

**THE CITY OF KENT, OHIO
REGULAR COUNCIL
WEDNESDAY, MAY 2, 2007**

This regular meeting of Kent City Council was called to order on Wed., May 2, 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. KUJAR, MS. OSWITCH, MR. SCHULTZ, AND MR. WILSON

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

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

Mr. Wilson explained that he has a scanner at home, with the police frequencies. He said on the previous Friday, there was an attempted burglary on Carthage Avenue. He said the radio traffic was very impressive to listen to, as they organized the search for the suspects. He said the Sheriff's office and the Kent State Police Department assisted them. Mr. Wilson said the orchestration was beautiful, and resulted in the apprehension of four suspects. He said they owed the Kent Police Department a round of applause, and led said round at this time. Following the round of applause, he led those present in the Pledge of Allegiance.

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF APR. 18, 2007 AND THE PUBLIC HEARING OF APRIL 18, 2007.

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

Mayor Fender called for audience comment at this time. He reminded those wishing to speak to sign up with the Clerk and to limit their comments to three minutes.

Bill: Bill said he has heard a lot of talk about money and the budget over the last several months. He said they have also had conversation on the Main Street program and the intermodal system, which is nothing more than an 800-unit parking structure. Bill said they have discussed ideas, not dollars, and they need to attach dollars to those discussions. He questioned what they would receive for monetary returns, adding they gave \$70,000 to an individual to run the Main Street program, but he was unsure how many dollars were coming back. He said he was sure it was little money. Bill said PARTA is involved with the intermodal facility, adding that they do not need that type of structure to drop off passengers. He said it would be used primarily by the University, adding it should be their problem. He said they have discussed a hotel and the Campus Link. He said if a hotel would bring revenue to Kent, a hotel chain would be breaking their back to come to the city. He said Kent had the University Inn, which did not generate enough revenue. He said the hotels in Brimfield, Streetsboro, and Aurora are all in deep trouble. He said a hotel must have 70% occupancy to not have a problem, and he does not see that happening in downtown Kent. Bill said when they talk about their goals and objectives, they need to put dollars to it, like the budget, so they can have a measurement of success.

Following audience comment, Mayor Fender called upon the Clerk for the written correspondence at this time.

The Clerk reported that an email was received from Jonathan Bey on April 19, 2007 introducing himself as the newly elected Senator for Community Affairs for the 2007-2008 year.

The Clerk reported that an email was received on April 23, 2007 and previously distributed to Council from Council member Bargerstock and his thoughts on how the City should lease and/or sell real estate, along with sections of the Ohio Revised Code.

The Clerk reported that after the agenda was printed, a carbon copy of an email sent to the City Manager was received on April 27, 2007 from Council member Bargerstock requesting copies of the current and past leases, applications and rental payment history for all properties under the Park Board's control since

the property at 803 Fairchild Avenue was purchased.

City Manager's Report

MOTION TO APPROVE ITEMS #1 THRU #4

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

M. Bargerstock requested separation of Item #2 at this time.

MOTION TO APPROVE ITEMS #1, #2, AND #4.

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

The following items were approved by the aforementioned motion.

- 1) Authorization of Draft No. 07-45, CDBG application
- 2) Authorization of Draft No. 07-53, Adopt-a-Spot donations
- 3) Authorization of Draft No. 07-54, Police K-9 donations.

MOTION TO APPROVE ITEM #2, AUTHORIZATION OF DRAFT NO. 07-48, SCHEDULING THE CITY AUCTION FOR JUNE 2.

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

MOTION TO RECESS INTO EXECUTIVE SESSION PRIOR TO ADJOURNMENT FOR THIS MEETING FOR LAND ACQUISITION AND PENDING LITIGATION.

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.

Mr. Ruller said he had breakfast with 13 CEOs earlier in the day. He said that despite the stories about financial tough times, he was surprised as the CEOs talked about the state of their businesses. He said that Davey Tree had their fifth straight record year for profits. He said that Ametek also had a successful year, while ACS Industries is looking to triple their business over the next year. Mr. Ruller said that Kent Elastomer increased size of their building, and complimented City staff for all of their help. He said they are in need of more space already, and are victim of their success, which surprised them. He said that Portage Community Bank reported that their projections and forecasts have been exceeded.

Mr. Ruller said there are some tough times, but the core of the businesses in Kent are doing well. He said it was a good meeting.

Mayor Fender thanked Mr. Ruller, adding they would welcome that type of report every time.

STANDING COMMITTEE REPORTS

POLICY & PROCEDURES COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF APRIL 25, 2007 WHERE INTERVIEWS WERE HELD FOR VACANCIES ON CITY BOARDS AND COMMISSIONS AND NO ACTION WAS TAKEN.

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

The results of the balloting for vacancies were announced at this time.

BOARD OF HEALTH - TOM BIALKE

FAIR HOUSING BOARD/HOUSING APPEALS BOARD - JAMES BAKER and JILL FANKHAUSER

ASSESSMENT EQUALIZATION BOARD - JAMES BAKER

BOARD OF ZONING APPEALS - PETER PAINO AND DIANE WERNER

ENVIRONMENTAL COMMISSION - CHRIS CARMAN AND BERT BELLINSON

SHADE TREE COMMISSION- JOHN G. KOCH

MOTION TO AUTHORIZE THE APPROPRIATE NAMES BE INSERTED IN DRAFT NOS. 07-46 THROUGH 07-51, AUTHORIZING THE DRAFT ORDINANCES.

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

The Mayor asked the Clerk to read Draft NO. 07-46 by title only at this time.

A RESOLUTION APPOINTING THOMAS BIALKE TO THE BOARD OF HEALTH AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

Motion made by Ms. Gavriloff, 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 Ms. Gavriloff, 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.

2007-39: A RESOLUTION APPOINTING THOMAS BIALKE TO THE BOARD OF HEALTH AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 07-47 by title only at this time.

A RESOLUTION APPOINTING JAMES BAKER TO THE EQUALIZATION ASSESSMENT BOARD 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. Hawksley, Mr. Kuhar, Ms. Oswitch, Mr. Schultz, Mr. Wilson, Mr. Bargerstock, Mr. DeLeone, Mr. Ferrara, and Ms. Gavriloff. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

Roll call was taken on the motion. Voting aye: Mr. Hawksley, Mr. Kuhar, Ms. Oswitch, Mr. Schultz, Mr. Wilson, Mr. Bargerstock, Mr. DeLeone, Mr. Ferrara, and Ms. Gavriloff. The motion carried by a roll call vote of 9-00

2007-40: A RESOLUTION APPOINTING JAMES BAKER TO THE EQUALIZATION ASSESSMENT BOARD AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 07-48 by title only at this time.

A RESOLUTION APPOINTING CHRIS CARMEN AND BERT BELLISON TO THE ENVIRONMENTAL COMMISSION AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

Motion made by Mr. Ferrara, 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, Mr. Ferrara, Ms. Gavriloff, and Mr. Hawksley. The motion carried by a roll call vote of 9-0.

2007-41: A RESOLUTION APPOINTING CHRIS CARMEN AND BERT BELLISON TO THE ENVIRONMENTAL COMMISSION AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 07-49 by title only at this time.

A RESOLUTION APPOINTING JOHN KOCH TO THE SHADE TREE COMMISSION 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: Ms. Oswitch, Mr. Schultz, Mr. Wilson, Mr. Bargerstock, Mr. DeLeone, Mr. Ferrara, Ms. Gavriloff, Mr. Hawksley, and Mr. Kuhar. 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. Gavriloff.

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

2007-42: A RESOLUTION APPOINTING JOHN KOCH TO THE SHADE TREE COMMISSION AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 07-50 by title only at this time.

A RESOLUTION APPOINTING PETER PAINO AND DIANE WERNER TO THE BOARD OF ZONING APPEALS AND DECLARING AN EMERGENCY.

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2007-43: A RESOLUTION APPOINTING PETER PAINO AND DIANE WERNER TO THE BOARD OF ZONING APPEALS AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 07-51 by title only at this time.

A RESOLUTION APPOINTING JAMES BAKER AND JILL FANKHAUSER TO THE FAIR HOUSING BOARD/HOUSING BOARD OF APPEALS AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2007-44: A RESOLUTION APPOINTING JAMES BAKER AND JILL FANKHAUSER TO THE FAIR HOUSING BOARD/HOUSING BOARD OF APPEALS AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

COMMUNITY DEVELOPMENT COMMITTEE

The Mayor asked the Clerk to read Draft No. 07-45 by title only at this time.

AN ORDINANCE APPROVING A REQUEST FOR ASSISTANCE FOR FISCAL YEAR 2007 UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, INCLUDING THE FIVE YEAR CONSOLIDATED DEVELOPMENT PLAN OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF FUNDS RELATED THERETO AS AMENDED, INCLUDING THE FY2007 ANNUAL ACTION PLAN AND AUTHORIZING THE EXECUTION AND FILING OF THE FIVE YEAR CONSOLIDATED DEVELOPMENT PLAN AND FY2007 ANNUAL ACTION PLAN, INCLUDING RELATED CERTIFICATIONS, AND UPON AWARDING OF THE GRANT, AUTHORIZING APPROPRIATION OF FUNDS THEREFOR AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2007-45: AN ORDINANCE APPROVING A REQUEST FOR ASSISTANCE FOR FISCAL YEAR 2007 UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, INCLUDING THE FIVE YEAR CONSOLIDATED DEVELOPMENT PLAN OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF FUNDS RELATED THERETO AS AMENDED, INCLUDING THE FY2007 ANNUAL ACTION PLAN AND AUTHORIZING THE EXECUTION AND FILING OF THE FIVE YEAR CONSOLIDATED DEVELOPMENT PLAN AND FY2007 ANNUAL ACTION PLAN, INCLUDING RELATED CERTIFICATIONS, AND UPON AWARDING OF THE GRANT, AUTHORIZING APPROPRIATION OF FUNDS THEREFOR AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

FINANCE COMMITTEE

MOTION TO APPROVE WRITTEN REPORT AND RECOMMENDED ACTIONS OF APRIL 25, 2007.

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

The following items were approved by the aforementioned motion:

- A) TO TABLE THE LEASE FOR 803 FAIRCHILD AVENUE
- B) AUTHORIZE PROPOSED CHANGES TO THE BUSINESS RECYCLING ORDINANCE.

The Mayor asked the Clerk to read Draft No. 07-52 by title only at this time.

AN ORDINANCE AUTHORIZING THE SALE, ON JUNE 2, 2007, BY PUBLIC AUCTION OF VARIOUS ITEMS OF PERSONAL PROPERTY PURSUANT TO SECTION 721.15 OF THE OHIO REVISED CODE.

MOTION TO SUSPEND THE THREE READINGS.

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

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

2007-46: AN ORDINANCE AUTHORIZING THE SALE, ON JUNE 2, 2007, BY PUBLIC AUCTION OF

VARIOUS ITEMS OF PERSONAL PROPERTY PURSUANT TO SECTION 721.15 OF THE OHIO REVISED CODE.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 07-53 by title only at this time.

AN ORDINANCE ACCEPTING A DONATION TO THE CITY OF KENT ADOPT-A-SPOT TOTALING \$500.00 FROM FIRST ENERGY CORPORATION AND KENT AREA CHAMBER OF COMMERCE 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. Ferrara, Ms. Gavriloff, Mr. Hawksley, Mr. Kuhar, Ms. Oswitch, Mr. Schultz, Mr. Wilson, Mr. Bargerstock, and Mr. DeLeone. The motion carried by a roll call vote of 9-0.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2007-47: AN ORDINANCE ACCEPTING A DONATION TO THE CITY OF KENT ADOPT-A-SPOT TOTALING \$500.00 FROM FIRST ENERGY CORPORATION AND KENT AREA CHAMBER OF COMMERCE AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 07-54 by title only at this time.

AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$500.00 TO THE CITY OF KENT POLICE DEPARTMENT FROM THE HAREN FAMILY; \$59.56 FROM MRS. SHEETS AND THE THIRD GRADERS AT DAVEY ELEMENTARY SCHOOL; AND \$50.00 FROM CHARLES M. & MICHELLE N. FREDERICK FOR THE PURCHASE AND TRAINING OF A POLICE K-9 AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: 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. Hawksley.

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

2007-48: AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$500.00 TO THE CITY OF KENT POLICE DEPARTMENT FROM THE HAREN FAMILY; \$59.56 FROM MRS. SHEETS AND

THE THIRD GRADERS AT DAVEY ELEMENTARY SCHOOL; AND \$50.00 FROM CHARLES M. & MICHELLE N. FREDERICK FOR THE PURCHASE AND TRAINING OF A POLICE K-9 AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 07-55 by title only at this time.

AN ORDINANCE AMENDING SECTION 935.18(B) OF THE CODIFIED ORDINANCES OF THE CITY OF KENT ENTITLED "COMMERCIAL, INDUSTRIAL, GOVERNMENTAL, INSTITUTIONAL (CIGI) RECYCLING PROGRAM FOR THE CITY".

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2007-49: AN ORDINANCE AMENDING SECTION 935.18(B) OF THE CODIFIED ORDINANCES OF THE CITY OF KENT ENTITLED "COMMERCIAL, INDUSTRIAL, GOVERNMENTAL, INSTITUTIONAL (CIGI) RECYCLING PROGRAM FOR THE CITY".

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

HEALTH & SAFETY COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF APRIL 25, 2007 AND RECOMMENDED ACTIONS.

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

The following actions were approved by the aforementioned motion:

- 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.

SPECIAL COMMITTEE REPORTS None

UNFINISHED BUSINESS None

NEW BUSINESS

MOTION TO SEND A LETTER OF THANKS TO THE HAREN FAMILY, MS. SHEETS AND THE THIRD GRADERS, AND THE FREDERICK FAMILY FOR THEIR DONATIONS FOR THE POLICE K-9.

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

MOTION TO SCHEDULE DISCUSSION ON THE MAIN STREET BRIDGE.

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

Ms. Gavriloff said the two year trial period will soon be up, and it is time to discuss if they will make this permanent.

Mr. DeLeone commented that he drove across the bridge earlier in the evening on his way to this meeting, and every spot was filled.

Ms. Oswitch said she is tired of look at the 15,000 different things the City has done on the bridge.

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

Mr. Kuhar asked if there have been any conclusion regarding the Masonic Temple lot, and no one knew.

MOTION TO REQUEST INFORMATION ON THE FEASIBILITY OF MAINTAINING THE MASONIC TEMPLE LOT AND THE OTHER LOT BETWEEN GOUGLER AND MANTUA STREET.

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

Mr. Kuhar said they previously talked about the lot and the costs to maintain it. He suggested there may be better ways to spend their money, as it is seldom used.

Ms. Oswitch said she talked to Mr. Locke prior to the meeting, and he had told her a report should be coming forward shortly. She said she did not see the point of the motion, as it is coming forward.

Mr. Wilson suggested they give the administration time to finish the report.

The motion failed by a hand count of 4-5, with Mr. Ferrara, Mr. Kuhar, Mr. Bargerstock, and Mr. Hawksley supporting the motion, while all others dissented.

Mr. Hawksley said they would be discussing the format for the Manager and the Clerk's evaluation, and he had emailed the Clerk a pdf file earlier for distribution. He suggested those wanting a hard copy to let the Clerk know, adding the meeting would be an opportunity for the Manager and the Clerk to discuss their thoughts also.

Mr. Wilson said he needed a hard copy.

Ms. Oswitch asked for an update soon on the direct billing of landlords for their water bills, adding she has requested it previously.

Mr. Hawksley suggested it soon may be time for the Manager to give an update on the pending list. He said they used to do it quarterly, adding it was just a friendly suggestions.

Mr. Bargerstock said that as he reviewed the proposed schedule, it seemed ridiculous to meeting on May 9, and pay staff members for being present. He suggested they could reschedule the items planned for May 9 to May 16, moving the Council meeting from May 16 to May 23. He said it seems silly to have staff present when there is nothing else on the agenda. He noted if they need a Board of Control, he and Mr. Wilson are available to meet.

Mr. Kuhar said that as he looks at the schedule, he was planning to not be present for May 23.

At this time, the motion carried by a voice vote of 8-1, with Mr. Kuhar dissenting.

Mr. Bargerstock said he heard comments earlier in the evening from a citizen that had a lot of legitimacy. He said he heard similar comments from those attending the Blue Ribbon meetings, and this is a them he is hearing. He said Council discusses economic development, and the citizens expect to see a return. He said when money is spent directly, it is disturbing. He said they do need to attach dollar figures, and that was his objection to the Main Street program. He said the Blue Ribbon Panel has suggested \$1.5 million for economic development, with no plan attached. Mr. Bargerstock said they do not show anticipated return in real dollars, and that disturbs him. He said if they are going to do economic development projects, the public needs to see a return on their money.

Mr. Kuhar said, on a sad note, that Bill Wolcott passed away the previous week. He said he devoted a lot of his time to the Kent community, and he wanted to offer his thanks.

MOTION TO AUTHORIZE A RESOLUTION HONORING BILL WOLCOTT, POSTHUMOUSLY, FOR HIS COMMUNITY INVOLVEMENT.

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

Mr. Wilson said he rode with the Police Department over the weekend, and was pleased to say that the weekend did well. He said the police did an excellent job, and the students were more compliant. He gave credit to Mayor Fender, the Student Senate, and City Manager Ruller for going out into the neighborhood. He thanked the "Party Patrol".

Ms. Oswitch said on Sunday, she had an opportunity to see Parks and Recreation at a fine point. She said it was the introduction of all the little league teams. She said Mayor Fender was to throw out the first pitch, and he did. She said it went over a youngster's head, and hit Mr. Idone in the foot.

Mayor Fender quickly pointed out that the second pitch went right over the plate.

The Clerk asked Council if they wished to adopt their summer schedule. She said they usually have committee meetings the first Wednesday of June, July, and August, with regular Council on the third Wednesdays, holding the second Wednesday open for committee meetings, if needed.

MOTION TO ADOPT THE SUMMER SCHEDULE FOR COMMITTEE MEETINGS ON THE 1ST WEDNESDAY; REGULAR COUNCIL ON THE 3RD WEDNESDAY; WITH THE 2ND WEDNESDAY OPEN FOR COMMITTEE MEETINGS IF NEEDED IN JUNE, JULY, AND AUGUST.

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

The Clerk said that with the schedule change in May, she wished to remind them she would be at her annual conference and an acting Clerk would be handling the meeting. She also reported that they have processed 500 passports so far this year, adding that they did about 720 for the entire year of 2006.

Mr. Hawksley said he got the opportunity to participate in "Who's Your Momma", the environmental film festival. He said it was excellent. Mr. Hawksley said the attendance was good, and it was extremely encouraging.

MAYOR'S REPORT - None

MOTION TO RECESS THIS MEETING FOR THE PREVIOUSLY AUTHORIZED EXECUTIVE SESSION

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

Mayor Fender recessed this meeting at 8:10 p.m. Mayor Fender reconvened this meeting at 8:35 p.m.

MOTION TO ADJOURN THIS MEETING

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

Hearing no further business before this Council, Mayor Fender adjourned this meeting at 8:35 p.m.