said they will leave quickly, and will not move next door, as it is a second offense. He said a second ordinance could deal with the people living in a licensed boarding house in an unlawful manner, without authority. He said it is the person who moves in without permission. He said these are suggestions that are simple and cost effective, and do not require hiring ten people in City Hall.

Mr. Schultz said the former City Manager, Lew Steinbrecher, proposed a licensing program. He said Ms. Oswitch was one of the ones who did not vote for it. He said they did buy property, previously, and added deed restrictions in the 1980s, but it tied up capital improvement monies. He said the program was there, but not funded. He said the second suggestion for voluntary deed restrictions is a good one, and they can do this. He said it would require some labor, but would not be as intensive as the second suggestion. He said proving who lives in a house is labor intensive. Mr. Schultz said that voluntary deed restrictions are a good idea.

Mr. Fender said the problem is not going away. He said there are short and long term solutions, adding he would hate to ask the Administration to look at a plan. He said they are not able to just snap their fingers and solve all of the problems in a few weeks. He said that Mr. Schultz mentioned it being labor intensive. He said he has heard the word "code enforcement" and have heard people mention tightening their codes. He said he did not know what is reasonable and not reasonable. He said these are gradual slow steps they can take.

Mr. Fender said the University had played with the idea, in conjunction with the City, that the city would purchase rooming houses, converting them to single-family dwellings. He said it is a great idea, but a lot of work and time. He asked if other university cities have done some unique things. He said he realizes it will take time, and suggested there may be some short term things they can do.

Mr. Kuhar said that Kent has a high amount of rental properties, adding he is unsure of the ration between rental versus bad rentals, and bad houses versus bad rental houses. He said he is sure there is a mix. Mr. Kuhar said he is unsure that a deed restriction does anything more than a zoning requirement. He said it is an enforcement issue, regardless of whether it is a deed restriction or a zoning violation.

Mr. Kuhar said their problem is a little bigger than a few rentals, as it is a lack of responsibility to meet the basic Ohio codes. He said that tenants are to abide by Ohio Health & Safety Codes. He said the Record Courier carries five pages of foreclosures. He said the majority of homes in Kent are not stock, adding they are middle income homes.

Mr. Kuhar said in the auto industry, people are leasing cars. He said it is the same with homes, as people do not want to own homes. He said it is a generation trend that keeps rentals fluid.

Mr. Kuhar said they have tons of ordinances, and are probably contradicting each other. He said it is an effort to work as a cooperative to make the ordinances come to light. He said with the last ten ordinances, they probably already had a dozen on the books to solve the same things. He said they need to deal with target areas and need to make them better. He said in the last year, they have been doing that, adding that some of the issues may be irresponsibility, but others may deal with economic statistics. Mr. Kuhar said they need to bring in better jobs and jobs that would warrant middle to higher income. He said that would cause the quality of life to change.

Mr. DeLeone said he must live in a good neighborhood. He said in the last two years, five homes have reverted back to single family homes. He said they were rentals that generated constant complaints. He said the landlords gave up and put them up for sale. He said it depended on where they live, and the surrounding homes. He said Fairchild Avenue is a busy street, and the yare going back to single family

homes.

Mr. Hawksley agreed with Ms. Oswitch, adding that his neighborhood is declining. He said he is the only single family house left on his side of the street. He agreed with Mr. Kuhar that it is the nature of the economy. He said the tenants are paying the mortgage, and can afford it, but do not own the house. He said if the rent is low enough, people can afford to pay for it and the landlord has no more money to invest in the house. He said they are not investing in the neighborhood like the property owner, adding it is the nature of the beast. He said they live in a town with a high demand for housing. He said that people may come in as an investor, or sell it to a landlord.

Mr. Hawksley suggested they break it down into maintenance, occupancy, and activity. He said they have addressed the activity issues, such as the behavior issues. He said they have not done a perfect job, and there is more work to do. Mr. Hawksley said he is hearing from people all over Kent who feel their streets are converting, adding it is happening in some of the newer neighborhoods. He said there is nothing wrong with renting a house, but there is an issue of community standards for the maintenance of the houses. He said when they have a predominance of owner/occupied homes in a neighborhood, the balance stays in favor of the maintenance. He said he served as assistant City Planner in Shaker Heights, and they are strong with property standards and strong enforcement ordinances. He said he helped enforce the commercial maintenance ordinance. He said they can raise their standard, adding it will take more people. He said they are putting the burden on the property owners to complain about their neighbors. He said the people have enough to do without having to nag about their neighbors. He said he has people who are good friends with Mr. Ferlito or Mr. Hall, because of this. Mr. Hawksley said they need to fund more positions, so it is not a complaint basis. He said they may need an assistant law director and one full-time housing inspector. He said they do need a commercial maintenance ordinance that sets the standard. Mr. Hawksley said they must stand their ground. He said if they do not stand their ground, people are going to move and invest elsewhere.

Mr. Ferrara said there is a problem, adding no one would disagree, but it goes back to an enforcement issue. He said they need to look at the community standards and decide where to spend money. He said he did not think anyone would have a problem with hiring more people. Mr. Ferrara said if that is the standard, how can people argue against more staff being hired. He said it is an important issue, and he would be willing to spend the money for staffing issues.

Mr. Ferrara said there has to be enforcement. He said they cannot legislate behavior, but can punish people and hold them accountable to an enforceable code. He said if someone gets a ticket or fine every other week, things will change. He suggested they look at Franklin Township and they will see a demand for new rental properties. He said the rental pool wants newer facilities. He said homeowners will be faced with spending money, or lowering the rent to subsidize their expenses. He said they are telling people, with stricter policies, that they cannot lower their rent just to get a tenant. He said there is a timeliness issue. He suggested they tell people to shape up their properties, or they will have real economic problems.

Mr. Bargerstock agreed that it is an enforcement issue, adding that it must be productive and cost effective. He said Kent's enforcement has been a circular argument. He said they can enforce, ending up with the same accomplishments as the Kent Hotel for twenty-eight plus years. He said when they go to a residential landlord and say they are going to enforce more, and they look downtown, they see hypocrisy. He said it is a laughing stock, and is not the type of enforcement they should do. He said they need to be smarter and cost effective.

Mr. Bargerstock said he wished to refute Mr. Kuhar's comments, adding there is a start difference between the enforcement of a deed restriction versus a zoning restriction. He said he would not advocate what Mr. Schultz suggested, which was the purchase of deed restrictions in mass. He said voluntary restrictions in pocket neighborhoods work, and a lot of neighborhoods are doing it. He said they have strong neighborhood groups and strong neighborhoods. He said there is great concern in Ward 3 and his ward, also. He said people want to keep their investments, and would give voluntary deed restrictions. He said the first it is violated, they will not have to hire anyone at City Hall, adding they

would be at Council in mass, looking at the Law Department, as the owner, to enforce the deed restriction. He said an owner has a stronger position than a zoning inspector armed with reams of paper.

Mr. Bargerstock said they need to hold those people accountable for standards in boarding houses. He said they can look at the neighbors for enforcement. He said he has landlords coming to him, disgusted with Kent. He said they run their property right, but the neighbors do not. He said a citizen can sign the complaint for a nosie violation. He said he has citizens that would sign a ticket for the illegal boarder, if they had an ordinance. He said they would be happy to sign the ticket and go to court. He said if the person cited could not show a lease and/or a letter from the landlord, the judge could charge them \$75 to \$100, and it would not happen again. He said it currently takes six months of investigation. Mr. Bargerstock said he is looking for simplicity and cost effectiveness.

Ms. Oswitch said she wished she had talked to Mr. Hawksley before the meeting. She said he is right that the issues are maintenance, occupancy and activity. She acknowledged they are not going to solve it at this meeting, and she wanted to get the ball rolling. She asked the Law Director if there is a way to set a policy that reverts a property back to single families, and Mr. Silver said it depended on the deed restriction, would come from the owner of the home, and needs to be voluntary.

Ms. Oswitch agreed with Mr. Ferrara that renters do not want to live in a dump. She said she shares his fear that when Franklin Township builds the new apartments that everyone will leave. She said they will be left with a lot of substandard housing. Ms. Oswitch said she previously met with a provost at Kent State, adding she knew of another city that worked with local banks. She said this would give people low income loans to buy these types of homes and bring them up to code.

Ms. Oswitch said she has nothing to do with her brother, adding it happened when she ran for Council. She said he has a lot of houses, and from what she is told, he does it right. She said she does not know where they are, which shows how much she has to do with him. She said she was speaking to someone in Mr. Wilson's ward, and found out her brother owns a house in that ward. She said she heard her brother is selling his properties, as he is fed up with the way the homes are cared for by the renters. She said it is sad, adding that when she knew him, he had people who took care of things and made things pretty. She said she did not want to lose the good landlords who cared, adding she wanted to help the residents affected by the problems. She said she did not want to go after landlords who take care of their properties, and wants to get the other people to take care of their property.

Mr. Ferrara said it is not a landlord issue, adding it is a code issue. He said then they are not picking sides, but are citing the standard. Ms. Oswitch agreed. She said the one house she has the most complaints with being owner-occupied, and one of the worse. She said it is code enforcement.

Mr. Ferrara said she is being politically correct, not wanting to upset a group, adding she does not have to worry. He said the issue is a code, and either one abides by it or not. Ms. Oswitch agreed. She said the residents are tired of complaining and give up. She said people want help before they vote for increases in taxes. She said it would not be solved overnight, but they need to start working on it. She said there are policies in other cities.

Ms. Oswitch said she asked Mr. Hall about other issues, adding that previously Mr. Locke gave them information on the city of Toledo. She said there is another program, known as a commercial property maintenance code. She said they hit the hotel because it is vacant, but if they have one renter, the City cannot touch them, according to their code.

Ms. Oswitch said she has been saying they need more police and code enforcement. She said the Health Department needs more help, also. She said she hesitates to call on Saturday mornings, because she does not want to make Mr. Ferlito come out on weekends. She said they need people who work weekends and nights. She said it is the entire city, not just her ward.

Ms. Oswitch said she has lived in Kent all of her life. She said the university will not thrive without the City and vice versa. She said they are at an impasse, and must jump on the bandwagon to fix it.

Mr. Silver said, from the staff perspective, they can have a “book load” of codes to pass in the next few months. He said they need to ask what people are willing to pay for these services, either in the form of taxes or fees. He said until they can hire people to enforce them, the codes will not do any good.

Ms. Oswitch agreed with Mr. Silver. She said at one Blue Ribbon meetings, they spoke of a better plan and more code enforcement. She said that caused her to think. She said they have not tapped into all of the rainy day money as budgeted. She questioned why they do not take that money to get more police, code enforcers, and health personnel. She said if they can make an improvement, businesses will want to come to Kent. She suggested they use money to do some good. She said they need police and enforcers.

Mr. Schultz said that with the noise ordinance, it was complaint driven. He said once the police were put in charge after 9:00 p.m., the ordinance took off and the community appreciated it. He said the deed restriction idea was good. He said they also have problems with realtors. He said it happened next door to him. He said it happened to a friend of his on Hall Street. He said because of some decisions made recently, the realtors think it is open season. He said for that reason, deed restrictions would work, and could not be changed by the BZA board or rezoning.

Mr. Kuhar said he is a real estate agent and a landlord. He said that ten years ago in Kent, if a house was priced fairly, it did not sit on the market very long. He said if one was a landlord in Kent, and had a reasonably priced home, he would have to turn his phone off because of the calls. He said when a house sells, new owners generally make improvements. Mr. Kuhar said the market turnover is important.

Mr. Kuhar said when a house is rented, the landlord has money for repairs. He said ten years ago, to today, he has never seen so many “For Rent” signs in Kent. He said the market is black, and houses are not selling. He said he is tired of the rentals. He said he rented a house, as a last resort, and their brother bought it, so it was a rental-turned-owner-occupied. He said it is tough to sell a property and to rent a property. He said the student population is down, and they have student properties not making money. He said that hundreds of rentals are being built. He said he has watched nice houses sit for rent for a year. He said if someone is flushed with cash, it is not a problem. He said the maintenance monies are scarce. He said it is not a neighborhood issue, adding they need to focus on more people coming to Kent, and the creation of jobs, so the money flows for the landlord and the tenant. Mr. Kuhar said he has never seen anyone buy a house and do nothing. He said when they cannot turn the houses over, they are not getting the needed renovations.

Mr. Hawksley agreed with most of Mr. Kuhar’s comments. He said that people buy homes in Kent for a few reasons. He said one is that they want to live in Kent, with a vision of living close to the campus, arts community, and walkable neighborhoods. He said that describes him. He said the other people are the ones who think they can make money buying the houses and renting them. He said he agreed with Mr. Kuhar about passing more laws. He said they need to be proactive. Mr. Hawksley said they need programs for home ownership. He said if the University is interested, they could get their help with work on easements. He said Ohio is struggling. He said those working in Kent, will not live in Kent, unless it is desirable, with high quality neighborhoods. He said they are losing those neighborhoods.

At this time, there were no comments from the audience.

MOTION TO REFER VOLUNTARY DEED RESTRICTIONS, THE PURCHASING OF DEED RESTRICTIONS, INCREASED ENFORCEMENT AND THE COST OF PERSONNEL TO DO SO TO THE ADMINISTRATION.

Motion made by Mr. Schultz. Mr. Bargerstock asked for a separation of the items.

MOTION TO REFER THE IDEA OF DEED RESTRICTIONS, VOLUNTARY OR PURCHASED, TO THE ADMINISTRATION.

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

Mr. Kuhar said he supports voluntary deed restrictions but was unsure how he felt about purchasing deed

restrictions. Mr. Schultz said it would have to be included. He said it was mentioned by Mr. Ferrara and Mr. Hawksley that they need to identify community standards. He said if it does not happen voluntarily, the City will need. He said they need the ability to go after what they want.

Mr. Bargerstock said the difference is the cost, adding they could use Block Grant monies. He said what they spend on code enforcement can be channeled into this area. He said a deed restriction may cost as little as \$100. He said they may have to structure a program, but it can be done.

The motion carried by a voice vote of 8-0-1, with Ms. Gavrilloff abstaining.

MOTION TO REFER THE ISSUE OF THE INCREASED ENFORCEMENT COSTS AND ADDITIONAL PERSONNEL TO THE ADMINISTRATION.

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

MOTION TO REQUEST THE ADMINISTRATION TO HAVE DISCUSSIONS WITH KENT STATE UNIVERSITY REGARDING DEED RESTRICTIONS.

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

MOTION TO ASK THE ADMINISTRATION TO BRING BACK A RECOMMENDATION FOR BETTER COMMERCIAL ENFORCEMENT.

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

MOTION TO REQUEST THE LAW DIRECTOR TO BRING FORWARD A SAMPLE ORDINANCE, SIMILAR TO THE NOISE ORDINANCE, THAT WOULD MAKE IT UNLAWFUL FOR AN INDIVIDUAL TO OCCUPY AN UNLICENSED BOARDING HOUSE AS A MINOR MISDEMEANOR.

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

Mr. Bargerstock said this merely states that a person living in an unlicensed boarding house is doing so unlawfully, and it is a minor misdemeanor. He said anyone could sign a complaint, including the police, city employees, neighbors, or Council members. He said the person cited would have to prove they reside there lawfully or unlawfully. He said it can be done simply, because they would have subpoena power. He said they could subpoena the records of the landlords, and supply affidavits from other residents and/or neighbors. He said it would not cost thousands of dollars, and would be enforced by resident complaints. He said it puts the standards in place, and puts the offender on notice. He said it is simple enough, as there is a boarding house license available.

Ms. Oswitch asked if they were saying for licensed boarding homes, only, as in someone living there that is not on the lease, and Mr. Bargerstock said he was saying that they are "unlawfully living there." Ms. Oswitch said the landlord as a right to pursue it as the owner of the house already.

Mr. Schultz opposed the motion. He said that although Mr. Bargerstock practices the profession, he is not a lawyer. He said a misdemeanor is a criminal offense, adding that the burden of proof is upon the City. He said they would have to investigate, and cannot do a crap shoot. He said they can only cite someone when they prove the person violated the law. He said they cannot just hope to be able to prove the law was violated.

Mr. Wilson said he opposed the motion, adding it was unenforceable. He said a few weeks earlier, Mr. Bargerstock told the audience to not sign noise complaints, as they may be sued. He asked if he was not telling people to sign complaints, and said it was a slippery slope.

Mr. Bargerstock said that other Council members want to put words in his voice. He said that he did not say they would not investigate, but said it would not cost thousands of dollars. He said the investigation can be the next door neighbor. He said they can get an affidavit, similar to the noise ordinance. He said

he would sign, as a Council person, and knew of several places he would be willing to assist his neighbors. He said it would cost nothing, to him, but it would be the cost of the prosecutor doing his job, like noise violations. He said it is cheaper than how they are doing it, adding it does not require the landlord's cooperation. He said there are a multitude of pathways.

Mr. Kuhar said there is good intent, adding he was trying to get back to the purpose of the meeting. He said it is not who lives in the house, but is what they are doing. He said they may have lawful people in the house. He said the vision of a group of vigilantes running around the town scares him. He said the real issue deals with the disobedience of those who live in the house, and are violating noise and zoning. He said he could not support the motion.

At this time, the motion failed with Mr. Bargerstock supporting it; all others dissenting but Ms. Gavriloff who abstained.

MOTION TO CREATE AN ORDINANCE THAT ALLOWS A MINOR MISDEMEANOR OFFENSE; MAKING IT UNLAWFUL FOR A PERSON TO BE OCCUPYING A LICENSED BOARDING HOUSE UNLAWFULLY.

Motion made by Mr. Bargerstock, and died for want of a second.

MOTION TO ASK THE ADMINISTRATION TO REVIEW BILLING FOR GRASS MOWING OR TO GO THROUGH A COLLECTION AGENCY.

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

Ms. Oswitch said it has to be cheaper and more economical to go through a collection agency.

Mr. Schultz asked how someone incurs debt, adding that someone purchases the services. He said if they force the act, such as lawn mowing, there is no debt until they get a court order. He said the people did not agree to the debt, adding it has to go through the courts.

Mr. Kuhar said he understood Mr. Schultz, but disagreed. He asked if a resident of Kent agrees to abide by the laws and ordinances of the City, and they have an ordinance that says if the resident does not mow, the City will mow for them.

Mr. Schultz wanted to suspend the rules to allow the Law Director to respond at this time, and the Clerk said that was not an appropriate motion.

Mr. Bargerstock said that while he is accused of practicing law, while not being a lawyer, he used to be a quality control manager. He said they learned they cannot inspect quality into a product, adding it has to be built in. He said they are not building the product. He said to attempt to bill someone for not mowing the lawn has failed miserably. He said it fails because of the complicated processes to protect people's property rights. He said he is not saying it does not have merit, but the proposed method would not work, as it is not cost effective. He said they do not get it. He said they do not want to solve the problem. He said they will be arguing about the problem ten years from now.

The motion failed by a hand vote of 2-6-1, with Ms. Oswitch and Mr. Kuhar supporting the motion. All others dissented, except for Ms. Gavriloff, who abstained.

MOTION TO ASK THE ADMINISTRATION TO RETURN WITH A COMPREHENSIVE OVERVIEW OF WHAT THEY CAN DO TO ADDRESS THE PROBLEMS RAISE, SUCH AS CODE ENFORCEMENT.

Motion made by Mr. Ferrara.

Mr. Ruller said they previously brought forward the Neighborhood Enrichment Initiative in January, and gave them a large packet of information. He said they cannot delink the quality of neighborhoods from economic development, as they are complimentary. He said they put together a "first stab" at the issues. He said he liked Mr. Hawksley's categories. Mr. Ruller said the initial thrust in January fell into the behavior category. He said in that report, he said they would continue the effort, and will return with more

issues and options available. He said he wanted to float the ideas of other cities, like Toledo. He said this meeting gave him more sense of where they stand on the issues. He said they are still viewing it as a bigger picture. He said he can pursue those issues, but will not stop there. He said there are other things they have been researching and discussing. He said he wants to tackle the problem, as it is a multi dimensional problem, that will take a little bit of everything. Mr. Ruller said they are using the neighborhood initiative as the big umbrella. Mr. Ruller said about one month ago, they passed ordinances for the activity behavioral issues. He said he spends a lot of time on the issue, adding he was sure they are getting the telephone calls.

Mr. Ruller said as he listens and talks to people, he thinks they could do something similar to the financial discussions. He said they could invite other people to the table that need to be talking, including Kent State and landlords. He said if they discuss setting a community standard, the landlords need to be involved. He said he was thinking they need a working group, adding it would be like a task force. He said there is merit to looking at these issues, poking and prodding them. He said other people's input would be valuable.

MOTION TO ASK THAT THE PROCESS OUTLINED BY THE MANAGER DOES NOT TAKE TWELVE MONTHS.

Motion made by Ms. Oswitch, and died for want of a second.

Ms. Oswitch said she wanted to ask the Administration to let them know how many properties were mowed, the expense, and what was recouped. Mr. Silver said he planned to bring that forward in the next executive session, as he was looking for guidance.

Mr. Kuhar wanted to look into the possibilities through grants and other programs, to come up with a beautification plan on the streets first seen in Kent. Mr. Schultz said, as a point of order, that it is outside of the scope of this meeting. Ms. Gavrilloff suggested Mr. Kuhar wait until the Council meeting the following week.

Mr. Fender agreed with Ms. Oswitch's thought. He said they can discuss things to death, adding it is unbelievable. He said they need to look at this in a time sequence, so it does not just float and float. Mr. Fender said the Manager brought something in January, and now it is April. He said he would love to see a flexible timetable.

Mr. Silver said, for the record, he may owe Mr. Idone an apology (from the Finance Committee discussion that was tabled). He said he thought Mr. Idone had told him previously he had something to do with his son. He said he told Mr. Idone he would handle it, and did not want to hang him out to dry.

Chair Gavrilloff said the burglary report was the next item, adding they received a copy of this previously, and Chief Peach was present.

Ms. Oswitch asked for the definition of larceny, and Chief Peach said it was theft.

Mr. Fender said this came from Mr. Kuhar who was concerned after reading about a rash of burglaries in the newspaper. He said his constituents had called him. He asked if there is a process, so they do not have to bother people. He said the report indicates there was no increase by any substantial means. He asked how they could find out information more easily, and Mr. Ruller said they are always available. He said a phone call is probably the easiest if they have a question or concern. He suggested they call Chief Peach or Safety Director Lillich on police issues, and Chief Williams on fire issues. He said he would suspect they would get enough from that conversation. He said if it is something everyone wants to know, they could bring someone forward or address it in the communications.

Safety Director Lillich asked if the monthly reports are going to Council, and Chief Peach said they are quarterly. The Committee indicated they have not received the reports.

Mr. Bargerstock said all of the crimes listed are serious by nature, and are not misdemeanors. He said

the noise law is the one they use as their tool to deal with civil disobedience. He asked if they have had more convictions now on the noise ordinance, and Chief Peach said he has had quite a few discussions on this issue. He said that contrary to public perception, the noise problem has declined over the last year, mainly because of higher sensitivity within the neighborhood. He said the criminal activity nuisance law was enacted in 2004, and they currently have less landlords on the list than at any other time. He said there are far less occurrences going back to same household. Chief Peach said the ordinances have corrected the problems, adding they will never do away with bad behavior. He said they are currently on the edge of being repressive, with their ordinances, causing diversity and polarization in the neighborhoods. He said they have those who are those who are affected, that feel there is too much action. He said they are polarizing the community, and putting the Police Department in a difficult position of trying to appease both ends of the spectrum. He said they have seen a great decline on large parties and their associated problems.

Mr. Bargerstock said that was his assumption, and told the Chief it is a job well done. He said this is a minor issue, and from the police studies he read, when they deal with these types of problems it has a tendency to do away with greater crimes. Chief Peach said that was correct, adding it is the broken window syndrome. He said that unlawful noise and parties lead to more drunkenness, injuries and quality of life issues. He said when they go to any community and ask people within the neighborhood what is their biggest concern, it is speed and juveniles. He said it makes no difference if they have robberies, burglaries, and assaults. He said the numbers they have are from the Uniform Crime Report, and are the eight significant crimes. He said the others they deal with are quality of life issues in a neighborhood. He said they had a discussion earlier in the day on what is significant. He said his perspective may be different. He said today they still have people complaining about parking, while dealing with two sudden deaths, their investigation, and the coroner, while going to a parking or party complaint. He said to those calling the issue is significant.

Chief Peach said the Police Department does address those issues as significant. He said they do their best to resolve an issue. He said with the dynamics of Kent, they cannot keep up. He said all they can do is the best they can. He said they are seeing far more complaints about the Police Department than ever before, adding he personally did not think they were warranted. He said it is the climate of the environment of the community. He said the community is declining, without question. He said that includes the housing stock, infrastructure, jobs, frustration on where they are heading, and how they attract businesses to Kent. He said there is a sense of frustration in Kent, and it is being reflected with complaints they see and what the Department receives.

Chief Peach said some of the issues are significant. He said they can see the decline of the housing stock or the decline of the infrastructure. He asked what they can do with the few dollars they have, and what can they do to improve the stock. He said enforcement personnel are tough decisions to be made by the community. He said he hoped they will see the quality of life perspective, rather than the criminal perspective.

Mr. Bargerstock said he has heard the Chief speak previously about unlawful behavior that is minor, without taking ownership of an event or party. He asked what the Chief felt about people living unlawfully in a boarding house.

A POINT OF ORDER WAS CALLED BY SEVERAL COMMITTEE MEMBERS. Chair Gavriloff said the topic on the agenda refers to burglary reports only. Mr. Bargerstock said he is talking about crime. He asked if they have people residing unlawfully somewhere, with no responsibility to the residents, if they are more in tune to causing crimes. Chief Peach said the opportunity will be wherever the best opportunity exists. He said it is how they are raised, and it does not matter if it is an apartment, rooming house, or single-family home. He said location is not that important. Chief Peach said the decline in Kent is tied to the number of rental units. He said the only other community close with the number of rental units is Windham. He said it is the only one in Portage County that has less per capita income than Kent. He said there is a direct relationship with single-family homeowners and prosperity of the community.

Chair Gavrilloff called for questions on the burglary report, only at this time.

Mr. Fender said the Chief mentioned polarization, and said the citizens are saying to take care of the noise issue and those making noise. **MR. SCHULTZ CALLED FOR A POINT OF ORDER, AND CHAIR GAVRILOFF SAID THEY WERE DISCUSSING BURGLARIES ONLY.**

Ms. Oswitch asked what "clearance rate" meant, and Chief Peach said that is when enforcement and/or the case is cleared. He said that burglaries are one of the actions and/or case is cleared. He said burglaries are one of the lowest offenses cleared. Ms. Oswitch asked the difference between aggravated and non-aggravated assault, and Chief Peach said it is the severity.

Ms. Oswitch asked, for their benefit, if the Chief had a blank check for more staff, how many he would need, and Chief Peach said they are understaffed, and he could use twelve to fifteen more officers. Ms. Oswitch asked what his wish list was, and he said fifteen, which would give them three more per shift. Ms. Oswitch asked how many he needed per shift, and he explained that it varies.

Mr. Kuhar said he had a motion, and Chair Gavrilloff said they are not to that point yet.

Mr. Kuhar said part of the purpose of this request to enlighten the residents as to what is going on, how the City is helping them, and how the Council, can help them. He asked if an awareness brochure in the Tree City Bulletin or in the Record Courier on how to protect themselves would help, and Chief Peach said they are already put out in different forums, with neighborhood groups. He said they are trying to constantly provide information, and are always open. He said it is not a dollars and sense issue, but it is in terms of production and presentation that is the problem. He said it is most effective in neighborhood meetings, adding neighborhood councils are excellent ideas. He said they can direct information to the neighborhood and their concerns. He said what may apply for one, may not apply to another.

At this time, there were no further questions nor audience comment.

Chair Gavrilloff said the last issue was the review of traffic crash data.

Mr. Lillich said they do analysis on an annual basis. He said they received a few questions regarding specific locations, and thought they were due to review some of the information. He said previously, a motion was made to make Silver Meadows/Sunset Way/Fairchild Avenue's intersection a four-way stop. He said they wanted to gather general information on traffic accident occurrences. He said they looked at 144 intersections, and picked up the global statistics on the occurrences. He said they refined it down to 82 intersections, which was more manageable. He said they looked at the number of injury accidents; total accidents; and the severity of the accidents. He said in each of those categories they looked at the numbers and ranked them.

Mr. Lillich said the intersection of State Rt. 261/ Sunnybrook is 18th in frequency out of 82; but 4th in 82 for injury; with a severity index making it 2nd on the list. He said relative to the comparison, the Franklin/Sunnybrook/SR 261 intersection is what they would consider the most serious intersection.

Mr. Lillich said there are serious general problems with all intersections along SR 261. He said the Engineer is looking for state funding to fix those intersections. He said if they had a pot of money and a magic wand, they would redesign the intersections. He said the road was not built as a city street, which is part of the problem.

Mr. Lillich said with respect to the intersection questioned previously by Ms. Gavrilloff, it was in the 45th position. He said it was not in the ranking numbers for 2005 and 2006, so he had to retrace the data for those preceding years, going back to 2003 to bring it up to date. He said it is perceived to be a dangerous intersection, where some accidents occur, but really is not that bad. He said without having gone further into analysis, he is afraid a four-way stop may cause more accidents.

Mr. Lillich said their global data may say "Main/Water" intersection, but may actually be on Main Street,

fifty feet south of Water Street. He said they have to then look at the crash reports to see if it was intersection pertinent. He said if it was nothing to do with the intersection, like a car 'unparking', it does not go into the final tally.

Mr. Lillich said that the intersection of E. Main/Wilson has seen a number of accidents and has a ranking of 16. He said it is generating a lot of interest in the community. Mr. Lillich said a lot of residents have solutions in mind for that area, from a traffic signal, to closure of the street, to no left turns, or to the changing layout of the traffic islands. He said the problem is the behavior in that neighborhood, and people who do not notice the islands. He said they are not getting the driver's attention as they approach from Wilson Avenue. Mr. Lillich said the Traffic, Safety & Engineering Committee would probably review the data at the next meeting, and return with recommendations.

Ms. Oswitch asked what "PD" and "INJ" stand for, and Mr. Lillich said it is Property Damage and Injury.

Ms. Oswitch said she has spoken with Ms. Tolnar a lot lately about the Wilson/Main intersection. She asked if she needed to refer it to the Traffic Safety & Engineering Committee or if it would be discussed, and Mr. Lillich said they are going to talk about it.

Mr. Hawksley asked the distinction between AMATS severity index and Kent's, and Mr. Lillich said AMATS does a similar ranking, but make four different charts when they do their report. He said that one deals with frequency; one deals with the number of injuries; one deals with the severity index formula; while the fourth is the cumulative ranking. Mr. Lillich said that Admore is ranked 5.33, which is significant because of a pedestrian fatal accident. He said if they look at the injury column, it is ranked 48. He said frequency is ranked 68. He said they need those intersections to be high on the chart to tell them where to look for solutions. Ms. Gavriloff pointed out that Admore Drive is not yet open.

Mr. Hawksley asked if only the injured pedestrians are factored in, and Mr. Lillich said if there is an accident involving a pedestrian who is not injured, it is still reported. He said it would be a non-injured pedestrian accident.

Ms. Oswitch asked if Mr. Lillich needed anything at this time, and Mr. Lillich said it was just informational.

Ms. Gavriloff asked if they could rank the top twenty-five intersections, and place it on the website, and Mr. Lillich said they could do that. Mr. Bargerstock said that was his question also.

Mr. Hawksley asked about the ten year statistics they received also in the evening, and the Clerk said she would ask the webmaster.

Hearing no further business before this Committee, Chair Gavriloff adjourned this meeting at 9:50 p.m.

Linda M. Copley, Clerk of Council

ACTION RECOMMENDED:

- 1) TO REFER THE IDEA OF DEED RESTRICTIONS, VOLUNTARY OR PURCHASED, TO THE ADMINISTRATION.
- 2) TO REFER THE ISSUE OF THE INCREASED ENFORCEMENT COSTS AND ADDITIONAL PERSONNEL TO THE ADMINISTRATION.
- 3) TO REQUEST THE ADMINISTRATION TO HAVE DISCUSSIONS WITH KENT STATE UNIVERSITY REGARDING DEED RESTRICTIONS.
- 4) TO ASK THE ADMINISTRATION TO BRING BACK A RECOMMENDATION FOR BETTER COMMERCIAL ENFORCEMENT.