

**AGENDA FOR  
CITY COUNCIL MEMBERS' "NOON" MEETING  
MONDAY, DECEMBER 13, 2004  
CONFERENCE ROOM 113**

**I. MINUTES**

1. Minutes from Council Members' "Noon" Meeting of December 6, 2004.
2. Minutes from Directors' Meeting of September 13, 2004.
3. Minutes for Pre-Council - PW-Paving District & Substandard Streets - 12-06-04

**II. COUNCIL REPORTS ON BOARDS, COMMITTEES, COMMISSIONS AND CONFERENCES**

1. ISPC Meeting (Camp)
2. RTSD Meeting (Cook/Friendt/Svoboda)
3. LPED Meeting (Werner)
4. Public Building Commission Meeting (Camp/Cook)

**OTHER MEETINGS REPORTS:**

**III. APPOINTMENTS/REAPPOINTMENTS - To Be Announced**

**IV. REQUESTS OF COUNCIL FROM MAYOR - To Be Announced**

**V. MISCELLANEOUS -**

1. Discussion on starting the "Noon" Agenda packets electronically. **(Held over from the December 6<sup>th</sup> "Noon" Agenda)**
2. Discussion regarding monthly Staff Meetings putting on Council's individual weekly agendas as FYI. **(Held over from the December 6<sup>th</sup> "Noon" Agenda)**
3. Discuss continuation of the Open Mike portion of Formal Council Meetings (Ken Svoboda)
4. Discussion of the Notification process used in warning Council Members and Staff of mailed threats received by City offices.

**VI. CITY COUNCIL MEMBERS**

**VII. MEETINGS/INVITATIONS -**

1. You're invited to join us 'round the green to make Allan Abbott's retirement just PAR-FECT! On Thursday, January 6, 2005 from 2:00 p.m. to 4:00 p.m. at Lobby outside the Mayor's Office (Hosted by Public Works & Utilities) - (See Invitation)

2. Updowntowners Holiday Social on Wednesday, December 15, 2004 from 5:00 p.m. to 8:00 p.m. at Applebee's Downtown, 1133 "Q" Street - RSVP to Heather Bullock at 434-6507 by Dec. 13<sup>th</sup> - (See Invitation)
3. United Way Annual Meeting on Wednesday, January 19, 2005 from 11:30 a.m. to 1:00 p.m. - at Embassy Suites - (See Invitation)
4. The Lincoln Chamber of Commerce and Lincoln Partnership for Economic Development will co-host their 2005 Annual Meeting on Wednesday, January 26, 2005 at The Cornhusker Hotel in the Grand Ballroom - 11:15 a.m. reception followed by lunch and the program at Noon - RSVP to Jaime Henning at 436-2366 by Jan. 7<sup>th</sup>, 2005 - (See Invitation)
5. The Lincoln Chamber of Commerce invites you to attend the following Ribbon Cutting: - Please RSVP to Jaime Henning at 436-2354 or E-Mail:
  - A.) Heritage Warranty Insurance, 8055 "O" Street, Suite 300 on Wednesday, December 15, 2004 at 11:00 a.m.

## **VIII. ADJOURNMENT**

**MINUTES**  
**CITY COUNCIL MEMBERS' "NOON" MEETING**  
**MONDAY, DECEMBER 13, 2004**  
*CONFERENCE ROOM 113*

*Council Members Present:* Terry Werner, Chair; Ken Svoboda, Vice-Chair; Jon Camp, Jonathan Cook, Glenn Friendt, Annette McRoy, Patte Newman; **ABSENT:** None

*Others Present:* Mark Bowen, Corrie Kielty, Mayor's Office; Dana Roper, City Attorney; Joan Ross, City Clerk; Police Chief Tom Casady; Tammy Grammer, Council Staff; Darrell Podany, Aide to Council Members Camp, Friendt and Svoboda; Deena Winter, *Lincoln Journal Star* representative.

**I MINUTES**

1. Minutes from Council Members' "Noon" Meeting of December 6, 2004.
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3. Minutes for Pre-Council - PW-Paving District & Substandard Street s- 12-06-04

Mr. Werner requested a motion to approve the above-listed minutes. Glenn Friendt moved approval of the minutes by acclamation. Ken Svoboda seconded the motion, which carried by unanimous consent of the Council Members.

**II. COUNCIL REPORTS ON BOARDS, COMMITTEES, COMMISSIONS AND CONFERENCES -**

1. ISPC (Camp) No Report
2. RTSD (Cook/Friendt/Svoboda) Mr. Friendt reported that they had spent a lot of the time talking about the S.W. 40<sup>th</sup> Bridge project. There were a few other issues discussed, but that had been the thrust of the meeting. Mr. Cook, stated that the project is a concern because it is a \$16,000,000 project that will not be built for another five years. Mr. Friendt stated that they claim that they have citizen agreement that the bridge can be closed if, after it's closed, there will be a new bridge. Mr. Cook added that the Railroad is doing some work in Hobson's Yard and they would need to improve the signals at that intersection in order to make that work. That would cost them \$250,000 and the question was, if the railroad made those improvements and just closed the crossing, and didn't upgrade the arms, then gave us some portion of that amount for the bridge project - would that be a good trade-off? But then it would be closed for a number of years. It comes down to the question of whether or not it is worth \$100,000 to close a road for 3-4 years? Mr. Cook did not know the answer to that...what would be the trade-off for those people who live in that area.

Mr. Friendt explained that they had approved more engineering work to keep moving forward on the project. There are still questions and concerns that he felt were legitimate in view of the fact that 40<sup>th</sup> Street dead-ends into park property. This means that there would have to be "jog". He noted that 48<sup>th</sup> Street, further out, is a through street that would also run all the way over to the new property west of the Airport.

Mr. Camp noted that he was skeptical of the S.W. 40<sup>th</sup> Street site for the very reasons just mentioned by Mr. Friendt. He had some real reservations on this. He believed there should be discretion on how to approach this with the RTSD funds. Mr. Friendt noted that there had been a pre-council on this about a year ago, and there had been a Common presentation as well. Mr. Friendt noted that they had listened to the presentations and there had been some general disagreement. He thought that the County Commissioners held more concerns about it than the Council has expressed. Mr. Camp noted that the County was worried about the bridge they needed to replace. He remembered that Roger Figard had asked at the meeting if it was generally understood that they could proceed with the project, and Mr. Camp had answered that he did not know that they were saying that. What is happening? He thought it seemed to be on an autopilot here and moving forward.

Mr. Friendt commented that there will continue to be questions...and Mr. Figard made the point that it may not be \$16,000,000 project if you don't know where it's going to end up. There are additional points along the way that will require elected official approval in order to keep the project moving forward.

3. LPED (Werner) Mr. Werner was unable to attend due to a scheduling conflict; however Mr. Camp had been in attendance for the first portion of the meeting. He reported that the Mayor had gone through some things which she had discussed with Council before. Mr. Camp reported that Bruce Bohrer brought up a number of things on economic blight in addition to physical blight. He noted that the Chamber and LPED would be talking more about that with the City. Mr. Camp suggested that perhaps Mr. Bowen had some comments on that issue of economic blight in pockets throughout the City - not just physical blight.

Mr. Camp noted that KMPG also made a comment that Nebraska rated fairly well nationally in economic development incentives. Mr. Bowen stated that they had continued the presentation, outlining the report that they've worked on with the Omaha and State Chambers of Commerce and how they would be supporting that in the next legislative session.[Mr. Bowen's further remarks were inaudible]

Mr. Cook commented on economic blight, noting that it gets into a whole new area of analysis that may run into legal problems, noting that currently we're waiting to see what the U.S. Supreme Court says about taking private property to give to other private property owners. He felt that it is one thing to have a clear case of physical blight, but to say there is economic blight, if you define that as simply having a government body state: "this area isn't performing quite as well as we'd like it to and we have another business that we think will perform better and pay more taxes than your business - so you have to go", was a scenario which gave Mr. Cook concerns. We have to very carefully define what "economic blight" means.

4. PUBLIC BUILDING COMMISSION (Camp/Cook) Mr. Camp reported that they had worked on the chairs. The bottom line is that we'll get two samples of high-back chairs in the requested fabric. One will have a six-way mechanism and one will have a single seat adjustment. They thought those should be in within 3-4 weeks.

Mr. Svoboda asked if the mesh chairs that some staffers have out there completely out of the picture? Mr. Cook stated that at this point, that chair is not an option under consideration. Mr. Cook thought it had been rejected earlier in the process because some

County Commissioners didn't like those chairs as well; there was also concern about whether or not they were appropriate on the dais as opposed to serving more in an office functionality. Mr. Camp noted that twelve chairs will be ordered, instead of nine....just because we've put in all this effort over all these years. At \$1500 ea, we'll be ordering twelve to have a spare on hand in case of damage [to avoid a long re-order wait for replacement or increased costs].

Mr. Camp reported that they had discussed the Health Department Expansion. They'll be getting alternatives on the parking lot configurations. There had been some changes there on the elongation of the parking lot, etc.

Mr. Cook stated that he had spoken to the Parks Director and others regarding this. He did not understand the failure to follow through on some of the process here. He noted that this is a very sensitive issue to the neighbors. They had expressed concerns...so the Parks Department drew up a different configuration, took it to the Parks Board Retreat and just got people to nod that it seemed like a good idea. He didn't think they bothered to tell people that the neighborhood hadn't seen the plan. So, it came to us and was presented as being approved by the Parks Board, but the neighbors hadn't seen this option. If they're redesigning the parking lot in order to meet the concerns of the neighbors, it would be good to go back to the neighbors and say is this, in fact, okay? Mr. Cook stated that he would like to get that taken care of and did not understand why that was skipped. Hopefully, we'll hear back after some contact with the neighborhood. Mr. Cook felt the design that the Parks Department came up with has merit.

Mr. Werner asked if this design would open one of the roads? Mr. Cook responded that this would eliminate the existing very small parking lot and then it would extend another, and adding green space. Mr. Cook stated that the three different options were going to be included on the bids and then we'll sort it out.

Mr. Cook stated that the monitors are an irritation to him. There are still only two and one is in here. He added that the monitors are supposed to be mounted permanently in the Chambers at some point, so he supposed something needed to be done for this room. We did order monitors for the end stations and we made it clear that they were supposed to get that third monitor. Mr. Cook observed, wryly, that by 2007, we might have it.

OTHER MEETINGS - Mr. Camp reported on the City-County Commons. He noted that there had not been a quorum of Council Members and he noted that the County was giving City members a hard time about lack of Council Members attendance. He felt it was something that should be discussed.

Mr. Werner noted that Staff would call and see who will be attending. Ms. Grammer noted that she had not known that. Mr. Svoboda explained that that had been suggested at the Common meeting, because Ray Stevens had brought it up. He had been concerned about even continuing to have Common meetings if Council doesn't feel it is important enough to have them.

Mr. Werner thought that comment was not fair....asking when was the last time that the City didn't have a quorum? He noted that he rarely miss a Commons meeting. Mr. Svoboda responded that a lack of City quorum had occurred a few times. And it is a source of contention for Ray, so we brought it up for discussion with Council here today. Mr. Svoboda had suggested that they have Council Staff call a day or two in advance of a Commons meeting and ask if Council Members would be attending so we know whether or not we'll have a quorum coming up or not.

Mr. Friendt noted that the meetings are scheduled far enough in advance that he thought, until one sees the agenda, we don't know if we're just really working hard to have a meeting. He

didn't think we should necessarily hold a meeting regularly. But that does require some pro-activity to look at the Agenda and say there isn't much here - let's not hold a meeting this month. Ms. Newman commented that she felt the meetings are important. There are enough joint issues between the City and County out there to require us to continue a dialogue. But that wasn't the question raised. The question was are they important enough to this group to continue to hold the monthly meetings.

Ms. McRoy commented that she had read the agenda and she had been at every meeting where there had been an issue in which she held an interest. She opted not to come to this last meeting. In that case, it was noted, a call to Staff would have been appropriate. Mr. Svoboda stated that the County lost their quorum when Bob had to leave.

It was agreed that, instead of calling or e-mailing Council Members, staff would place the Common Meeting on the Attend sheet for Council to indicate whether or not they would plan on attending. Mr. Svoboda noted that when he had been chair of the Common, there were a couple of meetings that had been cancelled because there didn't seem to be enough items to make up an agenda. He felt that when Ms. Newman was elected Chair, she would probably do the same. He noted that Ms. Schorr had done that through the past year.

Mr. Camp stated that they had addressed holding the meetings later to accommodate Mr. Friendt's teaching schedule. Mr. Camp [erroneously] noted that next month the meeting would be on a Monday, so that was discussed. [The next Common Meeting is scheduled for Tuesday, January 4<sup>th</sup>, 2005]

### III. APPOINTMENTS/REAPPOINTMENTS - None

IV. REQUESTS OF COUNCIL FROM MAYOR - Mr. Bowen noted only that he would see everyone Wednesday at 1:00 p.m. at the "F" Street Recreation Center for the Council's Budget Retreat.

Mr. Bowen reported, at Mr. Werner's request, on the search for the Public Works Director. He noted that the Screening Committee has met. They have had their sessions with the Mayor and she [inaudible] Mr. Werner asked if Mr. Bowen anticipated a decision soon? Mr. Bowen replied that he suspected so.

V. MEETINGS/INVITATIONS - Noted Without Significant Comment.

### VI. MISCELLANEOUS -

1. Discussion on starting the "Noon" Agenda packets electronically. (Held over from the December 6<sup>th</sup> "Noon" Agenda) Council all agreed that it would be started next week. Mr. Cook asked if Council Members would still receive their own personal invitations to functions. Ms. Grammer answered that on the personal invitations, she would scan a copy in for the Agenda. She didn't know if the Departments would send individual invitations, or send a pdf file as they do with other correspondence.

A final decision was made that the "Noon" packet would continue to be sent as is, with the exception that the Minutes would be electronically sent and posted on the internet; all other attachments would continue to be sent with the "Noon" Agenda to Council Members.

Mr. Camp noted that with regard to meetings/invitations, he would rather have a listing of meetings almost bulleted. He would rather have, if possible, Host or/Event then Date and Time then Where and Whether or not an RSVP is required and then Costs or Charges. He noted he had been missing meetings. It was pointed out that the meetings he agreed to attend were laid out in the format he was requesting on his weekly personal agenda.

2. Discussion regarding monthly Staff Meetings being put on Council's individual weekly agendas as FYI. (Held over from the December 6<sup>th</sup> "Noon" Agenda) Mr. Werner explained that these were the meetings held with Chair and Vice-Chair and the City Council Staff on each Night Meeting Monday at 3:30 p.m. He noted that all of the Council Members were welcome to sit in at these meetings. These meetings would be listed on the individual council members personal agendas as an FYI. Mr. Werner reminded Members that, of course, they couldn't have a quorum...so if there are too many, someone must leave.

3. Discuss continuation of the Open Mike portion of Formal Council Meetings (Ken Svoboda) Mr. Svoboda stated that he would like Council to begin looking at their options as it relates to the Open Mike session at the Formal meetings. He commented that he had visited with several of the Council Members over the past month and he felt it was time to start looking, procedurally, at how we're going to continue to have "open mike". He had been one, very early on as a new Council Member, that you've got to have the open mike portion in there as a valid part of the meeting. In almost four years, he has come to realize that the open mike has really just turned into a television "face time" for a few individuals. He was not criticizing those individuals; they bring valid information to us, but this Council is extremely open to the general public. They can contact us in the hallway, via e-mail, telephones both at home and at our businesses. He felt that as open as we all are to the general public, he did not know that an open mike session, as we have traditionally done it, is the most productive use of time - primarily for staff. It's our time to be here regardless, but as it relates to staff - to have three or four individuals come up who, quite frankly, of late discussing issues that don't even pertain to the City's functions is not an efficient use of staff time. He would like, eventually, to have a little more of procedural discussion on how we continue the open mike. He still felt it is important to have it, but he would like to have some discussion on how we will use it.

Mr. Werner asked if Mr. Svoboda were suggesting that Council discontinue it, or are you suggesting.... Mr. Svoboda said he was not suggesting discontinuing the open mike, but just wanted to have a discussion as to how important an open mike session is and how other Councils might do it; how we might better use our City Staff's time....maybe just hold the open mike session once a month. Maybe we could limit it from five minutes to a couple of minutes. He stated that he was wide-open to discussion on the issue. He added that eliminating the open mike was only one option.

Ms. McRoy commented that after thinking about this, she decided that she wanted to keep it. She felt it was important. But, we could make it mandatory that they register their names and their topics. That way, the City Clerk, or the Chair, if the topic is unrelated to City business, could contact the individuals and inform them that the topic is unrelated to City business and their presentation would be denied. Mr. Friendt asked if she thought there would ever be a Chair who would start picking and choosing who could come forward and determine what topics were "appropriate"? He stated that he couldn't fathom that. Discussion ensued with Council noting that they had received many presentations on non-

City issues in the past. Ms. McRoy said that those issues could be denied as not being relevant to City Council business. Ms. Svoboda stated that the Omaha Council uses that tool...that it is up to the discretion of the Chair as to whether or not a citizen is allowed to speak or not. Mr. Svoboda commented that this was one option that might be employed noting that it might at least eliminate some of the repetitive nature of the remarks. Mr. Svoboda stated that if that is an option Council decided upon using, the Chair would have to make that very clear...and it would change from Chair to Chair - it would be open to discretion.

Ms. Newman commented that she had liked the Clerk's suggestion that we close the meeting, staff can go home and then we re-open for the open mike. The staff then would not have to stay and it would also not be on TV. But there are certain cases where that could be "not good". She remembered a case where Irvingdale Middle School was having pedestrian accidents. They had a wonderful presentation with a group of teenagers stating their concerns. In a case like that, perhaps, if they are registered, we can make sure that it comes before the TV cameras are turned off - to let the community know. But, once again, that puts pressure on the Chair as to which ones to pick and choose. At least staff isn't subjected to two hours extra meeting time.

Mr. Werner commented that he doesn't think it's a problem. He thought that if we limit the time to five minutes, he did not see it as a big deal. He agreed with Glenn, that, as Chair, he would not turn anyone down. If someone wants to come in and speak, he would let them speak...if it's only going to be for five minutes. Ms. Newman asked if that were regardless of the topic? Mr. Werner asked if Council would believe a person would put down the truth of their topic? He felt they would submit a City-related topic and then they would get to their desired presentation. He reiterated that he did not see it as a problem and felt it was important the people have that opportunity to speak to Council.

Mr. Friendt asked if Lincoln didn't still have a public access channel where people from Irving can make their presentation...or they could arrange to make it a pre-council. That issue is one, compared to some we've had come before us, that would be of interest enough to have it on a pre-council agenda.

Mr. Camp reported that, if Council might recall, he had checked with the Jacksonville, FL Council when he had visited there several years ago on this very issue. He explained that everyone had to sign up on a card. The Clerk had all the information and they would limit the number of presentations an individual could do in a year time period. He would go so far as to suggest that Council adjourn and that if certain City Council persons chose not to stay, it would not be required. He thought that a lot of these topics are brought forward by people at the meeting who decide they just want five more minutes. Mr. Camp wanted to offer meaningful time to the public, but his time is valuable, too. He did not think anyone had the right to take five minutes of his life every week. He wasn't elected to do that...if it's an issue of substance, that is one thing, but if they're just playing to the public access, he would respectfully disagree that that is what we're here to do...just listening to anything. He felt it was out of hand. He appreciated, especially, Ken's bringing this up, because he knew how concerned Mr. Svoboda was several years ago about the importance of the open mike.

Mr. Friendt commented that we have this discussion about every three months. It seems that we can't get focused on why we do this - and what the purpose of it is. If it is a symbolic expression of democracy in action in Lincoln, Nebraska - fine. But, let us not debate this anymore. If we really care about whether this time serves a purpose to either help



the citizenry, or to help us do a better job, he couldn't imagine then that we would say that it is extremely valuable. But, let's get to what we think the purpose is and we can either buy into that or not...and that would drive what we decide to do with it. We just keep going around & around reaching no decision. Council agreed with this view of the situation.

Mr. Friendt continued, noting that Ms. McRoy's comment prompted the question when she noted that she wanted to keep it because it is important. Mr. Friendt asked why? Mr. McRoy answered because of Mr. Friendt's first comment - democracy in action. She reasoned that perhaps she wouldn't be accessible to someone at sometime. She felt it was important...we inherited the open mike. It is democracy in action, but she did not feel that registering their topic would preclude citizens from speaking.

Mr. Camp offered another option. Rather than having the Council Chair veto someone's request to speak, what if one of the other Council members would be required to sponsor someone. That would give us peer pressure among the Council Members. If one brought forward a topic which he felt was valuable and the speaker brushed over that or the presentation came out strangely, that Council Member would have egg on his face and would be more judicious in the future as to whom he might sponsor. Ms. Newman commented that she thought that was a great idea if it was only the at-large council members [Laughter]

Mr. Werner asked for Mr. Roper's opinion. Mr. Roper stated that the State Law on Public Meetings requires that the public be allowed to address the public body at some, but not all of the meetings. What that means, no one knows. We know that you can't do away with it completely; and yet at the same time, you don't have to allow it every week. So...you have that possibility. You have the possibility of reducing the time that you allow people to speak. If you were to take it off TV, we'd have to change the franchise agreement with Channel 5 because it calls for gavel to gavel coverage; and the last time we visited this issue, the Cable TV Board felt strongly that they wanted to telecast the open mike.

Mr. Friendt asked if the Open Meeting Law, as Mr. Roper described it, requires that this ability to address the elected body be during official business? In other words, when you say "gavel to gavel", we could gavel the meeting adjourned and say that we would then be open for public input to the elected body. Would that not meet the requirements?

Mr. Roper stated that those are two different concepts. He noted that one is just the cable tv issue...if we think not putting it on tv will help facilitate our meetings, we've got to change that agreement; and the Council controls that agreement. The other -about addressing the body after the meeting adjourned...would the concept be that we'd start a new meeting, then? Mr. Friendt stated that it wouldn't be an official new meeting. It would just be time for public input. Mr. Roper stated that there would be four Council Members [raising the quorum constitutes a meeting issue]. Mr. Roper stated that they would have to look into that.

Mr. Svoboda stated that he wanted this discussion just to get everyone thinking about whether or not they wanted to make any changes and what the options might be. Then, at a later date, bring up a proposal about how you'd want to do that. If someone was willing to do that today, that's up to the body. Ms. Newman stated that she would, at this point, make a suggestion (if we want some time to think about it), that anytime anyone gets up to the open mike that they have a 'purpose statement' for their presentation. Their first sentence would be what they want to accomplish by addressing the Council. She did not feel that this would be an unreasonable requirement.

Mr. Roper stated that if Council were to do that, it would probably be helpful to amend the Council rules pertaining to the open mike, saying that there has to be a "purpose" section in the presentation. Then, the rules would have to give the Chair the power to gavel someone out of order if it got too far afield. But, the problem is, the topic you're going to hear is going to sound reasonable. Then, we'd get into "wanderings". Mr. Werner noted that without any formal motions, as long as he was Chair, he was not interested in changing procedure. He noted to Mr. Svoboda - or whomever the next Chair might be - if that person wants to initiate changes and come forward with something, that's fine. He reiterated that unless we take formal action and the body votes to do that, he's not interested in making any changes at this point.

4. Discussion of the Notification process used in warning Council Members and Staff of mailed threats received by City offices. Mr. Werner addressed this issue immediately following the approval of the minutes. Mr. Svoboda explained that he had requested this be placed on the agenda simply because when it came to light that there was a threat in the Mayor's Office, none of the Council Members heard about it until watching the news that evening. He thought since Council had been in the building, there would have been a process that would have at least suggested that the Council and/or our Staff, watch for personal mail at home, or in the Council Office. So, he wanted this to be placed on the agenda for our discussion. He did note that he had talked with Chief Casady a day or two afterwards and Chief Casady explained that there is a process and that there had been no viable threat, although it was a threat. So, Mr. Svoboda had requested Chief Casady to come and explain how the process works currently when there is a threat to any department and how it trickles through the remaining departments and elected bodies.

Chief Casady stated that if he had something that he thought other City officials or other City/County offices needed to know about, he would probably get hold of them either in person or by e-mail and that is what he did in this case. He explained that the following day he had made the rounds to the mail room and the major people who handle in-coming mail for the City to let them know about the mailing so they could keep an eye out for a similar mailing, because it was quite distinctive.

He went on to explain that it had been incorrectly reported on KLON-TV that the note inside the letter received in the Mayor's Office expressed unhappiness with the City Council. That was not the case, but it had expressed unhappiness with the Police Department. He noted that he could understand how, seeing the news that night or the following morning, Council members would be concerned, but that report was in error. That was why he spent the morning calling all of the Council Members to explain that.

Mr. Cook stated that, even though the City Council was not, perhaps, mentioned in the letter, would it have been wise to contact City Council Staff, even that afternoon, since presumably people are opening mail at any time of the day - even at the end of the day. Mr. Cook stated that he was just concerned for those who might have that responsibility in the Council Office - knowing what to look for before the next day. It might have been in the mail to a number of different offices the same day. Chief Casady explained that the incident had occurred just shy of four o'clock - when the letter arrived. When the situation was all sorted out, it was after hours...people were pretty much gone. The Council was here, since obviously, it was the night of your night meeting...I could have come down and talked to Staff, but explained that he just hadn't thought of it.

Ms. McRoy stated that she had a question on procedure. Before Chief Casady had called on Tuesday afternoon, she had received an e-mail that was forwarded from the City Clerk's Office. Is there some kind of priority notification list that is followed in emergency notification? If Ms. McRoy hadn't read the Clerk's e-mail before lunch, she would not have known about the situation until Chief Casady had called around 1:30 p.m.

Joan Ross, City Clerk, stated that she had heard it on the news that morning, and 10-11 News implicated the Council in the threat and so she had e-mailed her staff, the Council and Council staff as an FYI. Then, of course, we learned that the report was in error.

Chief Casady stated that he had gone and talked to people that handle mail, early the next morning....Tuesday morning. Later in the morning he had sent an e-mail to all of the department heads and county department heads to let them know that a second letter had been received and what they should be watching for.

Mr. Werner asked if there was any training -not just this specifically- but did the mail handlers have training throughout the City? Chief Casady stated that he did not know. He stated that there is training. Mr. Werner realized that training existed, but wondered if there was City training on this type of thing. Chief Casady answered that there was none that he knew of, although a lot of material went out to people who routinely handle the mail shortly after the anthrax cases back in 2002.

Mr. Svoboda stated that, after the Commons meeting last Tuesday morning, he had spoken to some of the Staff from the County side and he had asked Kerry to at least look into the question of whether there was any training available for staff of elected bodies. -such as the Mayor's Office and City/County elected officials- explicitly just to make sure that if there is some training out there, that they get some -at minimum- a briefing on what they should be watching for in any case. Chief Casady stated that a lot of printed material went out on that very topic to employees over the past few years -post 9/11. Mr. Svoboda informed Chief Casady that he had put Kerry in charge of it, so if he contacts you, you'll know why.

Mr. Cook noted that his primary concern is the safety of staff opening mail and in the case where the Mayor's Office gets something, because that's the office of an elected official, that the Council Office staff be informed as quickly as possible, just so they know to be a little more careful. In fact, that night they were there later. He realized this was just an over-sight on this particular case, but there may be a relationship, just because of the elected official position, that somebody expressing concern about the Police Department, sending something to Mayor's Office could just as easily send something to the Council office with the same complaint.

Mr. Camp suggested that they would need to be watching their home mail as well, noting that he received a lot of city-related mail there.

## VII. COUNCIL MEMBERS -

JON CAMP - No Further Comments

JONATHAN COOK -Mr. Cook brought up the issue of "Q" Street. He noted that it just seems like it's an awful lot of trouble trying to accomplish something that maybe we shouldn't be doing. By the Council's action in vacating a piece of right-of-way, we are, essentially, giving the okay for it to be sold. That is really what we're doing. We'll never see anything again on this. No future Council will. The Mayor can, the following week, sell it off - any Mayor could. He would suspect

that five years from now (or less) the owner of this “Tool House” will come in and say, you know - your vacated this piece of property, you don’t really need it...why go through this process with the easement - just sell it to me”. And the Mayor just may decide to do it. We don’t even approve a Lease Agreement, because it isn’t a Lease Agreement, it’s a Temporary Easement Agreement - so that’s done administratively. Mr. Cook commented that Mr. Roper had stated the case regarding State Law about the use of sidewalks. The State Law was changed specifically to allow sidewalk cafes - that’s why we can do the permitting process; but apparently the State Law does not allow merchandise to be sold on the sidewalk.

Mr. Cook asked about the side-walk sale permits. It was explained that there is a permitting process for that. There was a brief discussion with the City Clerk explaining the permit process involved for such things. Mr. Cook believed that if the City thought that sales on downtown sidewalks are appropriate, we ought to see if we can change the State Law to allow us to go through an official permitting process, or we can renew it on a year to year basis, just as we do with sidewalk cafes. He didn’t think we should do otherwise. He thought the way that the Council was going about handling this issue was a bad way.

He commented that everyone knew that there were things peculating in the Haymarket and the elsewhere Downtown that may make vacating the streets an unwise thing. This Ordinance to vacate is implied consent to sell. Mr. Roper added that that is part of our problem. We’ve taken a vacation ordinance, which contemplates land that we don’t want/need and would therefore sell to an abutting property owner and have turned it into an ordinance that contemplates land that “we’re not sure we need”. He noted that the interpretation of what would happen in the future might vary from City Attorney to Mayor. If we were serious about this, we should probably amend our ordinance because we’ve now come up with a hybrid system that we’ve tried to fit into the present ordinance that really doesn’t fit. We probably need to go back and re-write it if this is the way we want to go.

Mr. Friendt said that another option would be to just say yes or no...let’s just say no. Mr. Roper responded that that would be the best option.

GLENN FRIENDT - No Further Comments

ANNETTE McROY - No Further Comments

PATTE NEWMAN - No Further Comments

KEN SVOBODA - No Further Comments

TERRY WERNER - No Further Comments

MARK BOWEN - No Further Comments

CORRIE KIELTY - No Further Comments

DANA ROPER - No Further Comments

VIII. MEETING ADJOURNED - Approximately 12:26 p.m.

cm121304/jvr