

**THE CITY OF KENT, OHIO
REGULAR COUNCIL MEETING
WEDNESDAY, JANUARY 17, 2007**

This regular meeting of Kent City Council was called to order on Wed., Jan. 17, 2007, at 7:30 p.m. by John Fender, Mayor and President of Council. Mayor Fender welcomed those present.

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; AND L. COPLEY, CLERK OF COUNCIL

Mayor Fender called upon Mr. DeLeone for his opening remarks.

Mr. DeLeone welcomed those present, and led the present in the Pledge of Allegiance.

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF DEC. 13, 2006 AND THE SPECIAL COUNCIL MEETING OF DEC. 20, 2006.

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

Mayor Fender welcomed those present, and introduced Keith Benjamin and Mark Beckwith, Franklin Township Trustees.

Mayor Fender called for audience communications at this time. He reminded those wishing to address Council to sign up with the Clerk of Council who would call them forward.

Bill: Bill said he wished to comment about the departure of the Community Development Director. He said the City Manger has suggested looking for candidates, and he has some feelings. He said if they hire a headhunter, they will hire someone who will spend two years learning the location of the men's room. He said there is a lot of learning curve. Bill said they have a man who is already qualified, both academically and with experience. He said he has worked with him on NEFCO and the Planning Commission. He said the man is likeable and a good negotiator. He said he is capable, and knows everything about the ordinances. He said the man will probably retire in five or six years, but can do a good job in the interim.

Mayor Fender commented that he thought Bill was going to drop a name, and Bill said that individual is Gary Locke.

Mark: Mark said he wished to thank the Kent Fire Department, adding he knew that the other two Franklin Township Trustees agreed. He said they had their annual audit, and the Fire Department is a first rate group of people; the equipment was spotless; and everything was accounted for. He said the Franklin Township Trustees are very appreciative.

At this time, Mayor Fender introduced **Barb Hipsman** from Kent State University at this time. Barb explained this is her twentieth year at the university. She said most of them see her at the League of Women's Voters, adding this will be her first year as President of that organization.

Barb said that 75 to 80% of their students are working in first line news reporting positions. She said their print students have received decent jobs.

Barb said that KSU and TV2 will be working together this year. She said they would be splitting the City by wards, and will do short features on interesting people in the ward. She said they are looking for funky things and things that are cool in the neighborhood.

At this time, all of the students introduced themselves at this time.

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

The Clerk reported that a letter was received from Rev. Deborah Austin, on behalf of the NAACP, inviting all members to the annual MLK Prayer Breakfast on Jan. 13 at the United Church of Christ. She reported that this letter was previously distributed, by email, to all members of Council.

The Clerk reported that after the agenda was printed, a public records request was received by certified mail on Jan. 16, 2007 from Michael R. Gareau & Associates Co., L.P.A. advising they represent Andrew Lombardo, CEO of Right Dimensions LLC, requesting documents concerning the houses owned by Mr. Lombardo on College Street in Kent.

The Clerk reported that Mr. DeLeone, Council's representative on the Standing Rock Cemetery Board, placed the Dec. 14, 2006 minutes on file just prior to the start of this meeting.

The Clerk told the Council that she distributed a memo earlier with an update on the passports accepted. She reported that since they began in November 2002, they have collected **\$75270.00** in passport fees and accepted **2509** passports. She further reported that of those passports accepted, **1611 or 64%** were non residents. The Clerk reported that in the first 10 business days of January, they have accepted 74 passports, and noted that in 2006, the average applications accepted monthly totaled 61. She attributed the increase to new passport requirements for U.S. citizens leaving the country.

MOTION TO RECESS THIS MEETING.

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

Mayor Fender recessed this meeting at 7:40 p.m.

MOTION TO APPROVE ITEMS #1 THROUGH #8, EXCEPT #6

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

The following items were approved by the aforementioned motion:

- 1) Authorization of Draft No. 07-02, Public Defenders contract
- 2) Authorization of Draft No. 07-03, Lease amendment w/Michelle Cobbin
- 3) Authorization of Draft No. 07-07, Lease amendment w/Cari Orris, LLC
- 4) Authorization of Draft No. 07-08, Lease amendment with Biosyn Technologies, Ltd.
- 5) Authorization of Draft No. 07-01, Homeland Security grant
- 6) Authorization of Draft No. 07-06, Amendment to animal ordinance
- 7) Authorization of Draft No. 07-05, Agreement w/ODOT

MOTION TO AUTHORIZE ITEM #6, AUTHORIZATION OF DRAFT NO. 07-4, PARKING REGULATIONS ON WILLOW ST.

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

STANDING COMMITTEE REPORTS

FINANCE COMMITTEE

The Mayor asked the Clerk to read Draft No. 07-02 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO CONTRACT, ON BEHALF OF THE CITY OF KENT, WITH THE OFFICE OF THE PUBLIC DEFENDER, PORTAGE COUNTY, FOR THE PROVISION OF LEGAL COUNSEL TO INDIGENT PERSONS CHARGED WITH POTENTIAL PENALTY OF INCARCERATION FOR OFFENSES COMMITTED IN VIOLATION OF THE ORDINANCES OF SAID CITY FOR THE PERIOD JANUARY 1, 2007 THROUGH DECEMBER 31, 2007 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. 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.

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. 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.

2007-01: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO CONTRACT, ON BEHALF OF THE CITY OF KENT, WITH THE OFFICE OF THE PUBLIC DEFENDER, PORTAGE COUNTY, FOR THE PROVISION OF LEGAL COUNSEL TO INDIGENT PERSONS CHARGED WITH POTENTIAL PENALTY OF INCARCERATION FOR OFFENSES COMMITTED IN VIOLATION OF THE ORDINANCES OF SAID CITY FOR THE PERIOD JANUARY 1, 2007 THROUGH DECEMBER 31, 2007 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. 07-03 by title only at this tie.

AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AMENDMENT FOR MICHELLE LYNN COBBIN dba CHRISTIAN EDWARDS HAIR SALON FOR THE PREMISES KNOWN AS 203 EAST SUMMIT STREET, KENT, OHIO 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.

2007-02: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AMENDMENT FOR MICHELLE LYNN COBBIN dba CHRISTIAN EDWARDS HAIR SALON FOR THE PREMISES KNOWN AS 203 EAST SUMMIT STREET, 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. 07-07 by title only at this time.

AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AMENDMENT FOR CARI ORRIS, LLC FOR THE PREMISES KNOWN AS 205 EAST SUMMIT STREET, KENT, OHIO 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 Ms. Oswitch.

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.

2007-03: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE

AMENDMENT FOR CARI ORRIS, LLC FOR THE PREMISES KNOWN AS 205 EAST SUMMIT STREET, 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. 07-08 by title only at this time.

AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AMENDMENT FOR BIOSYN TECHNOLOGIES, LTD FOR THE PREMISES KNOWN AS 211 EAST SUMMIT STREET, KENT, OHIO 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: 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.

2007-04: AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AMENDMENT FOR BIOSYN TECHNOLOGIES, LTD FOR THE PREMISES KNOWN AS 211 EAST SUMMIT STREET, KENT, OHIO AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

HEALTH & SAFETY COMMITTEE

MOTION TO APPROVE THE ORAL REPORT OF JAN. 17, 2006.

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

The Mayor asked Clerk to read Draft No. 07-01 by title only at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPLY FOR A GRANT IN THE AMOUNT OF \$ 32,160 FROM THE OFFICE OF HOMELAND SECURITY FOR THE PURPOSE OF IMPROVING AND EXPANDING SOME COMMUNITY EDUCATION PROGRAMS PRESENTED BY THE FIRE PREVENTION BUREAU, AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

2007-05: AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPLY FOR A GRANT IN THE AMOUNT OF \$ 32,160 FROM THE OFFICE OF HOMELAND SECURITY FOR THE PURPOSE OF IMPROVING AND EXPANDING SOME COMMUNITY EDUCATION PROGRAMS PRESENTED BY THE FIRE PREVENTION BUREAU, 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. 07-04 by title only at this time.

AN ORDINANCE AMENDING SECTION 353.02 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT ENTITLED "PARKING REGULATION AUTHORIZATIONS" TO PROVIDE REGULATIONS ON NORTH WILLOW ST.

MOTION TO SUSPEND THE THREE READINGS.

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

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

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

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

2007-06: AN ORDINANCE AMENDING SECTION 353.02 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT ENTITLED "PARKING REGULATION AUTHORIZATIONS" TO PROVIDE REGULATIONS ON NORTH WILLOW ST.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 07-06 by title only at this time.

AN ORDINANCE AMENDING SECTION 505.11 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT ENTITLED "HUNTING PROHIBITED; EXCEPTED AREAS" TO REMOVE THE EXCEPTION PREVIOUSLY INCLUDED.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Mr. Schultz, Mr. Wilson, Mr. Bargerstock, Mr. DeLeone, Mr. DeLeone, Ms. Gavrilloff, 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. Gavrilloff.

RH, CG

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

2007-07: AN ORDINANCE AMENDING SECTION 505.11 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT ENTITLED "HUNTING PROHIBITED; EXCEPTED AREAS" TO REMOVE THE EXCEPTION PREVIOUSLY INCLUDED.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

STREETS, SIDEWALKS & UTILITIES COMMITTEE

The Mayor asked the Clerk to read Draft No. 07-05 by title only at this time.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENT OF STATE ROUTE 43 BY PLANING AND RESURFACING INCLUDING CURB RAMP UPDATES AND BY RESURFACING OF STATE ROUTE 59, WITHIN THE CITY OF KENT; AUTHORIZING PAYMENT OF \$413,1360.00, REPRESENTING THE CITY'S PORTION OF THE TOTAL ESTIMATED COST; AND DECLARING AN EMERGENCY.

MOTION TO SUSPEND THE THREE READINGS.

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

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 Ms. Oswitch, seconded by Mr. DeLeone.

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.

2007-08: A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENT OF STATE ROUTE 43 BY PLANING AND RESURFACING INCLUDING CURB RAMP UPDATES AND BY RESURFACING OF STATE ROUTE 59, WITHIN THE CITY OF KENT; AUTHORIZING PAYMENT OF \$413,1360.00, REPRESENTING THE CITY'S PORTION OF THE TOTAL ESTIMATED COST; AND DECLARING AN EMERGENCY.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

SPECIAL COMMITTEE REPORTS

UNFINISHED BUSINESS

NEW BUSINESS

Mr. Wilson said he assumed everyone read the email where Mr. Ruller thinks it is time to have the community meetings on their finances. He said he would like one more Finance Committee work session. He said in the last few years and this past year, during budget discussions, it was said by some that they have ideas that have not been brought out. He said he would like to propose one more meeting, prior to the town hall meetings. He asked if they have a proposal that they present it, without history lessons. He said he wanted the suggestions in writing and they would discuss each one.

MOTION TO SCHEDULE A WORK SESSION SO COUNCIL MEMBERS CAN PRESENT THEIR IDEAS.

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

Ms. Gavriloff asked if they plan to have meetings in every individual ward when they have their budget discussions. Mr. Ruller said he spoke with the Mayor earlier, and wanted their advice. He asked if they wanted one or two citywide or by ward, adding this is part of planning discussion he would like to have between Council and the staff. He said they need to discuss how they are going to do it.

MOTION TO REFER THE LACK OF OVERNIGHT PARKING FOR RESIDENTIAL DOWNTOWN AREAS TO THE PARKING ACTION COMMITTEE.

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

Mr. Bargerstock said as many of them know his mother passed away on Jan. 2. He expressed his gratitude, on behalf of his family, for all of the kind words, visits, emails, and cards. He said it is always difficult for the family, adding he appreciated the nice things said.

Mr. Bargerstock said he had two other items that have to do with items on the agenda, and a long report in their packet a few weeks earlier from Mr. Silver. He said Mr. Silver put a lot of work into the document, adding he agreed with Mr. Silver regarding the DKC as a public entity. He said he questioned about how the public records law applies to the DKC and if it should be reviewed. He said that the Manager said he would have the Law Director review it. Mr. Bargerstock said he had no problem with the work, but was not a relevant answer to his question. He said he asked how the DKC operates as an Urban Redevelopment Corporation. He noted that he never said they were a public entity, but they are under contract with the City. Mr. Bargerstock said he always believed that the public records law applies to that work, and Mr. Silver clearly state that the specific question is whether they are a public institution. He said Mr. Silver answered that skillfully, but his question dealt with a contractual agreement. He said he believes they are in violation of public records and the sunshine statute.

Mr. Bargerstock said there was recent legislation presented that further affects their public records law, adding there is the expectation of additional requirements. He said they are remiss in not reviewing the issue, and he hoped the Law Director would review it. He said he has his own beliefs that often differ, adding they do have public funds at risk.

Mr. Bargerstock said for many years he has been a critic about the leasing of the property. He said he has always been a critic on how they sold property. Mr. Bargerstock said he is a critic of the incubator, adding it has not been an incubator. He said they now have legislation that handles the leasing of that property, adding they never could have operated as a private landlord, and will pay the price because of this mess. He said that Mr. Silver did a fine job fixing the mess, adding he hoped the animosity could have been ignored. He said there are a lot of hard feelings in the community and with the tenants. He said he hoped people would take a little more consideration to his comments. He told the Council they may dislike him, but they should pay attention.

Ms. Oswitch said she is hoping that with these changes they have something in works, and Mr. Silver shook his head "no."

Mr. Kuhar thanked the safety forces for addressing them with the proposal to study the joint fire district. He said he has sincere personal reservations against it, but can see some great attributes. He said he believed they have the best fire department and safety services in Portage County, and as long as they continue to have them, they need to look at other ways to consolidate.

Mr. Schultz said he wanted to speak before Mr. Silver wasted his time. He said with respect to the contract with the DKC, Kent is the public entity. He said the records they give the City are public records, and if Mr. Bargerstock wants to search through their files, he can do so. He said that the DKC has their own information or justifications if they do not provide it. He said the rest of them do not agree with Mr. Bargerstock. He said it is an attempt to circumvent Council's power, and he disagrees.

Mr. Bargerstock said a need for public records is not turning into personal attacks, just like the leasing situation. He said he has talked about it for years, and has been ignored and chastised. He said it is now fixed. Mr. Bargerstock said it is the same situation with the DKC, adding he never agreed with the City's involvement. He said they must follow public record laws, and if they do not follow them, they are liable. Mr. Schultz said they do follow them. Mr. Bargerstock said they are a private entity in a public contract with public funds, adding there are strict requirements. He said anyone in the community should have easy access, adding that is all he asks for.

Mayor Fender said he sat down with Mr. Ruller on two occasions. He said they need a work session very soon. Mayor Fender said he personally felt that Mr. Ruller and his staff needs direction, and stressed he did not mean micro managing. He said they need some goals and outcomes for 2007, and Mr. Ruller agreed with him that there are things he and his staff would like to grab. Mayor Fender said he would like the staff and Council to be more proactive than reactive. He said he realizes there are situations where they would be reactive, but would like them to be more proactive in a work session.

Mayor Fender suggested each of them would send three outcomes or goals to the Manager, and then at a work session, it can be whittled down to a workable number. He said he would like to be able to say they have accomplished things at the end of 2007, or at least be able to say they are well on their way. He said the Manager would like to review the survey, and noted that although about 88 or ninety people responded, they are still citizens. He said he would also like

Council to set dates at that same workshop for public meetings. He said they really need to discuss what they are wanting to do and come to a consensus. He said they need actual dates so they can tell the public what will be done. He said they need to make some decisions.

Mayor Fender said that Jan. 27 was a possibility, and Ms. Gavrilloff said she would not be around. Mr. Wilson suggested that Council may have the solution at their meeting. Mr. Schultz suggested they combine the two, with the first part for proposals, and the second part for planning.

Mayor Fender said he picked Jan. 27 because Mr. Ruller said he would like about eleven months to work things out, adding he realized it was short notice.

Mr. Schultz suggested the following Wednesday. The Clerk noted that some items are scheduled, but point out that Jan. 31 was open as it was the fifth Wednesday.

Mayor Fender said they would schedule it for Jan. 31 at 7:00 p.m. He said they would allow any Council members to present their ideas. Mr. Schultz suggested they be specific proposals, and Mr. Wilson agreed, adding they do not need history lessons. Mayor Fender said they would move right into a work session on planning.

Ms. Oswitch said when they hired the Manager, Mr. Wilson ran the meeting without Roberts Rules, and suggested they do it again. Mr. Ferrara asked about meeting from 6:00 p.m. to 9:00 p.m., and Mr. Schultz said he was unable to be there at 6:00 p.m. Mr. Silver asked if the staff needed to be present, and Council indicated their desire to have staff present. Mr. Schultz said which staff members would be the Manager's decision.

Mr. Ruller said it would be great to have a sense of the top three goals. He suggested the survey may help give them some ideas as to the community's feedback, adding they can send them by email or call him. He asked if they do this by mid week the following week, they will include it in his mailing.

Ms. Oswitch reminded them to be at the public hearing at 6:45 p.m. the following week, adding that Mr. Weddle requested she remind them.

Mr. Kuhar said that with respect to the survey, they need to remember they had less than 1% in responses. He said any group of people who had something in mind for their own personal interest could have filled out something creating the community consensus. He said the response makes it insignificant, adding it is not an accurate guide.

MOTION TO ADJOURN THIS MEETING.

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

Hearing no further business before this Council, Mayor Fender adjourned this meeting at 9:47 p.m.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

