

**THE CITY OF KENT, OHIO
SPECIAL COUNCIL MEETING
WED., DEC. 3, 2008**

This special meeting of Kent City Council was called to order by John Fender, Mayor and President of Council at 7:00 p.m.

PRESENT: MR. AMRHEIN, MR. DELEONE, MR. FERRARA, MR. HAWKSLEY, MR. KUHAR, MS. SHAFFER, MR. TURNER, MS. WALLACH & MR. WILSON

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

The Mayor asked the Clerk to read Draft No. 08-176 which stands on first reading at this time.

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE MAIN STREET PROGRAM CONTINUING THE RELATIONSHIP BETWEEN THE CITY, MAIN STREET, AND MARY GILBERT.

MOTION TO ADOPT THE DRAFT ORDINANCE.

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

MOTION TO AMEND TO HAVE A ONE-YEAR REVIEW, WITH THE SECOND YEAR CONTINGENT ON THE RESULTS OF THAT REVIEW.

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

Mr. Kuhar said there should be some accountability and oversight for this program. He said if they are not moving forward the way they should, after the first year, the City should not spend another \$80,000. He said this gives the Council a chance to look at the program. He reminded them that they only requested a one year contract initially.

Ms. Wallach agreed with Mr. Kuhar, adding that is why she wanted to attach benchmarks. She said the organization has been setting goals for the last two years, and have not moved forward on those goals. She said this would help them achieve those goals, adding her three benchmarks were important for the structure. She said if the structure is unhealthy, the organization will collapse. She said she had no problem with the amendment.

Mr. Wilson said he would not support the amendment. He said he supports a two-year contract, adding that they hear about Main Street daily. He said if nothing is getting achieved, they can stop it, adding they could do so at the six-month mark, if need be.

Mr. Kuhar said that once they enter into an agreement, they are bound.

Mr. Turner said that previously, Mr. Hawksley, offered a requirement that would allow an opportunity to review, and Main Street would come before them. He said that was the most reasonable approach. Mr. Turner said in looking at the program and the information they received, he felt the program has been successful, and would not support the amendment. He said he felt that it is reasonable to use the apparatus Mr. Hawksley offered to deal with any concerns.

Mr. Kuhar asked if they can get a legal opinion on whether they are bound, and Mayor Fender reminded him they had a motion on the floor.

The amendment failed by a hand count of 2-6-1, with Ms. Wallach and Mr. Kuhar supporting it, while Mr. Amrhein abstained. All other members of Council dissented.

MOTION TO RESTRUCTURE THE DIRECTOR'S WAGE TO \$52,000 INSTEAD OF \$80,000, TO MAKE IT MORE REALISTIC TO WHAT OTHERS ARE CURRENTLY PAID IN MAIN STREET PROGRAMS.

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

Mr. Kuhar said the motion was self-explanatory. He said the average pay scale is \$35,000 to \$40,000 and they are offering \$80,000. Mr. Kuhar commented that something is out of balance.

Mr. Wilson said this is a full-time City employee. He suggested they could have legal problems when they try to cut back on an employee's salary. He said he would not support the motion.

Mr. Ferrara said he would not support the motion either. He said it is a convolution of the facts and issues. Mr. Ferrara agreed that it is a City employee, adding that most Main Street directors are from the outside. He said they considered the wages previously, as recommended by the Administration, and this motion is not comparing apples to apples. He said they asked for the administration's input and received it. He said they would be micro managing in terms of trying to run Main Street, adding that does not bode well for Council to do that.

Mr. Kuhar said the city employee was part time, making approximately \$20,000. He said that although it is a city employee, the employee is not doing City Work, but doing Main Street work. He said the pay should be comparable to other Main Street directors.

The motion failed by a hand count of 1-7-1, with Mr. Kuhar supporting the motion, while Mr. Amrhein abstained. All other members dissented.

Roll call was taken on the motion. Voting aye: Mr. DeLeone, Mr. Ferrara, Mr. Hawksley, Ms. Shaffer, Mr. Turner, and Mr. Wilson. Mr. Amrhein abstained. Ms. Wallach and Mr. Kuhar dissented. The motion carried by a roll call vote of 6-2-1.

2008-218: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE MAIN STREET PROGRAM CONTINUING THE RELATIONSHIP BETWEEN THE CITY, MAIN STREET, AND MARY GILBERT.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-225 by title only at this time.

AN ORDINANCE ALLOCATING THE NUMBER OF PERSONS WHO MAY BE EMPLOYED BY THE CITY FOR THE YEAR 2009 WITH RESPECT TO EACH POSITION, TITLE AND WORK CLASSIFICATION RECOGNIZED BY THE CITY, DESIGNATING THE TREATMENT OF SUCH POSITIONS AS FULL OR PART-TIME POSITIONS AND DESIGNATING THE FUND OR FUNDS FROM WHICH EACH SUCH POSITION SHALL BE PAID.

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. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, 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. Ferrara.

Roll call was taken on the motion. Voting aye: Mr. Ferrara, Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Mr. Wilson, and Mr. DeLeone. Ms. Wallach dissented. The motion carried by a roll call vote of 8-1.

2008-219: AN ORDINANCE ALLOCATING THE NUMBER OF PERSONS WHO MAY BE EMPLOYED BY THE CITY FOR THE YEAR 2009 WITH RESPECT TO EACH POSITION, TITLE AND WORK CLASSIFICATION RECOGNIZED BY THE CITY, DESIGNATING THE TREATMENT OF SUCH POSITIONS AS FULL OR PART-TIME POSITIONS AND DESIGNATING THE FUND OR FUNDS FROM

WHICH EACH SUCH POSITION SHALL BE PAID.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

The Mayor asked the Clerk to read Draft No. 08-226 by title only at this time.

AN ORDINANCE APPROPRIATING FROM THE VARIOUS FUNDS OF THE CITY OF KENT TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2009.

MOTION TO SUSPEND THE THREE READINGS.

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

Roll call was taken on the motion. Voting aye: Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, 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: Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. Ms. Wallach dissented. The motion carried by a roll call vote of 8-1.

2008-220: AN ORDINANCE APPROPRIATING FROM THE VARIOUS FUNDS OF THE CITY OF KENT TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2009.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council

MOTION FOR EXECUTIVE SESSION, AFTER THE COMMUNITY DEVELOPMENT COMMITTEE, FOR LAND SALE AND DISCUSSION ON THE COLLECTIVE BARGAINING AGREEMENTS.

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

Roll call was taken on the motion. Voting aye: Mr. Hawksley, Mr. Kuhar, Ms. Shaffer, Mr. Turner, Ms. Wallach, Mr. Wilson, Mr. Amrhein, Mr. DeLeone, and Mr. Ferrara. The motion carried by a roll call vote of 9-0.

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 7:00 p.m.

Mayor Fender reconvened this meeting at 8:30 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 8:30 p.m.

Linda M. Copley, Clerk of Council

John Fender, Mayor & President of Council