

**THE CITY OF KENT, OHIO  
POLICY & PROCEDURES COMMITTEE  
WED., JULY 11, 2007**

This meeting of the Policy & Procedures Committee of Kent City Council was called to order on Wednesday, July 11, 2007 at 7:04 p.m. by Rick Hawksley, Chair. Chair Hawksley explained the first item on the agenda dealt with the interviews for vacancies on Boards and Commissions, and turned the chair over to Mr. DeLeone at this time.

**PRESENT:** MR. BARGERSTOCK, MR. DELEONE, MR. FERRARA, MS. GAVRILOFF, MR. HAWKSLEY, MS. OSWITCH, MR. SCHULTZ (ARR. @ 7:27 P.M.), AND MR. WILSON

**ALSO PRESENT:** J. FENDER, MAYOR; D. RULLER, CITY MANAGER; J. SILVER, LAW DIRECTOR; B. RISSLAND, DIR. OF BUDGET & FINANCE; AND E. ZORC, ACTING CLERK OF COUNCIL

**ABSENT:** Mr. KUHAR, COUNCIL  
L. COPLEY, CLERK OF COUNCIL

Mr. DeLeone called upon **Lloyd Atkinson**, applicant for PARTA at this time.

Mr. Atkinson said that he has lived in Kent for his entire life, adding that is approximately sixty-eight years. He said he applied for the vacancy as he has a fair amount of background in transportation, having worked in the field since the early 1980s. He said he is a consultant in northeastern Ohio, and has attended many seminars that are sponsored by states, regional, and international organizations. He said he has attended a number of management and maintenance seminars for the transportation industry.

Mr. Atkinson expressed concern over the future of transportation for the elderly in Portage County, including himself. He said he was sure they all have friends and/or family members who have used PARTA. He said he was sure they knew how important PARTA was, adding they have done a good job with home trips and shopping. He said it is an important service.

Mr. Ferrara thanked him for applying.

Mr. Wilson asked Mr. Atkinson if he worked for PARTA, and Mr. Atkinson said he retired from PARTA when he was sixty-five years of age. Mr. Wilson asked Mr. Atkinson if he sued PARTA at one time, and Mr. Atkinson said he was involved in a lawsuit in the State of Ohio for civil service recognition for entities that are hybrid. He said they are private/public entities. He said they incorporate as a private business, but are publicly funded. He said that PARTA is 97.5% in public monies. He said there is a lack for formal oversight on many state agencies of this nature. He said the Oriana House is one that mimicked what he is speaking of, adding the State's ability to audit their books is difficult. He said he felt strongly about this issue, as there was no place to stand as a whistle blower. He said one gentleman ended up wanting to be a whistle blower, but ended up committing suicide. He said it gave him the incentive to bring this forward in a positive motion, adding all court work was Franklin County (Columbus) to reduce negative publicity that would detract from PARTA. He said he supports PARTA, but these agencies are hybrid with no accountability. He said it is similar to organizations in Ravenna that had difficulties.

Mr. Atkinson said he carried his case to the Supreme Court, who chose to not listen to his arguments. He said the Supreme Court viewed it as a labor relations questions, instead of one describing the validity of Civil Service.

Mr. Wilson asked how this would affect his service on the board, and Mr. Atkinson said it would not be a problem. He said he has never had a hostile relationship, on his part, and knows a lot of people on the board.

Mr. Fender asked how the problem would be resolved that he took it to the Supreme Court, and Mr. Atkinson said the Supreme Court chose not to hear the case. He said it is in the past, and he moved forward. He noted one cannot live in the past.

Mr. Fender asked what changes he would like to see in PARTA, and Mr. Atkinson said they cannot make any changes as a Board of Directors. He said that PARTA must follow the FTA rules. He said he is unsure if he would want any changes. He said he would want the needs of older people fulfilled who live in their own homes, so as to keep them independent. He said he has done volunteer work with those in wheelchairs, so they can have the ability to get on a PARTA bus.

Mr. Fender said it appears that Mr. Atkinson's only concern is caring for the elderly in the future to be sure they are accommodated for in the future, and Mr. Atkinson said that is one area. He said there was a 1/4% sales tax passed in Portage County for the service in Portage County. He said the phone number for PARTA is 330.678.7745, while his is

330.678.1745. He said he gets phone calls when people think they are speaking to PARTA, and they just start “ripping away” with what is on their mind. He said he gives them the correct phone number, but it is usually older people who are calling.

Mr. Atkinson said PARTA fulfills the function of Campus Bus Service, which is a need of the university. He said good transportation in the County is important.

Mr. Bargerstock said he heard Mr. Atkinson say he was a Kent resident for sixty-eight years. He asked Mr. Atkinson how many board meetings he has attended, and Mr. Atkinson said he has attended about 75% of their meetings. Mr. Bargerstock asked if he has been involved in their political campaigns, and Mr. ATKINSON said he has been a strong supporter and has been involved, including at the County fair.

There were no further questions for Mr. Atkinson.

Vice Chair DeLeone introduced **Allen Henderson**, applicant, for PARTA at this time.

Mr. Henderson explained he has lived in Kent for two years. He said he has worked in transportation, such as trucking, distribution, and warehousing, in the early part of his career, and continued as a teacher.

Mr. Henderson said his concern with PARTA is economic development, and providing opportunities for people to get to employment. He said he agrees 100% to concern themselves with the seniors and the disabled. Mr. Henderson said he has nothing on the agenda and/or table, adding his concern is to help the community. He said he used to live in Brimfield, and served on the Appeals Board. He said he helped during difficult times, including the JEDD with Kent. He said he helped that community move from a farming, rural community to one where all of the development is occurring. Mr. Henderson said he hoped to be a positive influence on PARTA in the future.

Mr. Hawksley said he believed one requirement for PARTA was to be a three-year resident, and Mr. Henderson said that would eliminate him. Mr. Henderson said he has lived in Portage County for several years. Mr. Hawksley said their schedule indicated that one requirement was that applicants must be three-year residents. Mr. Silver said he would provide a decision the following week.

Mr. Bargerstock asked Mr. Henderson if he has been an elector longer than two years, and Mr. Henderson said he has been an elector for longer than two years. Mr. Bargerstock asked if he has attended any board meetings, and Mr. Henderson said he has not. Mr. Bargerstock asked if he worked on any of their political campaigns, and Mr. Henderson said he has not.

Mr. Fender asked Mr. Henderson to expand more on his comments about PARTA and economic development, and Mr. Henderson said it means getting people to jobs. He said PARTA provides an opportunity for people with transportation difficulties to get to employment. He said it also allows retail establishments the opportunity of shoppers. He said in the south part of Kent, a good grocery store was closed, and people have a difficult time to get to a super market. He said PARTA should look into this and expand their routes.

Mr. DeLeone introduced **Fran Hernan** who was also applying for PARTA, with a second choice of the Fair Housing Board.

Ms. Hernan said she has lived in Kent for four years. She said she was born in Youngstown, raised in Canton, left in 1960. She said she spent seventeen years as a serviceman’s wife, living all over the country and on two different continents.

Ms. Hernan said she has served on an advisory board in Tacoma for transportation. She said Tacoma was a lot bigger. She said she served two terms. Ms. Hernan said she believed serving on the PARTA board included communicating with their riders. She said she lives in Tower 43, and for the last four years, she has heard riders say that PARTA has not done the best job of communication with the seniors. She said she has convinced seniors to call for the door-to-door service. She said she has overheard conversations previously, and believes there are a lot of things that people do not know about. She said if she served on the board, she would have no problem talking to groups in the senior buildings in different communities. She said that is as important as economic development and anything else the PARTA board does.

Mr. Fender asked if she contacted PARTA about the concerns of the elderly, and she said she is sixty nine years old, and is an elderly person. She said she has sat with people while they called PARTA and asked that their needs be met. She said a lot of people do not know that the circulator comes through every two hours. She said a lot of people do not know that they will go off the route about one quarter of a mile. She said people have heard about the door-to-door, but have heard there are problems. She said with the door-to-door, there may be “will call” problems at the end of the

appointment. She said the problems can be worked out with communication.

Mr. Bargerstock said he heard her say she has been in Kent for four years, and Ms. Hernan said that was correct. Mr. Bargerstock asked if she has attended the PARTA board meetings, and Ms. Hernan said she did not know if she had any interest. She said she was invited to apply, and did so. She said she has had lots of conversations with people. She said that Family & Community Services has started a bus service at Tower 43, taking people to the grocery store on the first and third Tuesdays and Thursdays. She said they are taking into consideration the social security retirees that get paid on the third or fourth Wednesday of the month. She said the cost is \$3.00 for a round trip, and the residents are saying that PARTA is upset.

Mr. Bargerstock said he heard similar comments, adding that regardless of how the vote occurs, he hoped she would go to some of the meetings. He said their board meetings are open and people would listen.

Ms. Gavriloff said at her neighborhood meeting, there was a discussion about \$3.00 being charged. She said no one knew who was charging it, and Ms. Hernan said it was Family & Community Services.

Ms. Oswitch said Ms. Hernan applied for the Fair Housing Board. Ms. Hernan said she has done work in Fair Housing.

Mr. Ferrara asked Ms. Hernan what she has done in Tacoma to implement rider awareness, and Ms. Hernan said public transportation was only one part of the board in Tacoma. She said it was a larger system with more federal dollars. Ms. Hernan said the bus system in Tacoma is terrific, adding they are still running early in the morning and late at night. Ms. Hernan said people asked for additional routes. She said there is still need for downtown routes in the morning in Tacoma. She said she took Tacoma buses for eleven years, and it is a good system.

**Dave Hansford**, who applied for reappointment to the Board of Building Appeals, was not present.

Vice Chair DeLeone said they would be voting during their regular meeting of July 18, 2007.

Chair Hawksley resumed chairing the meeting at this time, and said the next item on the list was the update of the Pending List. He said they received the Manager's recommendations in the May 31 communication. He suggested they discuss the ones being removed.

Chair Hawksley said the sexual predator legislation item was being recommended for removal. Mr. Ruller said the Chief gave a presentation earlier. He said it was not clear whether they wanted further staff work, at the end of that discussion. He said that Chief Lillich and Mr. Lillich have indicated it was being watched on a state level, with six bills introduced. He said the Chief explained the restriction, and they were recommending removal.

**MOTION TO REMOVE THE ISSUE OF SEXUAL PREDATOR LEGISLATION.**

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

Mr. Ruller said the next item deal with issues surrounding the Environmental Commission. He said the staff was instructed to work with the Commission, and Mr. Locke and his staff has done so. He said they had a number of discussions. He said they made some changes, adding they did have the discussions and things are working better.

**MOTION TO REMOVE THE ISSUE OF THE ENVIRONMENTAL COMMISSION FROM THE PENDING LIST.**

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

Mr. Ruller said they did adopt a smoking cessation program in January, and all employees received notice of the program.

**MOTION TO REMOVE THE SMOKING CESSATION PROGRAM FROM THE PENDING LIST.**

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

Mr. Ruller said the next issue, targeting graffiti, was addressed with the TAG program, the community based group working with the Administration. He said it is on the website, with a phone number to call. He said they have had two cleanups thus far.

**MOTION TO REMOVE THE ISSUE OF TARGETING GRAFFITI FROM THE PENDING LIST.**

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

Mr. Bargerstock said he had no problem with removal, but they have increased problems with enforcement. He said mailboxes are getting sprayed as are doors in the downtown area. He questioned what they are doing, and Mr. Ruller said they have had discussions. He assured Mr. Bargerstock they are not ignoring the problem. He said some efforts were attempted at the Heritage Festival, with a "good graffiti" competition to promote that. He said the task force will not end, adding they meet every other week, and that will continue.

Mr. Hawksley asked if there were any policy needs from Council, and Mr. Ruller said it would be premature to make that recommendation.

The motion carried by a voice vote of 7-0-1, with Mr. Hawksley abstaining.

Mr. Ruller said the next one is deals with the closure of parking lots by Kent State University after hours. Mr. Ruller said Mr. Lillich reported on that in March, and advised that policy is in place.

**MOTION TO REMOVE THE ISSUE OF KENT STATE PARKING LOTS BEING CLOSED AFTER HOURS FROM THE PENDING LIST.**

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

Mr. Bargerstock asked if there is a procedure for citizens to call in if there is a problem parking lot, and Mr. Ruller said anyone can call it in. He said he was unsure if a procedure had been adopted, but it is well known to respond if that is a problem.

The motion carried by a voice vote of 7-0-1, with Mr. Hawksley abstaining.

Mr. Ruller said the next item dealt with a beverage use tax, adding that the Law Director had previously sent a letter to their state representatives that received a lot of media attention. He said the request is in, and the City has done their part. He said Mr. Silver also sent a follow up letter.

**MOTION TO REMOVE THE ISSUE OF A BEVERAGE USE TAX FROM THE PENDING LIST.**

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

Mr. Ruller said that car allowances were addressed in a followup from him the previous month, and requested removal of the item.

**MOTION TO REMOVE THE ISSUE OF CAR ALLOWANCES FROM THE PENDING LIST.**

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

Mr. Ruller said that the Law Director was instructed to contact the Board of Education on lost property taxes. Mr. Ruller said the Law Director met with the school treasurer, and she indicated that the school treasurer felt they were fairly compensated, and not interested in pursuing the matter.

**MOTION TO REMOVE THE ITEM OF CONTACTING THE BOARD OF EDUCATION.**

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

Mr. Ruller said the next item dealt with mediation of neighborhood issues. Mr. Ruller said they had some initial discussions regarding roles and costs for those type of services. He said they did not walk away with a decision that now is the time to do it. He said they have been clear when they say that neighborhood issues are at the top of their list. He said there was not enough to justify it at this time.

**MOTION TO REMOVE THE MEDIATION OF NEIGHBORHOOD ISSUES FROM THE PENDING LIST.**

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

Mr. Hawksley said for clarification, it was his understanding that this would be included with the neighborhood initiatives, and Mr. Ruller said that was correct.

Mr. Ruller said that the Law Director and the Police Chief have spoken with the judge on the next issue, which dealt with upholding fines. He said the Judge has assured them that he understands the City's concerns and will keep it in mind.

**MOTION TO REMOVE THE ISSUE OF A LETTER TO THE JUDGE FROM THE PENDING LIST.**

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

Mr. Ruller explained they were trying to keep the neighborhood issues together.

Mr. Ruller said that enhanced commercial property enforcement, as listed on the pending list, has been addressed previously, and will continue to be discussed.

**MOTION TO REMOVE THE ISSUE OF ENHANCED COMMERCIAL PROPERTY ENFORCEMENT FROM THE PENDING LIST.**

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

Ms. Oswitch said one issue she thought about was that some homes could not be touched under the exterior maintenance program because they had too many occupants. Mr. Silver said it also goes back to the International Housing Code, as it handles both types. Mr. Ruller agreed, adding it is their intention to continue follow up with that legislation.

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

Mr. Hawksley said the next item was the first item listed under the Finance Committee, "Depositories to accept utility and tax payments." Mr. Ruller said this came up previously, adding that Mr. Bargerstock had expressed interest in the issue. He said Ms. Rissland spoke to a majority of the banks who wished to be a depository, and the majority of them declined to participate, narrowing the City's level of competition for their other bank services. He said that Home Savings had some interest, but noted they do not have the financial depth to comply with some of the other areas of the financial bundle. He said they were unable to find a bank who would do it, while meeting their other areas of need.

Mr. Ruller suggested removal of the item.

**MOTION TO REMOVE THE ITEM DEALING WITH DEPOSITORIES FROM THE FINANCE COMMITTEE PENDING LIST.**

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

Mr. Wilson asked for further reference that he and his vice chair, Mr. Ferrara, be permitted to discuss issues on their pending list in committee. He said if they wish to review the Administration's pending list in the Policy and Procedures Committee, that is fine, but he and/or Mr. Ferrara should have handled items under the Finance Committee. Mr. Hawksley told him he was welcome to do it.

Mr. Bargerstock agreed with Mr. Wilson, adding he was surprised that this was brought up. Mr. Hawksley said that he was just going through the whole list.

Mr. Bargerstock said the banks are bidding to service Kent's product and take their monies. He said this should be a part of the package so that the citizens can do direct deposits. He said it is not unusual, adding that Summit County taxes are collected by banks, free of charge. He questioned if the County of Summit can do that why Kent is unable to do so. He said he spoke to Mr. Boyle, who felt it was a good idea. He said that some seniors at Tower 43 do not have bus services, and should be able to do it at a local bank. He said it is not unreasonable. He said he hoped by removing this from the pending list that it is not removed and/or buried.

Ms. Gavrilloff said that more people are paying their bills online and with debit cards. She said it would be more friendly for the community, and the item should be left on the agenda. She said she would vote to retain it on the pending list.

Mr. Schultz said he would also vote against the motion.

The motion failed, and the item was retained on the list.

**MOTION THAT THE BALANCE OF THE PENDING LIST ITEMS BE HELD TO ALLOW THE CHAIRS TO HAVE INPUT.**

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

Mr. Hawksley noted they were present, and could do it at this time.

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

Hearing no further business before this Committee, Chair Hawksley adjourned this meeting at 7:45 p.m.

Transcribed by me on the 23<sup>rd</sup> day of July, 2007.

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Linda M. Copley, Clerk of Council

**ACTION RECOMMENDED:**

- 1) **INTERVIEWS FOR BOARDS/COMMISSION VACANCIES**
- 2) **PENDING LIST UPDATE, WITH RECOMMENDATION OF SOME ITEMS REMOVED.**