

**THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WEDNESDAY, APRIL 4, 2007**

This regular meeting of Kent City Council was called to order on Wed., Apr. 4, 2007 by John Fender, Mayor & President of Council at 7:30 p.m. Mayor Fender welcomed those present.

PRESENT: MR. BARGERSTOCK, MR. DELEONE, MR. FERRARA, MS. GAVRILOFF (ARR. AT 7:40 P.M.), MR. HAWKSLEY, MR. KUCHAR, MS. OSWITCH, MR. SCHULTZ, AND MR. WILSON

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

MOTION TO EXCUSE MS. GAVRILOFF, IF NEEDED.

Motion made by Ms. Oswitch, seconded by Mr. Ferrara, and carried by a voice vote of 8-0.

Mayor Fender called upon Council member Oswitch for her comments at this time.

Ms. Oswitch explained she was having a hard time thinking of something to say for opening comments. She said she received a phone call, just before she left home for the meeting, that her great aunt died. She said her aunt was in her nineties. Ms. Oswitch said her relatives are really old, and she is ready for the deaths. She said she thought about her aunt as a person. She said her aunt was a great lady that always appreciated everything. Ms. Oswitch said she always made fun of her family, as they are hillbillies who love country music. She said as she prepares to turn 40, she, too, now loves country music. She said on her way to Council, she heard a song that spoke of appreciating things and enjoying every day, and thought it was fitting. Ms. Oswitch said they can dwell on things that go bad, but may be they should try the new positive approach.

Following her opening remarks, Ms. Oswitch led those present in the Pledge of Allegiance.

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF MAR. 21, 2007

Motion made by Ms. Oswitch, seconded by Mr. DeLeone, and carried by a voice vote of 8-0.

MOTION TO APPROVE THE MINUTES OF THE PUBLIC HEARING OF MAR. 21, 2007.

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

COMMUNICATIONS

Mayor Fender called for audience comment at this time, reminding those members of the audience wishing to address Council to sign up with the Clerk and to limit their comments to three minutes.

Patrick: Patrick explains that he lives in Kent, and is having problems with rental properties near him. He said he lives next door to a duplex that makes loud noise. He said the house is falling apart, and they are powerless to do anything. He said he has attempted to contact the landlady regarding the issues with her tenants, but whenever he tries to contract her, the address she lists shows her to supposedly live in the duplex. Patrick said his daughter has been awakened at 3 a.m. He said they experience loud noise throughout the middle of the day, and there seems to be no accountability over the landlord's behavior. He said when he enforces his rights by filing noise complaints, the tenants yell at him and call him obscenities. He said they once posted a huge sign that said "fascist dogs", with an arrow pointing at his home, as an attempt to humiliate them. He said they need laws to protect homeowners raising families in Kent.

Mayor Fender explained that Council does not respond during audience comments, but may make comments later in the meeting.

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

The Clerk reported that an email was received on March 22, 2007 from Greg Vilks of Kent Hotel LLC, requesting the City remove the liens and judgments against the building and the company.

The Clerk reported that an email was received on March 22, 2007 from Justin Jeffery of the Undergraduate Student Senate thanking the members of Council and the Administration who attended their meeting on March 21, 2007.

The Clerk reported that an invitation was received by email on March 22, 2007 from the Standing Rock Cultural Arts, inviting Council to the Kent Stage on April 22, 2007 for the Environmental Film Fest.

The Clerk reported that a carbon copy of a "Letter to the Editor" was received, by email, on March 22, 2007, from Doria Daniels, who expressed her concerns about the recent incidents at Roosevelt High School. She said that on March 26, 2007, another email was received from Ms. Daniels with a response to her "Letter to the Editor" by the Assistant Superintendent of Kent City Schools.

The Clerk reported that a carbon copy of an email sent to Council member Bargerstock was received on March 26, 2007, from Doria Daniels, responding to Mr. Bargerstock as to whether or not she is running for Council.

The Clerk reported that the Tax Incentive Review Council forwarded the 2006 Enterprise Zone Annual Report and their meeting minutes by email on March 27, 2007. She said they advised that in accordance with State law, the City Council must either accept, reject, or modification the recommendations of the Tax Incentive Review Council within sixty days of it's receipt. The Clerk said that the Economic Development Coordinator has requested committee time for April 11 to consider this report.

The Clerk reported that a memo was received from John Idone, Director of Parks and Recreation, on March 28, 2007 advising that the Kent City Schools has recommended that Patti Wilson be reappointed as the School Board's reappointment.

MOTION TO AUTHORIZE THE REAPPOINTMENT OF PATTI WILSON.

Motion made by Mr. Wilson, seconded by Mr. DeLeone, and carried by a voice vote of 8-0.

The Clerk reported that a renewal of the Carter-Jones Lumber Company's Agricultural District was received on March 27, 2007 from both the company and the County Auditor. She further reported that after the agenda was posted, it has since been determined that this renewal application is redundant with action taken by Council in 2006. The Clerk said that the Portage County Auditor's office has advised they can disregard this notice.

The Clerk reported that a renewal of the Newcomer Investment, LLC & Johnson Rd Investments #779 Agricultural District was received on March 27, 2007 from the company. She said that in accordance with the Ohio Revised Code, a public hearing must be scheduled within thirty days. She asked that they authorize committee time for April 11, 2007 and a public hearing for April 18, 2007.

MOTION TO AUTHORIZE COMMITTEE TIME ON APRIL 11, 2007 AND A PUBLIC HEARING ON APRIL 18, 2007 FOR THE AGRICULTURAL DISTRICT RENEWAL FOR THE NEWCOMER INVESTMENT, LLC & JOHNSON RD. INVESTMENTS #779.

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

Earlier in the evening, Council member Wilson, Council's liaison to the Park Board, placed the minutes of Feb. 22, 2007 and Mar. 15 on file.

The Clerk reported that she has been requested b y the Ohio Ethics Commission to remind members of Council and the Mayor that their annual financial disclosure statement is done on Monday, April 16, 2007.

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

MOTION TO APPROVE ITEMS #1 THROUGH #4

Motion made by Mr. Wilson, seconded by Mr. DeLeone, and carried by a voice vote of 8-0.

THE FOLLOWING ITEMS WERE APPROVED BY THE AFOREMENTIONED MOTION:

- 1) AUTHORIZATION OF DRAFT NO. 07-33, APPOINTING PATTI WILSON TO THE PARKS AND RECREATION BOARD.
- 2) AUTHORIZATION OF DRAFT NO. 07-30, ACCEPTANCE OF A DONATION FROM MR. AND MRS. ZINGLER
- 3) AUTHORIZATION OF DRAFT NO. 07-31, REGARDING APPROPRIATION OF METRO REGIONAL TRANSIT AUTHORITY'S PROPERTY
- 4) AUTHORIZATION OF DRAFT NO. 07-34, ACCEPTING \$2250 IN DONATIONS FOR ADOPT-A-SPOT

STANDING COMMITTEE REPORTS

POLICY & PROCEDURES COMMITTEE

The Mayor asked the Clerk to read Draft No. 07-33 by title only at this time.

A RESOLUTION APPOINTING PATTI WILSON TO THE PARKS AND RECREATION BOARD AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Oswitch, Mr. Schultz, Mr. Wilson, and Mr. Bargerstock. The motion carried by a roll call vote of 8-0. (Ms. Gavriloff had not yet arrived)

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2007-28: A RESOLUTION APPOINTING PATTI WILSON TO THE PARKS AND RECREATION BOARD AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

FINANCE COMMITTEE

The Mayor asked the Clerk to read Draft No. 07-30 by title only at this time.

AN ORDINANCE ACCEPTING A DONATION TO THE CITY OF KENT PARKS AND RECREATION DEPARTMENT FROM MR. & MRS. WILLIAM ZINGLER AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2007-29: AN ORDINANCE ACCEPTING A DONATION TO THE CITY OF KENT PARKS AND RECREATION DEPARTMENT FROM MR. & MRS. WILLIAM ZINGLER 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. 07-31 by title only at this time.

A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE AN EASEMENT ON CERTAIN REAL PROPERTY OWNED BY METRO REGIONAL TRANSIT AUTHORITY FOR THE PURPOSE OF CONSTRUCTING, MAINTAINING AND REPAIRING WATER PIPES TO PROVIDE A WATER SUPPLY

TO ITSELF AND ITS INHABITANTS AT PART OF ORIGINAL FRANKLIN TOWNSHIP LOT 9, NOW IN THE CITY OF KENT, OHIO AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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.

2007-30: A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE AN EASEMENT ON CERTAIN REAL PROPERTY OWNED BY METRO REGIONAL TRANSIT AUTHORITY FOR THE PURPOSE OF CONSTRUCTING, MAINTAINING AND REPAIRING WATER PIPES TO PROVIDE A WATER SUPPLY TO ITSELF AND ITS INHABITANTS AT PART OF ORIGINAL FRANKLIN TOWNSHIP LOT 9, NOW IN THE CITY OF KENT, OHIO 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. 07-34 by title only at this time.

AN ORDINANCE ACCEPTING DONATIONS TO THE CITY OF KENT ADOPT A SPOT TOTALING \$2250 FROM SUE NELSON DESIGNS, LTD; KENT LIONS CLUB; HOMEMAID PLUS; HOME SAVINGS; DAVEY TREE; PORTAGE COUNTY MASTER GARDENERS; STAR OF THE WEST MILLING CO; ROTARY CLUB OF KENT; AND THE KIWANIS CLUB OF KENT AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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

2007-31: AN ORDINANCE ACCEPTING DONATIONS TO THE CITY OF KENT ADOPT A SPOT TOTALING \$2250 FROM SUE NELSON DESIGNS, LTD; KENT LIONS CLUB; HOMEMAID PLUS; HOME SAVINGS; DAVEY TREE; PORTAGE COUNTY MASTER GARDENERS; STAR OF THE WEST MILLING CO; ROTARY CLUB OF KENT; AND THE KIWANIS CLUB OF KENT AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

HEALTH & SAFETY COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF MAR. 21, 2007 AND THE RECOMMENDED ACTIONS.

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

The following actions were approved by the aforementioned motion

- 1) TO TABLE THE ISSUE OF PARKING AT THE CORNER OF PORTAGE STREET AND N. WATER STREET, UNTIL THE RESIDENTS AND THE PARKING ACTION COMMITTEE ARE ABLE TO MEET
- 1) TO IMPROVE THE SIDEWALK ON PORTAGE STREET; STOPPING CARS FROM BLOCKING IT, REGARDLESS OF WHICH SOLUTION THEY USE.

STREETS, SIDEWALKS & UTILITIES COMMITTEE

MOTION TO APPROVE THE WRITTEN REPORT OF MAR. 21, 2007 AND THE AUTHORIZATION OF THE POLICY ON TRAFFIC SIGNAL INSTALLATION.

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

SPECIAL COMMITTEE REPORTS None

UNFINISHED BUSINESS None

NEW BUSINESS

Mr. Bargerstock asked if there was any response or suggestion from the Administration regarding Mr. Vilck, and Mr. Ruller said that neither he nor Mr. Silver had seen the email. He said they have had conversations with Mr. Vilck, and have encouraged him to return to Council. He said they gave Mr. Vilck a draft agreement the previous July, asked him to fill in the schedule and bring it to Council for their approval. He said he keeps reminding Mr. Vilck that he needs to come back in front of Council. Mr. Bargerstock asked if it would be appropriate to schedule committee time, and Mr. Ruller said they have been trying to do that already, and have to work around Mr. Vilck's schedule. He said that Mr. Vilck was out of town a lot during the month of March. He said they will call him again tomorrow to see how soon they can get him on the agenda.

MOTION TO APPROVE BARB RISSLAND AS THE CITY'S REPRESENTATIVE ON THE COUNTY BUDGET COMMITTEE DISCUSSING THE LOCAL GOVERNMENT FUND REALLOCATION.

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

MOTION TO SCHEDULE DISCUSSION IN THE HEALTH & SAFETY ISSUES REGARDING NEIGHBORHOOD ISSUES.

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

Ms. Oswitch said she left the subject broad intentionally. She said that within one mile, there are three residents in her ward who are being harassed by their neighbors who are renters. She said they are ready to move out of Kent, while four other residents have already moved. She said one is in Mr. Ferrara's ward, one is Mr. Bargerstock's ward, and one is in her ward. She said there is another house that the owner wants to sell, but cannot sell it because the house next door is a dump.

Ms. Oswitch said she has been working with Patrick, and appreciated his attendance at this meeting. She said the Council has no idea what his family has gone through, adding it is appalling, and she is ashamed at what is occurring.

Ms. Oswitch said she had this discussion with the Administration previously, and the house has only received warnings. She said the reports state they will sign the complaints. Ms. Oswitch asked how they can help these people, adding she owes it to the residents. She said she has had discussions with their code enforcer, adding there is a house where action is pending in court of its dilapidation. She asked what they can do about people taking care of their homes, and how can they expect their residents to continue putting up with the harassment.

Ms. Oswitch said the owners are leaving because they cannot take it. She said when they cannot sell the house, they rent it, causing further problems or take a huge hit on their home. She said they will soon have nothing but rentals. Ms. Oswitch said they are a town trying to get revitalized. She asked how they can expect residents to pay more taxes when they do not help them. She said she wanted further discussion in Committee.

Mr. Bargerstock said he was in full agreement with what was said. He said some of the new ordinances are helpful and positive, but he has experienced the same thing as Patrick. He said they dealt with it in a number of ways, including working with the neighbors and calling circles. He said the frustration is not the condition of the home as much as it is the behavior when the police are called. He said there is retaliation on people, and he experienced it. He said he had car

vandalized, windows smashed, and once, just before a community meeting, someone punched him in the face. He said the person who did it was a PR major at the University. He said this young man cut someone up in a bar six months later, and spent time in prison. He said there is a breakdown when the citizen becomes a victim, and reports it to the Police Department. He said there is a disconnect. He said he does not know the answer, but it is something they need to work on.

Mr. Hawksley said the owner of the house next door to him is Dick Rhoads, one of the worst slum lords in Kent. He said he must call either Mr. Rhoads or the Health Department four times a year. He said he has watched the property on the other side of his house go from owner occupied to a rental. He said in one year, all hell broke loose. He said the grandchildren of that home owner bought the house, divorced, moved, and now it is a rental. He said he has told them they cannot make a bon fire with gasoline. Mr. Hawksley said they need some more code enforcement people. He said he agreed with the police issues, adding that the absentee landlords are destroying every neighborhood. He said the properties are cash cows, adding they would never maintain their own homes in the same fashion.

Mr. Silver told Ms. Oswitch that he met with Patrick. He said he prosecuted one case, adding the defendant was found guilty. He said that Mr. Ferlito and Mr. Hall are looking at the property, and he has talked to Captain Lee who has been in touch with them. He said they have to call the police to get some response. Ms. Oswitch said they did call the police. Mr. Silver said that he asked Capt. Lee to go through the dispatch records, and suggested they may want to talk about it later. He said to say they have done nothing is not accurate, and agreed the City may need more help.

Mayor Fender commented that there are two sides to every story.

Mr. Bargerstock said another aspect deals with the repeated warnings. He said that most residents are not as savvy about the procedures. He said he started filming the police showing up at the house near him, and asked Chief Lillich why the police showed up six times in one evening. He said these are the types of urban legends that scare people. Mr. Bargerstock said they need to give different information to the residents, and tell them to call their Council member so they can be better informed without suffering retribution. He said retribution has happened, adding it is part of the process. He said the problem is the threat of personal safety, and they are not addressing that well. He said he knows the prosecutor does his job and the police are responding, but people are acting like thugs. He said he is unsure how they will solve it, but need to explain the procedure. He said they need to emphasize that people do not have to sign a report, adding another tactic is to sue the person signing the report for malicious prosecution.

Ms. Oswitch said on one police report, it was responded to by mutual aid from Cuyahoga Falls, and asked if they know the City's party and noise ordinances. Mr. Silver suggested they talk to the Chief or Captain Lee.

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

MOTION TO SCHEDULE COMMITTEE TIME TO FIND OUT WHAT HAS BEEN DONE TO CURTAIL BREAK-INS AND A PLAN FOR THE FUTURE.

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

Mr. Wilson asked if he was talking about the recent ones, and Mr. Kuhar said there has been an overall substantial increase. Mr. Wilson said they should not be discussing ongoing cases, and Mr. Kuhar said that was not his intention. He said they need to discuss what they are doing to prevent it and how they can make it better. Mayor Fender said he believed the motion was to find out what has been done and a plan.

Mr. Wilson said he would not support the motion, as they now are trying to micro manage the Police Department. He said they all know that no one wants a break in, and wants the Police to handle it the best way possible. He said if they want a report on what they are doing, he could support it, but committee time is useless and micro managing.

Ms. Gavrilloff said that Mr. Kuhar is suggesting they may need a few more police officers. She said that ten burglaries in one weekend shows that they have a problem. She said they need to figure out that they need more police, adding that between the nine of them, they should be able to do that.

Mr. Kuhar said that when he gets telephone calls from residents, after they read about the ten burglaries, he would like to give them an educated answer as to what is being done.

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

Ms. Oswitch thanked everyone who contributed to their Adopt-a-Spot program and those who volunteer. She said the beds are always stunning.

Ms. Oswitch congratulated the employees of the year at the Police Department. She said Employee of the Year was Rosemary Mosher; Officer of the Year was Carl Cassell; and Supervisor of the Year was Paul Canfield. She said they are fortunate to have these individuals working for the City.

Mr. Hawksley publicly thanked Mr. Roberts for his service on the AMATS Policy Committee. He said Mr. Roberts is currently serving as Vice President, which is a good position for Kent from a policy standpoint.

Mr. Wilson said he wished to send his sympathy to the Dom Mandalari family. He said Mr. Mandalari was a business man in Kent for a long time, adding he hoped other joined him in sending condolences. He said Mr. Mandalari will be missed, and was a good guy.

Mr. Bargerstock said he was glad Mr. Wilson brought that up. He said he suggested that would be an ideal piece for the newspaper to look at as a story. He said Mr. Mandalari was his neighbor for the twenty-five years he owned the building. He said he enjoyed him as a neighbor, and his wife would see Mr. Mandalari during her sales work. He said Kent lost a great citizen, adding that Mr. Mandalari was born in the building that bears his name.

Mr. Kuhar said he has received a lot of input on the new ordinances passed, adding there is a lot of fear on campus about them. He said he has faith that the police and city officials will only use them as necessary, and will not use them as an attack tool. He said he wanted to let the students and the University population know that the police are very fair when making a judgment call. He said he hoped he would not eat his words.

MAYOR'S REPORT

Mayor Fender said he listed to Congressman Ryan on Monday. He said that during the Congressman's 3.5 years in Congress, \$70 million has come to this area through legislation. He said in the past year, the area received \$2.8 million, and some of that money went to Alpha Micron and Kent State.

MOTION TO ADJOURN

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

Hearing no further business before this Council, Mayor Fender adjourned this meeting at 8:05 p.m.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council