

City of Springdale Council

May 2, 2018

President of Council Vanover called Council to order on May 2, 2018.

The governmental body and those in attendance recited the Pledge of Allegiance.

Mrs. McNear took roll call. Council members Anderson, Emerson, Ghantous, Hawkins, Shroyer, Sullivan-Wisecup and Vanover were present.

The Minutes of the April 18, 2018 City Council meeting were considered. Mrs. Emerson made a motion to adopt the minutes; Mr. Hawkins seconded. The minutes were adopted with seven affirmative votes.

Mayor Webster: It's that time of year again where we want to honor our Police Department and with a declaration of Peace Officers' Memorial Day. With that said, I'd like to read the following proclamation

*"WHEREAS, in 1962 President John F. Kennedy proclaimed May 15<sup>th</sup> of each year as Peace Officers' Memorial Day, and the calendar week of each year during which such May 15<sup>th</sup> occurs as Police Week; and*

*WHEREAS, in the United States, there are more than 900,000 law enforcement officers serving in communities across our great country, including 37 full and part time officers within our own department; and*

*WHEREAS, more than 20,900 law enforcement officers have made the ultimate sacrifice and have been killed in the line of duty, including 128 officers during 2017; and*

*WHEREAS, in conjunction with the observance of Police Week, May 13<sup>th</sup> – 19<sup>th</sup>, 2018, the Springdale Police Department will host the 27<sup>th</sup> annual Law Enforcement Expo at Tri-County Mall on June 3<sup>rd</sup>;*

*WHEREAS, these events are to honor the men and women who have died in the line of duty to protect and serve; and*

*WHEREAS, the men and women of the Springdale Police Department unceasingly provide a vital public service by safeguarding the lives and property of their fellow citizens; and*

*WHEREAS, by enforcement of our laws, these same officers have given our country, state, and city internal freedom from fear of the violence and civil disorder that is presently affecting other nations; and*

*WHEREAS, this administration joins in this special tribute to acknowledge all officers who have given the supreme sacrifice – their lives – in defense of all citizens.*

*NOW THEREFORE, I, DOYLE H. WEBSTER, Mayor of the City of Springdale, do hereby proclaim the week of May 13<sup>th</sup> through May 19<sup>th</sup>, 2018 as*

**"POLICE WEEK"**

*In the City of Springdale and urge all citizens to observe this week in ways appropriate to its significance."*

Chief Mathis if you would stop up and bring one of your officers with you if you'd like.

(Presentation of proclamation) (Applause)

Chief Mathis: Now I'm going to embarrass Officer Justice for a minute. This is one of the joys of being Chief. I get to embarrass them every once in a while. Again, Mayor, Administration, Council, thanks for having us and we appreciate, deeply appreciate the support that we have always received from the City of Springdale and from the different departments within the City and to help me to receive this proclamation, I brought Officer Kayla Justice with us. Kayla started just a little over two years ago with us and she is definitely the future of the

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Chief Mathis (continued): Springdale Police Department. We have a lot of great young people. She exemplifies that. She has a Bachelors of Science Degree from Northern Kentucky University. A Master's Degree from the University of Cincinnati. Worked for a while in corrections at the Hamilton Country Justice Center. We hired her, got her out here. She's been doing a great job. She's one of our Bike Patrol Officers now. She's on our Honor Guard and she'll be going up to London tomorrow for the State of Ohio's Peace Officers' Memorial events. Just to highlight some of the work that she's done; recently, just in the last few weeks, she's done a lot. She responded to one of our locations in the City in the early morning hours. She's one of the officers that works when everybody else is sleeping. She's on third shift and in the middle of the night, she's dispatched somewhere for a drug overdose. Got there, and found a person who's unconscious and responsive from an apparent opioid overdose; administered two doses of Narcan and performed CPR on the person until the life squad got there and then they were able to take over administering to the person. By the time the life squad had left to take the person to the hospital, they were conscious, they were talking and literally they saved the person's life. Very next night, there was a tragic car accident on State Route 747. A horrific accident that when she arrived there, within a minute of the accident occurring, the vehicle was on its top, severely damaged and on fire. Officer Justice and another officer from a neighboring police department approached the vehicle, it was on fire. They were able to remove the person from the vehicle. Unfortunately, the individual died of their injuries. Another few seconds and the car would have been fully engulfed and in flames. She performed heroically, she performed professionally, but what I was most impressed about from my review of the incidents was that she performed compassionately. You could hear in her voice and just see in the things that the way that she performed, that she cared about the people that she was dealing with. Little things; things that probably no one else in the world will ever see or ever know, but that she performed with compassion from one human being to another and that's one of the reasons I'm most proud of her and why I think she's definitely the future of this Police Department. I know sometimes there's a lot of controversy over the things we do in law enforcement, but she represents the City of Springdale very, very well. I'm proud of her. Just wanted to thank her. (Speaking to Officer Justice, "Do you have your speech prepared?") (Laughter)

Officer Justice: I just want to thank the Chief for his kind words. I'm really proud to represent the City of Springdale. We don't ask for those kinds of events, but that's what our job is. We have to step up to the plate. So, I'm really proud to serve the City of Springdale. I'm very lucky to be given this opportunity and I look forward to many, many years here with the City of Springdale. So, thank you so much. I really appreciate it. (Applause)

Mayor Webster: Okay, that's all we have on the Police business. We are honored this evening to have Hamilton County Commissioner Monzel with us and he'd like to say a few words.

Commissioner Monzel: Thank you very much Mr. Mayor and thank you Council for having me give a little quick introduction on a program we're rolling out here in Hamilton County. I want to pass out brochures to you so you can read it as we go along if that's alright. So, as you know, Hamilton County provides the emergency management agency that does the tornado sirens that we just heard tested this afternoon throughout Hamilton County. Well, this is one way that you can get that information and those warnings on your cell phone in your home. If you go to [www.alerthc.org](http://www.alerthc.org) you can sign up and put your phone number in there and you can get over 42 different types of notifications. Not just the tornado and thunderstorm warnings, but also flooding, shelter in place. So, if there's a semi-truck that overturns that has chemicals, it sends out a warning to you to say, "Stay in your home". Just a lot of flooding is another one that, we've, unfortunately, that we've had too much of recently in our community, but that's another warning that you can get sent to you by your cellphone that you register. So, just a really good, I think, way to get citizens involved. We just rolled this out in April since it is kind of severe weather month. It's been kind of a crazy month for weather here with one day flood, one day snow, one day 80 degrees. For us, I think it's a very important program and we're trying to roll it out throughout Hamilton County for all of our citizens to participate. Also, with this is Smart911. This is for, particularly in Hamilton County, we have four different 911 systems here in Hamilton County. We have the City of Cincinnati, Amberley Village, and Norwood have their own and then the County has their own for the rest of all of the other jurisdictions. When you sign up to put a profile in Smart911, it helps the first responders know that you might be a diabetic. That you might have certain prescriptions that you are on. That you have a dog and a cat. So that, if you do call 911, and they come to your house, they are

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Commissioner Monzel (continued): already prepared to help you if they have information about you that you have put into the system. That information is secure. It is only accessed 45 minutes after you call 911. After 45 minutes, it's deleted from the system. The 911 callers can't see that information again after that call. The neat thing about it is if other cities in America are Smart911, if you're travelling in Indianapolis or some other part and you call 911 on that phone, it'll give the first responders that same information. So, it's truly really life-saving technology that is rolling out there and I just wanted to get it to your citizens in Springdale and to have them go on to [www.alerthc.org](http://www.alerthc.org) to learn more information about this. That's all I wanted to present tonight. I can take any questions that you might have on this, but, otherwise you can just look at the website.

Mrs. McNear: Thank you for this information. I noticed that your assistant has a little stack of these papers. Perhaps she could leave some behind and we can pass those out.

Mr. Monzel: Absolutely. In fact, our Emergency Management has a full display that we're trying to put at different parts of the County. So, potentially, the Springdale Recreation Center might be one of those areas that we could have set up for a day or two as folks come in, they can get more information. I'll pass that along if that's okay as a location.

President Vanover: Excellent. Yes.

Mr. Monzel: We're also looking at the public libraries as well to put that in.

Mrs. McNear: Great. Thank you so much.

Mr. Monzel: No, thank you.

Mayor Webster: I've got a question that's not specific to this topic.

Mr. Monzel: No, that's all I'm talking about. (Laughter) I'm kidding, I'm kidding. I'll take any questions.

Mayor Webster: I know that over the years there's been conversations about merging the 911 centers; Cincinnati and Hamilton County. Is that still an ongoing conversation?

Mr. Monzel: It is. We are open to looking at those possibilities of doing that. As I said, there's four here. Ours, Hamilton County, but then you have Norwood, Amberley Village, and the City of Cincinnati. Given the situation that's occurring right now in the City of Cincinnati, there are talks to see about potentially joining forces. One thing we do want to make sure is that we have a backup system in place. If we do go with one that you have some other backup available in case one goes down. But, if you compare us to Cuyahoga County, I believe they have over 35 different 911 call centers within their county. I've heard this from citizens, where they'll be in an area where it's the City, Norwood, or Hamilton County and they'll call from a car wreck and it'll get bounced around to three different call centers. Imagine if there was 30 different call centers. We're kind of lucky that we only have four here, but I think there's an opportunity that we can combine it in to at least one with a backup system.

Mayor Webster: I would just hope that if a merger does come to fruition, that the County one is the survivor and not the City of Cincinnati.

Mr. Monzel: No, I would agree with you.

Mayor Webster: I would hate to see our residents would have to be exposed to the things that the citizens of Cincinnati are exposed to.

Mr. Monzel: Absolutely, I would have to agree with you 100%. We run a top-notch organization out at Hamilton County 911 Center. Those guys are just incredible. So, Andy Knapp and his team do a tremendous job for the County, so I would agree with you 100%.

Mayor Webster: Thank you.

Mr. Monzel: Any other questions?

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President Vanover: No, we're good.

Mr. Monzel: You don't want a soccer stadium up here? (Laughter)

President Vanover: Sure! Christine (pointing to Christine Russell) (Laughter)

Mr. Monzel: Alright. Thank you very much for your time tonight. I really appreciate it.

President Vanover: Thank you.

Mr. Monzel: Take care.

### Communications

Mrs. McNear: One item from Duke Energy. This is a notification that they are going to be replacing the wooden poles with the metal poles. They won't be installed until about 2020, but they're just giving advance notification that this is pending and Duke would be giving out door hangers when it would be in your neighborhood, if it should happen to be in your neighborhood. From the map they sent, it looks like 275 area, 75 and Route 4. That's all I can see right on their map, but, I'm sure they'll be sending more detailed information as the years roll on and we get closer to 2020. Thank you.

Mr. Shroyer: I have a statement I'd like to read tonight for the record. "At the April 18, 2018 meeting of this Council, Mayor Webster made some very broad accusations that could have been directed toward any member of this Council regarding a confidentiality of an Executive Session that occurred on May 17, 2017. In response, let me first say that I personally have not provided any confidential information gained in an Executive Session of the Springdale City Council to anyone not present at that meeting. I further do not believe that anyone else has. However, I did have conversations prior to the Council meeting of May 17, 2017 with a number of people, including Mr. Higgins as well as other Council members, the Administration, and the Law Director. I discussed the fact that the Administration had been made aware of issues regarding the Residential Inspection Program, and had been aware of them for some time. My purpose and intent of those conversations was to ensure that I fully understood the issue prior to bringing them before Council. It would not have been a stretch for Mr. Higgins to assume what I was about to say in the open Council meeting before I was interrupted and asked to move the discussion to Executive Session. Again, a number of people were aware of my concerns. Neither would it be a stretch for him to assume what was discussed in that Executive Session as there was no more public discussion of the issue when Council returned to Open Session. In addition, I am certain that if asked, Mr. Higgins would confirm that his assumptions, statements, and actions were based on information he already had prior to the May 17, 2017 meeting. That being said, I want to express my disappointment with some of the events of the April 18<sup>th</sup> meeting of this Council. To recap, following the reading of Mr. Higgins letter addressed to Council, the Mayor made an assumption and accusation that someone on Council had breached the confidentiality of an Executive Session. He then asked that the President of Council release all further present at that Executive Session from, or all people present at that Executive Session from their confidentiality restriction and further requested that the President of Council form a committee with subpoena power to investigate his claim. You, Mr. President, without deliberation or forethought, immediately honored his request releasing all present from any confidentiality requirement. Other Council members immediately jumped on the bandwagon, even suggesting a motion to immediately form a headhunting committee to ferret out the culprit. This rush to judgement based solely on an inaccurate assumption was irresponsible, divisive, and unprofessional and clearly lacked a measured pragmatic decision process that I have come to expect from this Council. I do not believe the confidentiality of that Executive Session should have been released. If confidentiality of Executive Sessions is deemed to be appropriate, then I do not believe it should be rescinded without an overwhelmingly compelling reason or a court order. Neither existed in this case. Mayor Webster indicated that he is not comfortable entering Executive Sessions in the future. I not only share his discomfort, I will find it difficult to speak openly or to trust colleagues who are willing to accuse each other of violating their confidence in the law and initiate a witch hunt based solely on one person's assumption; which, in this case, was totally inaccurate. However, since some members of Council have indicated its desire to pursue the events surrounding that Executive Session, and by releasing the

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Mr. Shroyer (continued): confidentiality restriction, I believe it leaves open the possibility for, depending on individual conversations, multiple versions of what actually occurred at that meeting. Therefore, I am requesting that you, Mr. President, direct the City Law Director, or an independent third party, or a committee of this Council, to interview each person present at the Executive Session in question. Record and compile their responses and, as accurately as possible, re-create an accounting of what was said and by whom in an effort to produce a document that could be provided in lieu of an original accounting as a public record, should there be a public need for such an accounting." Thank you Mr. President.

Mayor Webster: Well, I'm not sure where to start except, I guess we all draw conclusions in what we read and see. I read Mr. Higgins' letter. I've read it a number of times. I can't help but draw the conclusion that someone in Executive Session leaked information to Mr. Higgins, but you're entitled to your opinion; I have mine. I do have a question for you Mr. Shroyer. If you had all this concern about this ordinance, why in the hell didn't you call me? Why didn't you come and see me? Why didn't you give me a phone call? Give me a heads up? I heard that you were concerned about it, through a third-party and that you were going to bring it up on the floor of Council. Okay, let's see if we can't talk about that in Executive Session. So, when you brought it up, I asked you, "Do you mind if we talk about this thing in Executive Session?" You said, "No, that's fine." So, that's what we did. A lot of this stuff, rather than try to make a big play or show on the floor of Council, that's not the way you get things done Dan. You work through committees, you work through the Council. If you'd have just picked up the phone or stopped by my office and said, "Mr. Webster, I have a problem with this ordinance. I think we need to take a look at it. I think we need to do this, this, this." Then, fine. I would be more than happy to talk to you about it. But, no, you choose to bring everything up on the floor of Council. That's not the way you get things done. Thank you.

Mr. Shroyer: I would have to disagree. I came to the building to talk to Mr. Parham about the issue. He was out of town. I spoke to Mrs. Zimmerlin. I told her what my concerns were, asked her if the Administration was aware of the issue. She didn't know whether the Administration was or wasn't. I said to her, "If the Administration is aware of the issue and they intend to take steps to address it, then I will wait for the Administration to address the issue. If not, I'm going to address the issue myself. I believe that it needs to be addressed." I received no response after that from anybody in the Administration which lead me to believe that the Administration had no intention of taking steps. I contacted the Administration. I'm not in the habit of going from person to person to person in the Administration to end up on your phone. I contacted the Administration. I asked if the Administration was going to address the issue. I got no response. I addressed the issue.

Mayor Webster: You've been in the office two and a half years Mr. Shroyer. My phone has rung one time from you. That was when you were hospitalized and I made an inquiry as to your condition and you called me back. Other than that, you've never called me about any business or anything else. Administration; there's a lot of people up here. You can say, "Yeah, I talked to this person, that person." Okay, then you talked to the Administration. I'm not privy to every conversation you have with everybody in this building. I think if you talk to all these people and you indicate that you talked to a lot of people about this, well, the one person you didn't talk to was Mayor Webster. You didn't talk to me about it. If you would've done that, I think this whole thing could have been headed off.

Mr. Shroyer: I guess we could debate that, but, I talked to Mr. Parham about a lot of issues that are on my mind and I trust that that is my contact with the Administration and that that information will go where it needs to go when I have a conversation with Mr. Parham. I don't sort out which conversations should be with him or with you or with Mrs. Zimmerlin. They're simply conversations with a representative from the Administration.

Mr. Parham: I do recall that I was out of town when Mr. Shroyer stopped and talked to Mrs. Zimmerlin. My understanding is that Mr. Shroyer, you indicated that you were going to bring it up at Council. So, at that point, I didn't think there was a need for me to contact you. There was no message for me to return a call to you or to get in contact with you, but, it was simply that you were going to bring it up on the floor.

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### Communications from the Audience

Mr. Cassedy: My name is William Cassedy; 507 Dimmick Avenue in Springdale and this is to follow up on a proposal that we made at the last City Council meeting for the insertion of speed humps on Dimmick Avenue as a permanent curtailment towards speeding. I won't drudge up what we brought up the last time, but to put forth a few extra points of fact. I've talked to several, but not all, of the individuals living on Dimmick Avenue. They're in favor of, with no opposition, to the placement of speed humps. That includes an EMT here in Springdale who lives on Dimmick Avenue. Second of all, one of the objections to the speed humps was the possibility of an increase in response time to emergency services. One of the things that I would point out is that, Dimmick Avenue is not the main thoroughfare for EMT runs into that area. It's a side street. Cloverdale is the direct line to all the streets within that area. Most EMT services, short of some sort of closure of Cloverdale, are not going to use Dimmick. So, it's only those runs on Dimmick itself that would be affected by the speed humps. As I said, I've talked informally to several of the neighbors and if Council wishes, I can get a formal petition up so you can see it, or take a chart of the land plots from the Hamilton County Land Administration and mark down who says, "Yes", who says, "No". Doesn't have to be that involved. Some of the other things that we heard from them was that speed humps are unpopular. Well I know for a fact that they're popular over on the western side of Cincinnati. They're popular in Washington D.C. where my brother in law lives and he was instrumental in having speed humps installed on his street for the very same purpose. It's not unheard of to have them installed. Emergency services in those areas seem to be able to work with that system without any type of major problem. Additionally, the cost is not that much additional; especially when you have a resurfacing project in line. So, you wouldn't have to make it anything more than a footnote in the existing contract. Any questions that you folks might have?

Mr. Hawkins: This is for Administration. Mr. Parham, I know not that much time has gone by from when this issue was brought up. Has there been an opportunity to speak with Chief Mathis regarding increased patrols or setting the speed detector up to see if there's any successful means at deterring the issues that the residents are facing there on Dimmick?

Mr. Parham: Mr. Hawkins, yes we have had discussions with not only the Police Chief, but other Department Directors as well. We have added more patrols on to Dimmick. They were on Dimmick April 23<sup>rd</sup>, April 25<sup>th</sup>, April 26<sup>th</sup>, April 27<sup>th</sup>, and April 28<sup>th</sup>. They issued one citation on April 28<sup>th</sup> for a stop sign violation as well as that individual was driving under suspension. In the last ten years, as running reports, we've had two reported auto accidents on Dimmick. One was on January 26, 2008; that was a non-injury single car accident. There was another accident on June 22, 2013 where a car backed out of a driveway and struck another car. That was also a non-injury accident. We are going to once again, look at putting the speed sign up. The last time that we put the speed sign up, it was about two years ago. The data revealed at that point in time, that the average volume of cars per day was 143. This was very little traffic. The low speed was five miles an hour. The high speed was 42 miles an hour and I think it's a speed limit of 25 miles an hour. The average speed was 18 and the 85<sup>th</sup> percentile speed was 21 miles an hour. That doesn't suggest that there's a speeding issue, but, others have different perspectives apparently. One car was clocked going between 41 and 45 miles an hour; 14 cars going 36 to 40 miles an hour; this was out of 3,878 cars over a 27 day period in which we collected the data.

Mr. Hawkins: And it will save for that long? Is that the time period that that sign will save information?

Mr. Parham: It will save information as long as the battery still is good. While it's out there, it continues to collect data. It has the ability to go in what we call, "stealth mode". We typically put it up, and in "stealth mode" it means it doesn't flash or anything else. It just simply is collecting the data. Once, after a period of time, we turn the light on so that individuals who may be exceeding the speed limit, it will begin to flash at that point in time.

Mr. Hawkins: Do we have just one or do we have multiple?

Mr. Parham: We have two.

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Mr. Hawkins: We have two of them. So, personally, I can't speak for anybody else, but, I'd be interested to see what that data tells us. It's been two years since it's been on that street and it'd be interesting to see what that information is with regard to how folks are travelling.

Mr. Cassedy: I agree; an informed observation is something to base a result on.

Mr. Hawkins: Sure. It's not to question the information that you're providing us. That's something that obviously you're not going to sit there all day long and watch cars going by. That device would give us that information so we have a much more complete view of that whole situation and the folks that are travelling on that street.

Mr. Cassedy: To your observation about sitting and watching; no, I can't. I'm retired. I found out I'm more busy now than when I was working. Mr. Parham, I did observe two cruisers at different times. Part on Dimmick and also on Rose Lane. They were parked about 150 feet from the stop sign in both locations. It would seem that that is a very visible detriment to speeding or stop sign running. Once they left, it's back to normal. Your sign would definitely prove that one way or the other.

Mr. Parham: I think it would. If there's a 24-hour day average number of vehicles is 143, as you've indicated, it's not a thoroughfare. There aren't that many cars travelling up and down Dimmick. In fact, I was out bicycling last night and I noticed in another jurisdiction they had one of the flashing, a much larger sign, but a flashing sign up. I do recall, as I looked beyond the sign, I did see a cruiser sitting there as well. Sometimes, in that particular instance, as the individuals would speed sort of around a corner, they may see the flashing light, but by that time, they've already been "shot" as well by the officer on the radar.

Mr. Cassedy: There is a side street, Forest Avenue, that runs off of Dimmick. The placement of a cruiser there would be ideal to determine, "Are there speeders?"

Mr. Parham: I think as we've indicated, let us allow the sign itself to click data.

Mr. Cassedy: Fair enough.

Mr. Parham: That will give us actual data that it sits out 24 hours a day.

Mr. Cassedy: Anyone else?

Mr. Shroyer: I think the question I guess, may be for Mr. Forbes. Forest Avenue, although never developed, I believe is still a public street or a public intersection. Would that allow the option of stop signs at that intersection in both directions on Dimmick?

Mr. Forbes: I can tell you that the placement of stop signs is governed by the Ohio Manual for Uniform Traffic Control Devices. In that manual, it indicates that before you can place a stop sign anywhere, you have to meet certain engineering requirements or you have to have a study and "warrants" is what they're called; whether it meets the "warrants" for a stop sign. Whether that side street is a public street doesn't really; that may play into any study on whether it meets the warrants, but, if you don't establish the warrants from the manual, then, even if you put a traffic sign there, it's technically not enforceable. It would require a study and I can tell you, in general, what they will tell you is that stop signs are not meant to be speed control devices.

Mr. Shroyer: Thank you.

Mr. Anderson: I think at the last session, there was some discussion by the Administration that some research was done some time ago about the efficacy of speed humps and speed bumps. I think that was going to be collected and passed along to some of us. I just wanted to make sure that that was still going to happen. I wasn't a part of Council that was reviewed, and after hearing from the residents, I would still like to review that when it's available.

Mr. Parham: Okay. I wasn't aware that we were collecting or distribute data. We can look at what we've collected over time. We've had a number of occasions where residents have come in and expressed concerns. The best thing I think that has happened for the community is that we've purchased this device and we began to put it out on the streets to measure. I know

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Mr. Parham (continued): Cameron was one of the ones in which a resident came forward and requested speed humps/speed bumps. Outside of the concerns that we have as for our operations, we also use that information to gather data just as I had articulated a minute ago. I'm not sure Mr. Cassidy. You made a statement about a comment as to it increases emergency traffic?

Mr. Cassidy: No. No.

Mr. Parham: Or was it to mean a decrease in emergency traffic?

Mr. Cassidy: Well, it doesn't decrease or increase as far as the speed humps. The intent is that Cloverdale is the main route for EMT's or any emergency service run into the area. They wouldn't take Dimmick to go to Smiley Avenue. It was just that Dimmick is a side street and, as a consequence, under normal circumstances, the EMT runs would only be for local residents on Dimmick Avenue itself.

Mr. Parham: Correct. So, the concern with the speed humps is one, not how we get there, but the fact that they're on Dimmick, it does slow the process; the reaction time; the response time of whether it's an ambulance, whether it's a fire engine, or a police cruiser. They too, have to stop and slow down. It slows the timing of them getting to where they need to get to the patient, as well as leaving the area to get to, in the case of a life squad, to get you the medical attention. That's a concern for us. The other concern for us that, and we've had this conversation with others who have experienced them, is snow removal and the blades as we're cleaning the roads, because, in a snow storm, you don't always remember where that is, that hump is and it damages the blade. So, those are concerns primarily that we have articulated over the years. Whether it's been the first time I've had a conversation about Dimmick, whether it's been about Cameron or any of the other streets. The slowing of, I think there was once we had a request up in Oxford or Beacon Hills and they requested, I think, that we put them on, maybe it was Glensprings, but again, it is slowing those vehicles of getting to the individuals.

Mr. Cassidy: Mr. Parham, I bring up two things. One is the easier of the two to address. I used to run a snowplow of the type that your City vehicles, the pickup trucks operate. Those devices are never set in a 90 degree to the street. They're always angled to push the snow off to the side.

Mr. Parham: Correct.

Mr. Cassidy: The tip of a snowplow hitting the speed hump is going to ride up over it and allow the remainder of the surface of that plow to rise up with it. It would only catch if there was a defect in the speed hump that that tip would happen to catch. It would have to be a rather significant missing piece of asphalt for that tip to catch. To the other portion of the increase in response time; you were not here at the last meeting.

Mr. Parham: Correct.

Mr. Cassidy: My wife was, who is sitting here, a year ago yesterday, fell down a complete flight of stairs, breaking the cervical and lumbar vertebrae and the squad was called. She is adamant in her desire to have these speed humps put in. She was first hand in knowing that this could delay, by a few seconds, the arrival and the transport too. So, if that individual is in favor of it, I think that speaks volumes.

Mr. Parham: I'm not sure I would agree with those volumes. I don't think that it would be in the best interest of the organization, in order to risk others. Your wife may not be concerned with it, but that doesn't mean others may not be concerned with the time of arrival in which the emergency service reaches them and to transport them for additional services. Relative to the blade, I yield to your experience of driving. I've never driven one. However, those, and we don't have them in the Community, but in the research and discussions that we've had with our Public Works Department and we've had conversations with other jurisdictions, the challenge they have is with the humps, or the bumps, whichever ones you want to have and the blades.

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Mr. Cassedy: Just the humps. The bumps would be almost a guarantee to catch blades and cause, and I know from first-hand experience, the hump is a very gradual rise, only three inches at maximum height in the hump itself. It rises gradually over a six foot span. As far as the opposition to them and I have mentioned the opposition or the situation of delay in emergency services and the people that I have talked to said, "I don't think it's that big a deal; it's a few seconds to get over that." Depending on where you start from, they're not going to be at speed by the time they reach the top of that road where they come around the curve and Dimmick meets up with ..

Mayor Webster: Greenlawn and Cloverdale.

Mr. Cassedy: Well, Dimmick rounds a curve and becomes another street. I don't know for sure what that is off of the top of my head. I don't think you're going to see a major, maybe five to ten second delay. The delays that those would cause? You could have other delays. Snow on the street, a ten second delay in the vehicle leaving the bay. It's not a perfect system.

Delays in response times are never identical under all circumstances, because circumstances vary.

Mr. Parham: I would agree, but it's not logical for me then to add in a known delay. The others that you talk about may be events that might occur. They don't always occur. You put the speed hump in the road, it's going to occur. The Fire Department vehicles are very large vehicles. For them to stop and then get started again, I don't think it's just simply that easy a process to get right back up to speed.

Mr. Cassedy: It's not. As I mentioned at the last Council meeting, I went and talked on the west side of town in the Boudinot and Harrison Avenue areas where these other streets have these things. I checked with the Fire Department that services that area. The gentleman there said, "Nah, we're not really a big fan of it", but he was in complete agreement that they are a deterrent to speeding. That's what we're looking for.

Mr. Parham: They are a deterrent to speeding, but I think what's going to help us based on the data we just shared, from two years ago, that doesn't describe a speeding issue to me. We'll put the sign back up and we'll measure it again.

Mr. Cassedy: Okay.

Mr. Parham: Okay.

Mr. Cassedy: Fair enough.

Mr. Parham: Alright.

Mr. Anderson: Not to drag this out further, I just wanted to address the one comment. I know Mr. Parham, you weren't at the last meeting as you indicated. The material I was referring to, Mayor Webster had indicated that there was "a substantial amount of research that was done on speed humps and speed bumps" and was going to make that available for this session. I'm not trying to point fingers at that. I just was relying on that. I'd like to see it is all. If you weren't aware, that's where it came from.

Mr. Parham: No, that's fine. I know he talked about it and Mrs. Zimmerlin talked about it that we would have the information, but what I didn't know is that we were supposed to distribute it.

Mr. Anderson: Okay. Thank you.

Mr. Cassedy: That's all I've got. Thank you.

President Vanover: Very good.

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### Ordinances and Resolutions

#### Ordinance No. 30-2018

#### APPROVING A MAJOR MODIFICATION TO THE PLANNED UNIT DEVELOPMENT AND PRELIMINARY DEVELOPMENT PLAN TO THE TRI-COUNTY MALL PLANNED UNIT DEVELOPMENT (PUD) (AUTOMOBILE STORAGE)

President Vanover: Council, you've heard the reading of Ordinance No. 30-2018. This is a first reading is there any discussion this evening?

Mr. Hawkins: I just wanted to make sure that in the, and I assume that it's there, in the staff comments, that it would indicate that there will be no sales of any of the vehicles that are stored there. I'm assuming it's there. I know we talked about it in Planning Commission, but I just wanted to make sure that that's clearly stated.

President Vanover: Any other discussion? This will be back before us in two weeks.

### Old Business

Mayor Webster: I'd like to go back to talk about the topic we talked about last time and Mr. Shroyer brought up about the possibility that information was leaked from Executive Session and also address the letter that Mr. Higgins wrote and I think there's been a lot of communications back and forth between the Law Director and various members of Council. A lot of this is under Attorney/Client privilege and I think for us to have an open, honest discussion, we need to get that off the table.

Mr. Hawkins: I guess I want to understand the issue of something being an attorney/client privilege.

Mayor Webster: I think there were three pieces or correspondence from Mr. Forbes to elected officials over the last two weeks here.

Mr. Hawkins: Right.

Mayor Webster: And all of them are labeled, "Client/Attorney Privilege".

Mr. Hawkins: Right and I understand that. I've seen all of those documents, but the Attorney/Client privilege is our privilege. That's meaning that he can't (referring to Mr. Forbes) say anything to anybody else, doesn't mean that if we, as representatives of the City, we can talk about whatever, if we're the client.

Mayor Webster: Okay, but I think the topic certainly has a bearing on the allegations that were made in this letter and I think that if we're going to talk about this, and we're going to talk about whether we want to investigate this further, I think we need to talk about that. I think that my understanding is that Council can relieve that Attorney/Client privilege.

Mr. Hawkins: Mr. Forbes can speak to this. My understanding though, when there's Attorney/Client privilege, if I have a client, that just means I can't talk about the situation or my client. My client can talk to whoever they want to about it. So, I don't think there's anything that has to be released. Mr. Forbes can correct me if I'm wrong in this instance. But, I don't think there's an issue.

Mr. Forbes: Sure. You're absolutely correct that the privilege; that Attorney/Client privilege runs to the client. What that means is I can't say anything about it, I can't waive that privilege. It's not my privilege to waive. So, I guess, two points I would make. One, is to the extent that there's going to be any discussion about it and you want me to participate in that discussion, for me to participate, I would need Council to waive that Attorney/Client privilege. But, to, perhaps, the bigger question; you're correct that the privilege runs to the client and the client has the authority to do that. In this case, I have the unique perspective of representing a body made up of a number of people in general. In fact, I was just at a meeting at the Bar Association today talking about Attorney/Client privilege with governmental clients. An individual member of the body doesn't have the authority to waive that Attorney/Client privilege because the privilege runs to the body, and that's my only point is that so to the

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Mr. Forbes (continued): extent that Council wishes to discuss any of this, it's your privilege and it's your privilege to waive, but I think the appropriate way to do it, given that it's a body of people, would be for that body to formally waive that privilege. You can do that by motion as simple as that.

Mr. Hawkins: So a motion by Council?

Mr. Forbes: Yes.

Mr. Anderson: I just want to be clear on how that motion would occur. We can describe the document or the request that went to the Law Director and make a motion to have it available for the public record and that's how we would make that motion? Because, when you describe the research, there's some amount of disclosure that happens.

Mr. Forbes: Yes. I think the way it could be described is that over the course of the last few days, three separate and distinct documents were provided to the Body by way of me, or by way of other folks, but through my office. You could reference those. If your intent is to waive the Attorney/Client Privilege for these three documents and the subject of those three documents, that, I think, would be an appropriate way to handle it.

Mr. Anderson: In that case, I would like to make a motion to waive Attorney/Client Privilege on a document that I requested be created related to an ordinance that was passed and referenced in a previous Council discussion.

President Vanover: Do I have a second?

Mr. Hawkins: Do you need more specificity on that?

Mr. Anderson: That was created by the Law Director's office over the past week and directed to me at my request.

Mr. Forbes: Well, that's one of the documents, and I know which one you're talking about. So, that's all I need.

Mr. Anderson: That's the only one I'm asking about right now.

Mr. Hawkins: I'll second that.

President Vanover: Mrs. McNear will you poll Council on waiving the Attorney/Client Privilege on the one

Mr. Anderson: The document that I requested before on the review on the ordinance. It's the only one I want to speak to right now.

Mr. Forbes: It was a legal opinion requested by Mr. Anderson. I provided it to Mr. Anderson. He then passed that on to the rest of the officials.

Mayor Webster: The title of the document is City of Springdale History and Legality of Rental Permits April 27, 2018.

President Vanover: Well, we have a motion and a second. So, do you have any further discussion on this? (No discussion). Mrs. McNear, will you poll Council. Council votes 7-0 to pass motion. Well, while we're still at that trough, is there a motion to, on the other two.

Mr. Anderson: I can hold if you want to cover those other two documents first. I just wanted to have a chance to speak to that document.

President Vanover: Well, before we go further, do we want to waive the Client/Attorney Privilege on the other two documents? If so, I need a motion. (No motions were made) Okay.

Mr. Anderson: I just wanted to speak to the document we just referenced. Last week, after hearing about some of the comments that came through Communications from the Audience in the last session, I wasn't a part of Council during those events, so I was hoping to

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Mr. Anderson (continued): get some background and legal perspective on some of the claims that were made specifically around the constitutionality of the ordinance that may have spurred some discussion inside and outside the Executive Session. I wasn't looking to adjudicate the Executive Session or how that was performed. I think that was being discussed in other venues, but I wanted to make sure that Springdale was covered from a legal standpoint for the ordinance that I understood was still on the books. So, trying to get some facts there, I'd asked Mr. Forbes for an opinion on that and I'd like to make that available for anyone that would want to request it. I don't have copies, but we can make them available on request and what it describes is the Law Offices' opinion as to the constitutionality claim that was asserted from one of the residents in the last session. Found the review to be substantive and very detailed and what it told me was that that claim did not, was not based on fact. That it was an opinion where there were some accusations that were made about the way that some people may have been trying to defend or protect themselves. Based on the legal review, I found it to be not a credible argument, and I wanted to make sure the residents of Springdale knew that from the Law Offices' perspective, the ordinance that we had on the books for the rental agreement was not and remains not in violation of current State constitutional issue. So, that's what I read from it. I passed that along to other elected officials and Administration. I did want to make sure that other people heard that. Just because somebody stands up and expresses an opinion, does not mean that we do not take a moment, as elected officials, to gather facts before we respond. I do want to speak at the same time about some of the claims that were going on earlier. Again, I was not part of Council at that time. I do share Mr. Shroyer's concern about proceeding with some sort of investigative body based off of an interpretation of a claim of Executive Privilege being waived. I can add that, publically, Mr. Higgins did contact me after the last session, which I did share with the Administration and elected officials that as a matter of public record, he denies having received any privileged information. I hope that we consider that as a group before we decide to take time, as an organization, and the City's time to investigate claims where there doesn't feel like there's a basis. Now, if there's other facts that haven't come forward that we need to find out, I agree we should. But, I think based off of the legal reading that I received, that we shared and can make available, there's not a constitutional concern now and that there's not been a claim of a breach of Executive Privilege. I'll stop there, but I did want to share that for this group and the others. The only other thing I would add is if we do decide to go forward with that investigation, I hope that we will take some time to think about who should do those investigations, especially since it can be very difficult to have a group investigate itself where there's clearly strong opinions and I wouldn't want us investigating ourselves to further fracture or damage the relationships that we need to have going forward. I just wanted to put that out there. I know I'm relatively new, but take that for what it's worth. I think that we work better together if we gather facts first and then go from there. Thank you.

Mrs. Emerson: Mr. Anderson, coming back to the email that you had sent to all of us about your conversation with Mr. Higgins, you also had mentioned, if I'm remembering this correctly, that he was going to come in and explain the letter that he wrote, because there's lots of confusion on how he stated some of these things. The other thing I wanted to make sure before I said this, that you had made some comment in that email that Mr. Higgins had said that he was unaware of any Executive Session leaks. Is that correct?

Mr. Anderson: That's correct. So, what I had shared was some portion of the content of the email that said that he had intended to come to tonight's session and clarify specifically that concern that was being raised that Executive Privilege was breached and it was his opinion that it was, to his knowledge, not, and that's not the claim he was asserting I believe and he could certainly clarify that if he wants or not, but the contents of that email is what I passed along and it was very clear that he did not believe that. Which again, gives me pause to do a kind of an investigation if the primary claimant is saying it didn't happen. I did review the minutes of the session before since I wasn't there and I don't think it's difficult, as Mr. Shroyer pointed out, to guess what was being discussed in that session and I think that's the only claim that was being made.

Mrs. Emerson: Okay, I'd just like to make one other comment. I think Mr. Higgins will agree with me. On November 7<sup>th</sup> when you and I were out there at the church for Election Day, I had talked to you. We were in discussion and you had made, and I had made comments to you about things you had shared with me that were discussed in Executive Session. That was long before any of this came up. That was November 7<sup>th</sup>. So, I just want

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Mrs. Emerson (continued): to throw that out there and I would appreciate it if you would come up here and explain this Letter of Communication that you wrote.

Mr. Higgins: No, just to confirm, I was not going to get up because I think Mr. Shroyer answered the question before I had to answer it. I had a conversation with him prior to the May 18<sup>th</sup> meeting, so I knew what he knew at that point in time. I read Judge Susan Dlott's opinion on the Portsmouth Rental Inspections. There was also some information about rental inspections in Mt. Healthy. That was the basis of where I came forward. I saw him start to bring it up. An Executive Session was called; I stuck around, I saw everybody when they came back. I know I made a comment to you (Mrs. Emerson) and to Mr. Hawkins that I was able to read his face when he came out. He was not happy about that. He neither confirmed nor told me anything about the Executive Session, what was said. He made a small comment about my playing poker with him or ability to read faces not being real hard. As far as what took place back there, I was not privileged to that. If there's any other specific question you have for me, I'd be happy to answer.

Mrs. Emerson: I'm not really clear on the part that's in your second paragraph of your letter; do you have it?

Mr. Higgins: I do not have it with me.

Mrs. Emerson: You've probably got it memorized. About the discipline of an elected official; the conduct related to the performance of the elected officials. What is that all about? Where is that coming from? I completely, you completely lost me in that whole paragraph.

Mr. Higgins: Okay. That's the ORC law. That mandates what Executive Sessions can be and cannot be about. That's the snippet...

Mrs. Emerson: So why did you even bring that up? That was not the reason we went to Executive Session. So why is that ...

Mr. Higgins. It was the discussion about an official's behavior or the knowledge that Administration knew or suspected that the Rental Inspections may not be occurring and decided not to take any action or leave them on the books as they were, which allowed inspectors every year into somebody's home whether or not they had a right to object. Now, I know the law was changed within a meeting or two after the May 18<sup>th</sup>....

Mrs. Emerson: But what does that have to do with disciplining an elected official? I'm not getting it? Am I missing this?

Mr. Higgins: That's, maybe Mr. Forbes can explain the ORC Code that I took that from.

Mrs. Emerson: I know what the code is, but we didn't call for session for that. We were talking about the permit. Correct? Or am I ...Why are we talking about disciplining an elected official?

Mr. Higgins: Because it seemed like Mr. Shroyer....

Mrs. Emerson: It seemed like?

Mr. Higgins: Mr. Shroyer was very unhappy with the fact that .....

Mrs. Emerson: It seemed like. Okay.

Mr. Higgins: With what I saw and the conversation that I had with Mr. Shroyer, he was unhappy that the Administration, I guess, I'll speak to this again ....

Mrs. Emerson: So you're assuming he was disciplined? Is that what you're assuming occurred?

Mr. Higgins: No, I'm assuming that the discussion was about the behavior of an elected official.

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Mrs. Emerson: That's what you said in here (points to letter). See, again, you're wrong again. Oh my gosh. How would you know that? The Executive Session was called about the ordinance on the rental permits and inspections. Where would you even come up that there's discipline being given?

Mr. Higgins: The discussion was not about pending or imminent legislation. There was no pending legislation and the City had not been notified about any imminent legislation.

Mrs. Emerson: Okay, I'm back to the discipline. I'm back to that. That's all I want to hear about. Why was this brought up? No one even brought up disciplining anybody. So, where did you get that from?

Mr. Higgins: Mr. Shroyer was unhappy that Administration knew that the legislation ....

Mrs. Emerson: What does that have to do with us disciplining somebody.

Mr. Higgins: I'm sorry, you asked me a question, I'll try to answer it.

Mrs. Emerson: I'm sorry, I'm sorry. Go ahead.

Mr. Higgins: Mr. Shroyer had informed me that he became aware that Administration knew that our rental inspections did not meet code and he was unhappy about and wanted to speak to Administration on it and that he was going to bring it up at the Council meeting.

Mrs. Emerson: So, you're assuming he was disciplined or somebody ....

Mr. Higgins: I didn't say that there was discipline, there was a

Mrs. Emerson: But, you wrote it right here (points to letter).

Mr. Higgins: That Executive Session ...

Mrs. Emerson: It wasn't called.

Mr. Higgins: It's no longer privileged, so if anybody in Council wants to disclose what was; I don't know. Nobody has told me what was actually said, but, my statement there is that you may not hold it for that reason. If you want to tell me

Mrs. Emerson: We weren't.

Mr. Higgins: That that wasn't the reason.

Mrs. Emerson: We weren't

Mr. Higgins: Well why was it held? Because it obviously wasn't held for pending litigation and again, it's under privilege and I have not spoken to any of the members up here. I have spoken to Mr. Hawkins since that, on two occasions since the last meeting, but to this point in time, you still have not really provided any full disclosure of what was going on. I was understanding the Mayor asked that there be the minutes or the records released by Mr. Forbes when he gave his speech. Again, I have not seen anything on what was ....

Mrs. Emerson: It's just funny that you drew that conclusion and it wasn't called for any discipline of any elected official. That's like picking off any of these Executive Sessions. Well, maybe they went in there for collective bargaining, maybe they went in there for sale of property and you just happened to just put it in your paperwork.

Mr. Higgins: Now, I have sat in these chambers on many occasions and, you know, I'm pretty astute. You can tell what the Executive Sessions are for. There's one called for Economic Development and at the next meeting, there is an ordinance passed granting some financial relief to a business that's going to attract 250 new jobs to Springdale. Nobody has told me what was talked about in Executive Session, but, I'm pretty sure that they reviewed whatever ....

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Mrs. Emerson: Mr. Higgins, that has nothing to do with the discipline. I mean, you are like way off.

President Vanover: Well, I know I've got a Christmas Tree of lights up here, but we're at a point if Mr. Forbes is going to be able to make a statement, we need to remove the Attorney/Client Privilege because one of those three communications that we received this week dealt specifically with that. So, if we want to involve him, then we need to release the handicap.

Mr. Anderson: Just as a point of order, do we need Mr. Higgins? He was brought up to answer a specific question that was asked. Do we need Mr. Higgins up here for this?

Mrs. Emerson: Yes. I've got lots of questions.

Mr. Anderson: Okay. It's just a question, because I don't want this to be an interrogation or a debate. Right? We need a plan of action to move forward? Is what I'm asking for.

President Vanover: Well, and that's ...

Mr. Anderson: Not to cut off debate, but I just want to make sure we're not ...

President Vanover: But, I'm saying if we want to have Mr. Forbes input on the Executive Session, then he needs to be released from the Attorney/Client Privilege because, as I had stated before, that's one of the three communications that we'd received. So, do we have a motion to release Mr. Forbes from the Attorney/Client Privilege on, well, do we want to go that specific one?

Mr. Hawkins: Are you speaking to the Executive Sessions Summary?

President Vanover: Yes.

Mr. Hawkins: That Mr. Forbes did?

President Vanover: Yes.

Mr. Hawkins: I'll make a motion to relieve Mr. Forbes from his Attorney/Client Privilege with regard to the Executive Session Summary from May 17, 2017.

Mrs. Emerson: Second.

President Vanover: Any further discussion at this point?

Mr. Anderson: Thank you. Just want to clarify. Are there boundaries for the discussion that we are having right now? I feel like we've moved from my original topic. I just wanted to make sure that it was closed out. That we're comfortable with the idea that the portion of the letter, the law, and that finding from Mr. Forbes we don't need to discuss that any further. It's available for the residents. But if anyone is concerned about the constitutionality at the time to the present do we believe we have always been within the law? Have we closed out that part of the debate before we move to the other sections?

President Vanover: We have closed that out.

Mr. Anderson: Thank you. I just want to make sure that we closed that.

President Vanover: Any other discussion. I've got a motion and a second.

Mr. Shroyer: Well, to return to reference the letter that I read, Mr. Forbes' summary of what occurred in that Executive Session is one opinion. I would be opposed to Mr. Forbes opinion becoming the official record of what occurred in that Executive Session. If that's where we're headed.

Mr. Hawkins: Having made the motion, I am not, I think Mr. Shroyer makes an excellent point. I am not endorsing that the summary that Mr. Forbes made. Mr. Forbes is all inherently all-inclusive or that there may not be some other opinions as to what took place and

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Mr. Hawkins (continued): transpired. So, I agree with Mr. Shroyer 100% on that. However many number of people were in the room; you probably have that many different perspectives as far and recollections as to what took place and if we were a jury, we'd put them all together to try to figure out where the facts were. I guess the question becomes the release of confidentiality to allow Mr. Forbes to have a discussion or to enter the discussion would be about allowing him to be able to comment on that, but I'm not endorsing the idea that that is inherently the all-inclusive content of that discussion.

President Vanover: And nobody has stated that.

Mr. Hawkins: That's not what the motion is endorsing.

President Vanover: Okay. Alright. Any further discussion on this? (None) Mrs. McNear will you poll Council. The motion carries 5-2 (Anderson, Shroyer opposing)

Mrs. McNear: When one puts their name on a ballot, you open yourself and your family up to scrutiny by the public and the public can say anything they want; whether it's true or not. We all up here have experienced that. There are people here who have been elected officials or have been on the ballot who have experienced it as well. We get letters all the time. People will complain. We had one recently, probably in the last six to eight weeks that I read just as I read all of them. I don't call the person who is involved in it because, hey, you know, you signed up for it and you signed your family up for it. In the case with this letter, or the email that I received from Mr. Higgins and I was really taken aback by it and I re-read it again. I'm like, "Okay, am I really understanding; am I interpreting this correctly?" So, I stepped away from it for a little bit and I read it again. I'm like, "I have some real concerns about this." The concern was, "Oh my goodness, it sounds to me like there's a breach from Executive Session." So, I thought about it, a little bit longer and, because of that concern and not because it was related to Mayor Webster, I called the Mayor and I said, "I have some real concerns about this that we need to look into." Also, Mr. Higgins had also copied a lot of the news stations and the newspaper and things of that nature and I wanted to make sure that we had all of our information available. So, I just wanted to make sure that I cleared everything up for the record as to why I had contacted the Mayor in advance and my concern was because I had potential concerns of a breach based on what your email had indicated. Thank you.

Mayor Webster: Well, thank you Mrs. McNear. I'm glad to see more than just the Mayor thought it was a breach of Executive Session when they read that letter. So, at least that's two of us that came away with that impression. First off, I'd like to commend Mr. Forbes for his response to Mr. Anderson. I think that gives everybody that's read that a very vivid description of exactly how we arrived at where we were on May 17 when we went into that room. I guess at this point, I have a question for Council. Is there anybody here on Council that still thinks that that ordinance on the books, on that date, was unconstitutional? Anybody think it's unconstitutional?

Mr. Hawkins: Yes, I personally think there's still an issue.

Mayor Webster: Is it unconstitutional Lawrence? Just unconstitutional?

Mr. Hawkins: I think there's a constitutional issue there. I do. I honestly do. Here's the thing. I will concede that the cases and the major difference that we have in our ordinance, and Mr. Forbes pointed out was the Portsmouth ordinance, the ordinance that came from the City of Oakwood, became after and cited Judge Dlott, is with regard to, say that there's going to be a criminal punishment if someone does not allow them in. I would concede that point. But, the other issue is with regard to the constitutionality of the Fourth Amendment in terms of someone coming into someone else's property and so when you look at a case that comes after the case that Judge Dlott ruled on, and they cite Judge Dlott, they're citing and their primary thing is they're talking about the alleged Portsmouth code violated Fourth Amendment rights by mandating warrantless inspections of the properties without probable cause and violated their rights under the Fifth and Fourteenth Amendments because it required them to forfeit the Fourth Amendment rights in order to rent out their properties. That becomes the issue of folks being in a position where they would have to let somebody in goes on to state after surveying the relevant case law, Jude Dlott concluded that "unless a recognized exception to the warrant requirement applies, the code's failure to include a warrant provision

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Mr. Hawkins (continued): violates the Fourth Amendment". So that was my concern. I understand maybe I'm being too concerned about the constitutionality of it. I'm going to that next step. I understand that the issue of it not being connected to a minor misdemeanor I think in that other case did not apply to ours. Still, I think there's a question there. Council passed an ordinance a few years ago on that hotel registrar where it allowed the Police to go in, look at a registrar if they want to without a warrant and then be able to see who's in what room. Council voted that, I think, 6-1. I didn't vote for it because I thought there was a constitutional issue there. Is that a huge thing? Maybe not. Eventually, out in California I think it was. Some court said, "Hey, this is an issue". So, for me, I think there still is an issue with it. I preface it with this; the fact that literally almost a year ago we're dealing with this after we just dealt with it, is disappointing and unfortunate because we could be doing some other things with it. But, we dealt with and fixed this issue. Here's the thing, when we talk about the constitutionality of it, with regard with what Mr. Forbes paperwork indicates, he indicates that when Judge Dlott did what she did in late 2015, and then he notified Administration of that situation. I'm looking at it going, we can't just say there's no issue. Because if there's no issue, there's no reason for Mr. Forbes to notify Administration. There's some issue and so, as he couched it, it's to address the defensibility and to talk about if there's ways to possibly improve the ordinance and that's what he put in his memorandum. That tells you that there's a trigger, that there's a potential issue there. My thing was, and when I look at it and I look at that issue of we are putting a resident in a position where they have to let a state entity i.e. the City of Springdale into their home, in order to be able to rent that home, that concerns me with regard to the Fourth Amendment. That was, I think, a legitimate constitutional issue. Now, I can differ on opinion, Mr. Forbes can differ in opinion and you can have a couple of different federal judges differ in opinion on that, but, I think that's an issue and I'm looking at caseloads come after that subsequent that question that issue, and we fixed it. We fixed it and that's the main thing. It's fixed. The concern was, that I had, was that the Administration unilaterally made a decision. I would've though it would've been appropriate when the Law Director, because there's no way for everybody to know what's going on, there's no way for everybody to know every law that changes around the State, much less the country. So, my thing was, it came to the Administration, the Administration unilaterally made a decision, Council was not involved. If that law and that rental program was so great, then and I will say, there are things that the City gets with having that, that we don't get with our current one. That one allows us to get in and see if there's zoning issues. That's a legitimate thing. If I could have my way, I'd love to be able to do that, but I think you compromise people's Fourth Amendment rights in that process. So, the other part, that, I think, is telling, is when we have, after that issue being raised, and after there being discussion, and after Mr. Forbes' input, it was voted unanimously to change it. We had to give up some things when we changed it. We gave up some things that are very helpful for the City to be able to check and make sure things are up to code. We gave those things up, in my opinion, to protect people's constitutional rights. You may say we're being overprotective. I don't think we are. We can differ in opinion on that and judges can differ in opinion on that. I think that's, to me, I know Mr. Anderson had said, "I think it looks like the ordinance was fine from the beginning, looks like it's fine now." I don't fully agree with that and we can agree to disagree, but, the reality was, when it was brought to Council, Council changed it. Council changed it unanimously. The unfortunate thing is we're re-hashing something from a year ago that we have fixed. It's fixed. It's fixed, but, I would not, maybe I'm one of seven who would sit up here and say it. I do think there was still an issue there of constitutionality. My opinion.

Mayor Webster: Okay. I don't think, and any of the opinions that have been issued here by Mr. Forbes, at no time does he say that the ordinance that we had on the books was perfect. I think the Portsmouth decision pointed out some things that we need to go back and re-emphasize, but we also, quoting Mr. Forbes, we had some fail-safe mechanism there that did not make our ordinance unconstitutional and that's really what we're talking about here. Yes, we shouldn't be sitting here a year later talking about it, because we did fix some things in it. We made it better. We made it stronger, but the reason we're sitting here talking about it is because a resident here, Mr. Higgins, has made some pretty serious allegations about me doing some unlawful things to the residents of this City. Even to the point of taking these unlawful acts back to the Executive Session for whatever reason, I don't know. I tried to cover up my illegal activity. Whatever the hell that means. That I tried to cover up my illegal activity by asking Mr. Shroyer if we could talk about this in Executive Session. So, in your opinion, it's unconstitutional; in the legal opinion that I have to listen to, which Mr. Forbes said it was constitutionally sound and he makes that comment in multiple locations in this three page memo that he gave Mr. Anderson on the 27<sup>th</sup> of April. He re-affirms that. I totally object to

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Mayor Webster (continued): the language and the characterization that that ordinance or that program's unconstitutional. So, anyway, I see one hand go up that thinks it's unconstitutional. Okay, I have a question for you. (referring to Mr. Higgins) Mrs. Emerson tried to get this answer out of you. I think you danced around it, Mr. Higgins. You quote this out of nowhere. It has no context except out of the blue you state "ORC 121.22 State's acceptance otherwise provided by law, no public body shall hold an Executive Session for the discipline of an elected official for conduct related to the performance of the elected official's duties or the elected official's removal from office." Now, what are you talking about? I can't imagine that you concocted this statement because you looked at the face of Mr. Shroyer or Mr. Hawkins and they were all upset, so they must have been disciplined. Could you answer that for me then?

Mr. Higgins: Yes sir. Obviously, one of the things that I was looking for here was to state that the ORC and the Sunshine Laws limit and restrict the topics that can be discussed in an Executive Session.

Mayor Webster: We know that.

Mr. Higgins: There are certain things that are not specifically spelled out in the law that cannot be talked about in Executive Session. We already know that, from the City's answer to the initial complaint that I filed, that they readily admitted that the Executive Session was not legal. It was an illegal Executive Session. That's spelled out in the very first answer that the City provided was that they agree with the allegations in that line that it was not a valid Executive Session.

Mayor Webster: I'd like Mr. Forbes to address that, but go ahead.

Mr. Higgins: So, that brings me back to the point that Mr. Shroyer wanted to talk to the Administration and the elected officials about the ordinance and it was immediately rushed back into an Executive Session. Not for pending or imminent litigation, but, obviously, for, what Mr. Shroyer had told me about, he became aware that the Administration was aware of the change, but it had never been brought to Council. I think the fact that, if the Administration was aware that it had changed and it wasn't brought back to Council in a timely manner, that's what he was concerned about. Obviously the group sitting to my immediate right is a group that I believe he referenced to me prior to the meeting as having knowledge. Now, I don't know if Mrs. Zimmerlin, Mr. Parham, or you yourself sir had that knowledge, I believe I caught prior to that that maybe you found out from Mr. Forbes that he had had knowledge of it or discussed it with somebody. Again, I'm trying to remember conversation from over a year ago. I remember the gist of it, but I don't remember the specifics; and, once again, you and I have not spoken about this topic in a year's time. In the summer, I sought legal counsel and began the investigation that was eventually filed in the fall. So, throughout the summer, I was having conversations with them. They were reviewing the minutes, they were reviewing the old ordinance and he kind of came to the same conclusion that Mr. Hawkins did. I understand you have different legal opinions here. One thinking that the constitutionality of it probably is pretty much in question. One obviously defending the City. He's paid for the defense of the City and says, "No, I think we're on good ground". My attorney gave the same thing and said, "No, this, as it looks, if they're going in, is an unconstitutional inspection". Again, that would have to be ferreted out, but that's not here. If I'm under the impression that it's an unconstitutional inspection and the Administration had some knowledge of it and obviously immediately went back and didn't want a discussion in an open session, I have an issue, because we have Sunshine Laws on the books that specifically state what needs to be discussed in the open and what the Executive Session and privileges are for. If you are using Executive Sessions and I strongly, personally, believe this is not the only time, I think within the last six, eight months, it was done again. That, and if you'd like me to explain, I'd be more than happy to, that the Executive Sessions are being misused and the Sunshine Laws are being violated.

Mayor Webster: Your inference in this letter is that we call the Executive Session for the discipline of an elected official.

Mr. Higgins: It was my impression, that is was for a conversation about the failure of Administration to notify Council of Judge Susan Dlott's rendering of the Portsmouth ordinance,

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Mr. Higgins (continued): again based on my conversations all prior. I do not know specifically what was discussed back there.

Mayor Webster: Well, the inference in this letter is that we called it to discipline an elected official. I'll be more than happy to elaborate on some of the things that happened back there if you want to get that on the record, but, I guess, having listened to what we say here, what has transpired here today. We've got six out of the seven Council people that say that, as far as they're concerned, that ordinance was constitutional on May 17<sup>th</sup>. We've got the one attorney that disagrees, but the other six seem to agree with that. So, you've got, as far as I'm concerned, a bunch of lies in this; now in "Washington speak", that say "you lack a little candor", but in Springdale speak, it's a lie. You've got nothing but lies in this thing and you're telling me you're going to take this, before the residents of this community and say, "Here, sign this ordinance, let's get rid of the Mayor because of his illegal activities". That's your allegation.

Mr. Higgins: You called an illegal Executive Session.

Mayor Webster: I called or asked Mr. Shroyer if he'd mind if we talked about it in Executive Session. This body voted to go into Executive Session based on that.

Mr. Higgins: And it appeared that the members were well scripted to call for the Executive Session. It seemed like you knew ahead of time he was going to ask for it to be discussed because you stood up.

Mrs. Emerson: Seriously? Come on.

Mayor Webster: So everybody's well scripted...

Mr. Higgins: And requested... No, I don't know how much it was discussed in advance, but if ....

Mayor Webster: You know all this stuff that we go in and out of Executive Session and why we do it. How do you get all of this knowledge?

Mr. Higgins: Mr. Mayor, I'd be more than happy to answer that question.

Mayor Webster: Well, I'm not sure which question you're going to answer,

Mr. Higgins: You just asked me how I ...

Mayor Webster: But I hope it's better than the discipline one.

Mr. Higgins: Okay. For example, an Executive Session is called for the disposition of property. You go back and I assume, review some lists.

Mayor Webster: You assume.

Mr. Higgins: Because, at the next meeting, you come out and you pass an ordinance to dispose of a list of property from the Fire Department, the Police Department, and it's reviewed and the items are dismissed. Now, (I'm) not real smart, but I kind of think that's probably what was discussed back there. Now, the best example I can give you is when it comes to the end of what I alluded to earlier, there was an ordinance passed for the financing of the hotel; for the first time for \$2.6 million dollars, we had a guest speaker come in here; she spoke about the language, went over the different types of loans that they were. That this bond was a little bit different because it didn't allow them access directly to the tax dollars and we were going to pay a little bit more for it and it was discussed for a good 30 minutes. Now, a year later, the ordinance came out to renew that bond. Again, it was discussed for a good twenty minutes on record. They asked what the finance charges would be and everything else. At the end of that year renewal, an Executive Session was called for the disposition of property. I believe this was at the second meeting of October. That next meeting, there wasn't any ordinance to dispose of any property, but there was an ordinance to renew \$1.3 million dollars of the loan. It passed 7-0 with no discussion. Now, what makes me wonder out there is, you've passed this twice for \$2.6 million dollars and everybody wanted to talk about it for 30 minutes. It comes back and you pass it for \$1.3 and nobody asks. Are we paying off the other \$1.3? What is the savings of this,

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Mr. Higgins (continued): what's going on? I would argue with the five members of Council sitting up here. Somebody tell me that that was not discussed in the Executive Session for Property Disposition.

President Vanover: That Executive Session is still under wraps.

Mr. Higgins: I'm not asking you to disclose what was. I'm asking you to disclose what was not.

President Vanover: Mr. Forbes ...

Mr. Forbes: You can't do that.

Mr. Higgins: So again, I would ....

Mr. Forbes: What happens in Executive Session is confidential.

Mr. Higgins: But that's just ...

Mr. Forbes: They can't tell you what happened, what didn't happen. Because what happens in there is confidential.

Mr. Higgins: Right, but because if you're sitting out here and you see it pass twice and all the discussion about it and then it passes on a third time for half the amount and not a single person is going to ask a question, especially when it's half the amount? I sat out there wondering, "Why is it only \$1.3 million now? Did we sell half the property off?"

Mrs. Emerson: Mr. Higgins, on your comment about Mr. Forbes down there. Yes, he is an attorney and yes, he does represent the City, but he also has an ethical code to follow, just as you had mentioned in your thing. So, I would imagine he's following that. End of discussion on that. I just want to read a couple of things because this has really been bothering me and to just kind of pair off what Mr. Hawkins has said. I'd like to take some time tonight to discuss the ongoing fiasco that has taken everyone's focus off our jobs here on City Council. First Mr. Higgins, as you stated in your letter of communication that I do have a Nurse's ethical code to follow and I also have one here on Council. As a matter of fact, I took that oath three times now, and each time I promised under oath to uphold the Springdale Charter, the State of Ohio Laws and the United States Constitution to the best of my ability, so help me God. Let me repeat that. To the best of my ability, so help me God. I believe that everybody up here; past and present, has made that attempt to do that. It doesn't state to be perfect, it never states that you can't make a mistake or change your opinion. I have served on Council to the best of my ability and I will continue to do so. If I have misstated something or ignored the Sunshine Law as you stated to me on Election Day on November 7<sup>th</sup> last year, it wasn't out of purposeful intent, nor any other desire. It's called a mistake or a misunderstanding. I believe everyone on this dais tonight has made some form of mistake while serving our City or misinterpreted in some way, something that was said. It's called being human. Yes, Mr. Higgins, you won the city lawsuit. As you claimed in your letter of communication, call it a win, okay, we can call it a win if that makes you feel good, but maybe, just maybe the City Administration and the City Council here felt it more important to settle out of court and be conscious of the large amount of money that would be spent with lawyers and court costs fighting you on it and felt it was in the City's best interest to settle this way. That is why we're up here to serve. Hmm, maybe, just maybe it wasn't such a big win. Sometimes in life you don't always have to get the trophy to win the game. Mr. Higgins, have you ever made a mistake, misquoted somebody or misinterpreted something someone said? That's a question.

Mr. Higgins: I'm sure I do not have a photographic memory and I'm sure I have misquoted or misinterpreted somebody at some time.

Mrs. Emerson: I can help you with that answer. Yes. You have misstated things many times. Let me remind you of just a few. You stated to the City residents in your literature that you passed out on your campaign trail that I voted to bring the needle exchange to Springfield Pike and Northland Boulevard. That is not at all true. The needle exchange was never

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Mrs. Emerson (continued): discussed to be placed there. Actually, it was placed further down on Northland Boulevard where the Spinning Fork restaurant used to be.

Mr. Higgins: Which was within one block.

Mrs. Emerson: I don't care. We're talking technicality.

Mr. Higgins: I don't think people know.

Mrs. Emerson: You want to talk technicality, let's talk it.

Mr. Higgins: Well, I think that that is an accurate description in the City...

Mrs. Emerson: I'm not finished. I'm not finished. You also stated it was 500 yards from elementary school. Wrong again. Maybe if you travelled as the crow flies. Your refund from SYB that you claimed was withheld from you wrongly was totally found false and inaccurate. When the City looked into the timeline of events, you clearly did not fall into the guidelines of a refund, but, you came up here publically, made inaccurate statements about the Community Center and SYB. I'm not here to fight with you or argue. I'm trying to show you that you also are not perfect. You have flaws. But, because you're not in the spotlight up here and being placed under magnifying glass, your mistakes and misquotes go unnoticed. Because, frankly, no one really cares. Mr. Higgins, if we study something enough, we can find mistakes in anything, including your own. It's how we handle them that's the important matter here. I have to ask you this question. Would you have sued the City if you won the election in 2017?

Mr. Higgins: My name would not have been on it as the realtor, but yes, the lawsuit would have proceeded as I stated earlier before, that lawsuit was started in the summer and I didn't agree to run until very late. We had already put the things in motion to get that resolved. Having an openness of Council and having the things that are required to be discussed in open session is a chief point that I made and I stand by it.

Mrs. Emerson: Okay.

Mr. Higgins: There are laws on the books for openness and the open meetings act...

Mrs. Emerson: Mr. Higgins.

Mr. Higgins: and I think that the City should follow them.

Mrs. Emerson: I'm glad you didn't get elected then at that point. Because, if you're here as an elected official, I would hope you'd work with the body. You don't sue them. You probably would have discussed this issue with City Administration and we would have resolved it. Why would you sue the City you so badly wanted to serve in that you ran in the election twice? I'm so tired of the games. I wanted to be on City Council to serve our community and work with our residents. You're making this very difficult to accomplish by anyone up here. These silly accusations finger pointing and spent as much time supporting our City and serving our City as you claim you wanted to when you ran for the election, twice, just maybe, just maybe, you'd find out that the City of Springdale is awesome and has always been awesome; long before you got here and long after you leave. I'd like you to go home and take a long look at yourself and think about what you're trying to accomplish up here, because, frankly, all that I see you're trying to is stir a pot and cause havoc here in the City. If you have issues, then let's talk about the issues. Let's be honest all the time and not just at your convenience. I love this City that I serve and I would like to focus on that job. Is that so much to ask?

(Mr. Shroyer left the City Council Meeting at 8:40 p.m.)

Mr. Higgins: Thank you. The first part of that, and you had many and I'd love to have a copy of that. (Referring to Mrs. Emerson's written statement)

Mrs. Emerson: You can.

Mr. Higgins: The allegation to what I do to serve my City. I'm the Treasurer of the PTA; putting on numerous different events for the parents, the students and staff. We've got

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Mr. Higgins (continued): Teacher's Appreciation Week coming up next week. I can give you the list of things I'm doing. I am working with the Boy Scouts, I am the Assistant Scout Master for Troop 417. We're doing an awful lot with our mulch fundraiser now. I am also continuing to work with our Cub Scout Pack, especially after the leader this year committed suicide.

President Vanover: Yeah, this is ....

Mr. Anderson: I don't mean to be rude and I understand that you want to respond, but I think we're off topic. I just want to make sure, as a point of order, that we are on topic. I'm not asking you to stop. I'm not asking to end discussion. As a point of order, are we on topic?

President Vanover: Mrs. Emerson are you finished?

Mrs. Emerson: I'm finished.

President Vanover: Okay.

Mayor Webster: I'd like to get back to your letter once again, which, is what got us here. We would be doing what Mrs. Emerson suggested we were elected to do had it not been for this letter. Like I said, this is full of salacious lies. I'm not making a threat to you, because you've got a right to do what you want to do. You've got a right to circulate a petition to recall me. I respect that right. So, it's not a threat; this is a promise Mr. Higgins. Five days and you're aware of the process, I'm sure, because you've threatened other elected officials with it before, so, five days after you get your signatures together, and you get them certified, the Board of Elections sends me a notice. I have five days to step down from this position or to say, "No, put my name on the ballot". What do you think I'm going to do Mr. Higgins? You know me well enough to know I sure as heck am not going to step down. I'm going to fight it. Every door, every resident in this City is going to see your pack of lies with your signature on it. Every resident in this City is also going to be given my opinion as to who the leaker or leakers that were sitting in that room back on May 15<sup>th</sup>. So, go for it. I'm ready. File your petition.

Mr. Higgins: Then, your contention is, when I say that the Executive Session was illegal to discuss it, I guess I wonder what the legality of it is. Because, if you're telling me it's wrong, and it's a pack of lies, and I'm accusing you of holding an illegal Executive Session, and the City affirmed it.

President Vanover: No, that's not true.

Mr. Anderson: Sorry, can we get that answered. I think that's come up a couple of times, Mr. President. Sorry to interrupt. That's come up a couple of times as a point of fact. Can we clarify the item that claimed that as a part of our agreed entry, we affirmed that that session was non-conformant.

Mr. Forbes: I can tell you exactly what happened. A complaint was filed. In that complaint, there was an allegation related to that Executive Session. It said that there was no imminent litigation in place when we called that Executive Session. The City, filed an answer to that complaint. A 100% honest, truthful, accurate answer and that is correct. Upon review of the situation, the City's answer stated that there was no imminent litigation at that time. Now, that's all that happened. A complaint was filed, an answer was submitted. The case was actually resolved by an agreed entry prior to any judicial finding, any judicial entry, any judicial determination of the legality or illegality of that. I know I'm going to sound like a lawyer when I say that, that we're cutting it pretty thin here. What I'm telling you is, there was an allegation, there was an admission made by the City, there was absolutely no legal judicial determination as to that specific Executive Session and now, the case is over, pursuant to that agreed entry. That's all I can tell you on that.

Mr. Anderson: Thank you.

Mr. Hawkins: Mr. Forbes, with regard to the summary that you put together, it's fair to say that was, with the best of your recollection, trying to put together everything that you recall that was discussed, is that fair?

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Mr. Forbes: Yeah, in fact, in the correspondence when I provided that to Council, and the rest of the body, I indicated very clearly in that that was not meant to be a “word for word” verbatim. We’re sort of spoiled here in the sense that when you look at your meeting minutes, they are the most detailed meeting minutes I’ve ever seen from any municipality. That’s because it’s being recorded, you can go back and review a videotape to get, essentially, a word for word verbatim almost transcript. That was not my intention as has been indicated here, this was almost a year ago. My only intention in providing that summary was to give you a general summary of what was discussed in there to the best of my recollection. I did not even attempt to include every single thing that every single person said because I just can’t.

Mr. Hawkins: It’s fair to say that anything that was a major topic of discussion, you included in the summary?

Mr. Forbes: That was my intent, yes.

Mr. Hawkins: With regard to that summary, there wasn’t anything where there was talk about elected officials being disciplined?

Mr. Forbes: No. Not in the summary and not to my recollection.

Mr. Hawkins: So, I know there’s been a lot of discussion about this part of Mr. Higgins’ letter, but there’s nothing that you recall where there was discussion about that in Executive Session?

Mr. Forbes: Correct.

Mr. Hawkins: Thank you.

Mrs. Emerson: Mr. Hawkins, I just want to say that there’s a lot of different opinions on whether you’re being disciplined or not, so there’s maybe comments that are made that people take as being criticized or disciplined. So, I mean, I don’t exactly know where you’re coming from.

Mr. Hawkins: I just ...

Mrs. Emerson: We did not call that to discipline somebody. Is that what you’re saying?

Mr. Hawkins: Right. I feel like there’s some information that folks may have that I don’t have. We’re talking about investigation, we’re talking about the topic of Executive Session. Anybody who was at the meeting, reads the minutes, sees the meeting; it’s clear you have Mr. Shroyer say, “I want to make Council aware of a possible issue with our residential leasing or renting permit program” and Mayor Webster says, “Mr. Shroyer, excuse me, could we talk about that in Executive Session?”. Mr. Shroyer says, “Certainly” and then we go through and we vote and we go to Executive Session. There’s no more discussion about it. So, I’m losing where ...

Mrs. Emerson: But, in Mr. Forbes’ summary of this, he’s clearly not saying anybody was disciplined back there.

Mr. Hawkins: Right.

Mrs. Emerson: But, what I’m saying, is maybe somebody felt that way. Mr. Forbes didn’t see it that way, you didn’t see it that way, but maybe somebody else back there felt that way.

Mr. Hawkins: Gotcha.

Mrs. Emerson: I’m just throwing that out there.

Mr. Hawkins: Along the lines of Mr. Anderson, heard a lot of comments tonight with regard to where we go from here. My mindset is that if there’s talk about doing an investigation, I hope that there’s something that we’re basing that off of because it can’t be the topic, because the topic was obvious. So, then, we go into, and this is all about what Mr. Higgins has in his letter. So, then, we go into, and if Mr. Higgins says Mr. Shroyer talked to him beforehand and Mr.

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Mr. Hawkins (continued): Shroyer says he talked to Mr. Higgins beforehand, then we go to okay, and rightfully so, discussion about what's the part about someone being disciplined? So, if Mr. Higgins says that was an assumption that he made, and if our Law Director says, "I have listed out what I believe the summary was", then I'm losing where there's the basis of saying that comes through. I understand you're saying that someone could perceive that.

Mrs. Emerson: There were some strong comments made in that Executive Session that I'm sure other people remember that. You two don't (referring to Mrs. Sullivan-Wisecup and Mr. Anderson). There were some strong words and conversations made in that Executive Session that I could see how people could feel like they were being criticized or spoke down to or whatever you, however you want to relay it, being picked on. I don't believe it was discipline, but I could see how someone would feel that way. But, then again, I'm assuming.

Mr. Hawkins: Thank you Mr. President.

Mrs. Sullivan-Wisecup: Mrs. Emerson, you had said that you had a conversation on Election Day that made you strongly feel that Mr. Higgins was speaking directly out of something that was in Executive Session. Can you, because I was not there, I know that Mr. Anderson wasn't there. Can you tell me exactly what it was that he said that you were like, "Wow, he knows what was said in Executive Session, something was breached." Because I'm trying to understand exactly how we got to here. Is that allowed? I don't know.

Mr. Forbes: I'm going to caution you....

Mrs. Emerson: I was just going to say ...

Mr. Forbes: Because I think by discussing that, you would then be disclosing what was discussed in Executive Session.

Mrs. Sullivan-Wisecup: But that one's already open.

Mr. Forbes: You're talking about that particular Executive Session? Or other Executive Sessions?

Mrs. Emerson: No, it was related to that Executive Session because that's what his comments were made by.

Mr. Forbes: Then, I take that back. I thought you were referring to some other Executive Session.

Mrs. Emerson: So, am I allowed to speak on it?

President Vanover: Yes.

Mrs. Emerson: We were discussing, well, I guess, it was a pretty good day. We were discussing how he had put some things in his literature that weren't accurate. Then, he came at me with, "You didn't follow the Sunshine Law". That's why I kind of made that comment here. If I didn't follow the Sunshine Law, it wasn't purposeful, it was because I didn't know. I'm not a legal person. Then you (referring to Mr. Higgins) had made some comments about Mr. Shroyer being yelled at in Executive Session. You had also made some comments about specific comments that Mr. Hawkins had made in Executive Session and if you remember, I told you; I said, "How did you know that that was discussed in Executive Session?" and then you backpedaled. If you remember, Mayor, I had spoken to you about it that day.

Mayor Webster: That day, yes.

Mrs. Emerson: That was long before any of this even started Mr. Higgins.

Mr. Higgins: My comments to you were that Mr. Hawkins was hot and I got that from reading his face when he came out. He was not happy. Now, I didn't make any comments and I have never made any comments. I don't know what Dan discussed, other than the fact that he was not happy with not being told about it prior to....

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Mrs. Emerson: He wasn't happy because he was spoken strongly to or disciplined probably is how he feels.

Mr. Higgins: I am not aware of that. I am aware of what I stated before that he was planning on discussing that with the Mayor. I'm sure he went back there and discussed it with the Administration that the matter was not brought before Council. I knew that ahead of time and I knew that by seeing Mr. Hawkins's face that he was not happy with whatever took place back there. Now, those are my reads based on my observations and, again, I attest I've done a lot of inferring. I've done a lot of figuring out what was said, but nobody from Council and I know that Mr. Shroyer has left us, Mr. Diehl, and Mrs. Harlow having been up there at the time, did not disclose to me what took place in that meeting.

Mrs. Emerson: You just assumed it.

Mr. Higgins: To answer your other question about the Sunshine Laws. You and I had discussed the obligation of each election cycle. There is an obligation for every elected official to attend and receive Sunshine Law training. I had discussed it with a number of members of Council many, I think, three, four, five that have been up there for many years. Many of them were not, including yourself, were not aware of that obligation to obtain training once each time.

Mrs. Emerson: But you also accused me of not following the Sunshine Law.

Mr. Higgins: Let me finish please. My understanding was that our elected officials were not aware of what the Sunshine Law was, so, I specifically addressed, with my attorney, in the settlement that the only thing I wanted, and he had a much higher monetary value, that he was trying to obtain, that I wanted him to back that down to the minimum amount that would fly in exchange for the mandate that Council attend mandatory Sunshine Laws Training and I can tell you with the monies that I did personally receive, we are donating them out. I know Mr. Hawkins' wife is at a fundraiser tonight; my wife was tracking her down to try to make a donation to that. I was not looking to profit, but to get the City to open up and follow the Sunshine Laws and educate the members of the Council as to what the laws are so you don't see half the law written in a letter and go, "Where does this come from?"

Mrs. Emerson: You had to sue the City to get that?

Mr. Higgins: I did.

Mrs. Emerson: You couldn't come up and have a discussion?

Mr. Higgins: I've talked to many members of the city.

Mrs. Emerson: Oh, come on Mick.

Mr. Higgins: I talked to yourself.

Mrs. Emerson: Lots of residents have issues out here and they don't come up here and sue the City. My goodness.

Mr. Higgins: They get told we're not getting curbs, go away.

Mrs. Emerson: Really?

Mr. Higgins: Yes, this Council has a.....

Mrs. Emerson: I just wish you would support the City and just stop this.

Mr. Higgins: And just go away.

Mrs. Emerson: It's over. It's over. It's over. I'm so tired of this.

Mr. Anderson: Being a recent addition, I think I have a slightly different perspective. I definitely have heard concerns tonight about openness on Council and I think that happens with every elected body and I've heard it. It's not difficult to go anywhere in the region and you hear

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Mr. Anderson (continued): these kind of concerns. I think they're valid and should be heard out. What I want to make sure that we're doing tonight, aside from, I think we've addressed a lot of issues. I feel like, at some points, we've gotten into an investigative mode and I want to make sure that we're using this meeting appropriately. I know we're asking these questions and I think it's appropriate the way we are; my opinion. What I want to do now is put it to Council and ask, "Do we feel like, it seems like the core issue at this point is, do we need to form an investigative group for this issue of fact where people would be called to testify under subpoena for the issue if Executive Privilege/confidentiality was breached". I think otherwise I feel like we're going to be going back and forth. Obviously, there's other remedies the residents have to address concerns about elected officials. They have those at every ballot day and then in the City Charter. As you know, we can do recalls for any of us. Those are available at any time. What I'm concerned about right now is that investigation and if we need to open that and if we are, then let's stop the discussion tonight and focus that discussion for that group and do it in an orderly fashion. I want to be fair to Mr. Higgins as well as the people who were, I think, in some cases, very strongly accused in these letters. I think they did have a right to respond to that, but I think we need to focus the investigative group and put that question down. If we're going to do it, let's do it. If not, we need to move on.

President Vanover: Mayor Webster do you want to...

Mayor Webster: No, I echo everything Mr. Anderson just said except that in the end you said that some people are confused on what they read in this letter?

Mr. Hawkins: He said accused.

Mr. Anderson: Accused. Some people were very; sorry, no and I do want to address that.

Mayor Webster: I just got confused on that.

Mr. Anderson: I read the letters....

Mayor Webster: I echo everything you said. I think that before you answer the question as to whether you want to do the investigation. I think you ought to ask yourself the other question is, "What's the consequences if we don't do this?" How comfortable are you going to be going forward or going back there in that room and I see there's one on the agenda tonight. How comfortable are you going to be going back there? If you're not going to be comfortable doing it, then do away with the Executive Session like the City of Cincinnati and maybe we can run the City of Springdale like Cincinnati if somebody has any desire to do that. I think it's an important question and that needs to be answered and if the answer is in the affirmative, then, I think we could stop with this other talk. It'd probably be better if we did.

Mr. Anderson: I agree. Just to close out before I'm done. I agree with that. I will say, as a benefit of the discourse we have had even though it's been strong at times, after hearing and the facts I had gathered before the meeting, I didn't feel like there was a basis for that investigation until I heard some of the comments from Mrs. Emerson about the comments she received which then gave me some pause. I hear what Mr. Higgins has said as well on the record. Until that discussion happened, I was strongly opposed to spending time and resources on it. It sounds like there's a difference of opinion. I know for myself, I do agree that, because of the discussion, we need to have at least some formal investigation and finding. I would propose that we do that as part of a committee of the Council in as much as, I don't want, I oftentimes get volunteered too many times. I do feel that myself and Mrs. Sullivan-Wisecup have a unique perspective there because we weren't involved. I would urge Council, my fellow councilmembers to consider having at least one of us involved chairing that, if it's possible to give some, I can't think of the right word, but some separation from the events and maybe allow us. I am concerned a little bit about that though because then it puts us in a position where we're investigating our peers, so, if that does go forward, I ask for patience and understanding from you if we do decide to move down that path.

President Vanover: Well, I guess we need a motion, correct, Mr. Forbes?

Mr. Anderson: I formally make a motion that the City Council forms an investigatory committee or subcommittee a part of the whole to look into the allegations of the meeting

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Mr. Anderson (continued): referenced for breach of Executive Privilege and all that would come with that with the intent of reporting back to Council its findings for consideration.

President Vanover: Do I have a second?

Mrs. Sullivan-Wisecup: I second.

President Vanover: Motion seconded. Any further discussion at this point?

Mrs. Emerson: We can vote on this, but I would like to just direct it back to Mr. Forbes so we can make sure that we put this committee together correctly. I know you sent out; I mean, we can vote on this first. I know you sent out a thing about how that works, but, I have no legal... I need some help.

President Vanover: Well, I'll tell you what. Let's make it official, one way or the other, and then...So, motion, second, discussion.

Mr. Hawkins: I think in terms of discussion though, it's appropriate to know what that process looks like or may look like before we carry the vote. So, I think it's appropriate if Mr. Forbes has insight to give that at this time before we vote.

Mr. Forbes: Certainly, I guess what I would tell you is I would refer you to the Council rules and there are provisions in there related to special committees. So, in the event that this motion that's on the floor now passes, that would authorize the establishment of this special committee. The rules then say that the President of Council appoints members to that special committee with the consent of Council. So, once it's established, then the President of Council puts for the members and then there's a motion to confirm the members and then that's your committee. The only other guidance your own rules provide is that all committees are comprised of a Chairperson, and at least one other member. It can be as many members as you determine, but it has to be at least two. That's per your own rules.

Mrs. Emerson: How does it go with being subpoenaed under oath and all that kind of thing? Who provides all of that? If that's how this goes? Because, otherwise we do a "he said/she said". It's a mess. There has to be some organization to this if we're going to do it.

Mr. Forbes: I would agree with that. I'm hesitating to try to figure out how to answer that because much of that process I spelled out in the memo that I provided to Council and that's the one document, so far, that you haven't waived any attorney/client privilege. I can speak in very general terms and this is based on a section of the Ohio Revised Code that say, "Committees of a Municipal Legislative body have the authority to investigate matters." The presiding officer of either the body or if it's a committee. Once a committee is selected, they'll have to select their own chair and then that person has the authority to issue subpoenas and that's under the State law.

Mr. Anderson: Just as a point of order, I think we need to make sure that before we vote, the record reflects that Mr. Shroyer voluntarily left Chambers at 8:40 p.m. before this discussion of investigative group had begun.

Mr. Hawkins: Based on a general statement made by Mr. Forbes, I guess what I'd want to make sure with regard going forward is Mr. Vanover have the ability to appoint folks to this committee that it would be your intention to appoint Mr. Anderson and Mrs. Sullivan-Wisecup to address this due to the fact that they weren't involved in it. The only other thing I would note is because that investigation would involve anyone who was in the room, I guess there becomes some question as to what Mr. Forbes is allowed to do. He'd be part of those who would be investigated. I'm not saying Mr. Forbes had divulged anything, but in terms of legal counsel, there probably would have to be some other provision that's made for us going forward. The only other thing I'd say is I think Mr. Anderson and Mrs. Sullivan-Wisecup would be excellent to do the job. If there's anybody else that's involved, my suggestion would be that they would be disinterested individuals, possibly, if there's anybody else involved, possibly with some type of legal background if there's something else that Mr. Forbes can refer to, to help with that process would be my suggestion.

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Mr. Forbes: Again, in very general terms, what I would tell this Council with respect to this issue, or any other issue, this Council always has the authority to employ special counsel for advice on other matters. You've got some sitting in the room tonight. So that happens and to the extent that the question is there, my suggestion would be that I'd not provide that counsel or guidance in this for the simple fact that I was in the room. So, I would respectfully decline my participation in that.

Mr. Hawkins: Mr. President, is that a course of action that you would take as being an individual that can appoint the investigative board that you would go with Mrs. Sullivan-Wisecup and Mr. Anderson and refer them to seek some type of legal counsel and to afford them money. I guess that would be part of the motion that Council would be agreeing to afford them money to be able to conduct said investigation with legal counsel as needed.

President Vanover: Well, you being a lawyer Mr. Forbes, Rule number one, you never ask a question you don't already know the answer and this has been forefront on my mind for some time and, quite honestly, the best adjective is it's sickening. It is sickening. In 24 years, 24 plus now, I have never seen anything like this. Like them, hate them, whatever, Executive Sessions are a tool for a legislative body. The founders of the Constitution, during the Constitutional Congress retired to Executive Session on several points. So, it's been around for a long time and I would shudder to think what life without it would be. Just an example, well, real estate, labor. Here's a list; property, court action, collective bargaining, confidential matters, security; all of that. I don't speak because my first job is to run the meeting. But, my feeling is very strong in that if we do not take this step to answer the questions, then probably, in my mind, the next step is we put a charter revision on the bill or on the ballot that we do away with; plain and simple. That's honestly how strongly I feel about this. Quite honestly, if this Council, future Councils, I think would be severely hamstrung by the loss of that tool. It's a tool; and, just like a bat, ball, you can make those tools do a whole lot of different things. Sometimes it's good; sometimes it's not so good, but I think the loss of that would be just paramount handicap for this body or any future body. So, with that said, I have been in thought process over this and, quite honestly, the first two that came up were Mr. Anderson and Mrs. Sullivan-Wisecup because, A.

Mayor Webster: Call the question before you appoint the members.

Mr. Higgins: Mr. President

President Vanover: Wait, we have a question. Sorry. You're done at this point. (referring to Mr. Higgins)

Mr. Higgins: I was waiting to be dismissed.

President Vanover: Okay. Dismissed.

Mr. Higgins: Thank you.

President Vanover: Alright, we have a motion and a second. Any further discussion at this point?

Mr. Hawkins: I just wanted to amend the motion based on your assertion if I can do this to indicate that the committee, the investigative committee will be made up of Mrs. Sullivan-Wisecup and Mr. Anderson and that they'll be afforded necessary funds to conduct said investigation. Well, let's get the step established and then we'll set the committee. So, we have a call to.....

Mr. Anderson: Sorry, just a point of order. If he makes a motion, we need an amended motion. I think we need to address that first; right?

President Vanover: Yes.

Mr. Forbes: Let me put on my parliamentarian hat here. You have a motion and a second on the floor. During the discussion, and Mr. Hawkins can correct me, he is making a motion to amend the motion to include the two specific committee members as well as the assertion that they would be afforded funds for special counsel.

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Mr. Hawkins: Correct.

Mr. Forbes: Okay, so that's a motion to amend the motion. Is there a second to that?

Mrs. Emerson: Second.

Mr. Forbes: Any discussion?

President Vanover: The motion to amend the motion; Mrs. McNear take roll call. The motion to amend the motion carries with six affirmative votes (Mr. Shroyer was not present for the vote since he left at 8:40 p.m.) Then, we're back to the original motion that it is the desire of this body to form an investigative committee. Mrs. McNear take roll call. The motion carries with six affirmative votes (Mr. Shroyer was not present for the vote since he left at 8:40 p.m.).

Mayor Webster: I don't have a vote in this matter, but, I'm the one suggested that you do this to start with and I would strongly suggest that you add a third person to that group that rather than coming in with a 1-1 recommendation or come in with a negative or an affirmative one. The only way you're going to do that is to have an odd number on the committee.

President Vanover: Well, being that it is my bat and my ball, by nature of my seat, I would include myself in that committee. A, part of it is I was there, so I can add or subtract. I have no intentions of being the Chair, so, just take any pre-determined route out of the picture.

Mrs. Emerson: Mr. Forbes, do we not need some legal representation in this? And, are we planning on getting that?

Mr. Forbes: According to the original motion as amended, that was part of what's been approved. Once the committee forms and decides how they want to proceed; yes, I suspect they would and that was included in the original motion.

Mrs. Emerson: Is that what you said Mr. Hawkins?

Mrs. Sullivan-Wisecup: Yes.

Mrs. Emerson: Legal representation?

Mrs. Sullivan-Wisecup: Yes.

Mrs. Emerson: Okay. I'm sorry; I missed that. Thank you.

Mr. Forbes: As long as my mic is on, to the extent that you're suggesting one more member and that member be you, again, per the Council rules, that would have to be confirmed. At this point, we would need another motion to confirm that.

Mr. Anderson: Sorry, I just wanted to make a comment on the third motion. In case there are any concerns, I know, being a part of it, I would have no concern about having you join the committee. I do think it is appropriate for you not to chair it, so I'm glad that you brought that forward. I did want to clarify my understanding of it though. That group will be making a set of investigatory findings and a report. That report may have majority or minority opinions included inside of it, so, I don't believe that it is required to have a three person committee if that's a concern. Although, I would certainly welcome a third person. Though, as I understand it, those findings will come back with majority and minority reports back to this entire group to make a decision. That group will not make a decision for or against. Just simply find the facts and return those facts to the group.

Mr. Hawkins: I agree and understand it's an advisory committee as are most. What I would suggest though is, that the committee be made up of folks that are completely disinterested. It's nothing against Mr. Vanover; but we're not even able to use our own legal counsel through the course of this and that person is as unrelated as you can get to the course of it. It'd be my suggestion that we use folks that are not or were not a part of that situation at all with regard to the committee. If nothing else, so that there is not the appearance of impropriety.

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Mr. Hawkins (continued): Again, I'm not saying that there would be from you, but, we're doing this, I think, as much for the public as it is for Council. If we have somebody who is essentially going to be investigated, to have them as part of the process, I think, may convolute the issue a little bit. Again, the best example is Mr. Forbes is not going to be able to participate in that. So, it would be my suggestion that if there's a third person, you seek legal counsel and use that third person as that or, I mean I think it's appropriate if you just work off of those two which is where we are right now and let them get legal counsel for additional direction as it goes forward.

Mrs. Emerson: Mr. Forbes, does this become public record? I mean is this discussed among everybody? How does that work?

Mr. Forbes: Let's be clear about something. Every single thing that this committee does, is subject to the Sunshine Laws, Public Records Act, Open Meetings Act, the meetings of this committee will be open to the public. They have to be properly noticed like any other committee meeting. Yes. Everything about this is subject to all the existing Sunshine Laws.

Mr. Anderson: When I was saying earlier we would welcome your addition, I'm fine either way. Will we be voting individually on confirmations or is the group? Because people might have different views on who should be a part of it. Just as a practice.

Mr. Forbes: To the membership of the committee?

Mr. Anderson: Is it the entire group will be proposed and we vote on that or individually?

Mr. Forbes: Well, at this point, you've already. The way the motion was amended, you two folks are already on it.

Mr. Anderson: Well, someone still has to be appointed chair and that has to be confirmed and then if a third person, we would commit.

Mr. Forbes: To the extent that there may be a third person, I have not heard a specific motion to confirm any other appointment. So, that's not there and, once the make-up is finalized, that committee will meet and they'll appoint their own chair, and they'll go on with their business.

President Vanover: Well, I guess a motion to add a third member?

Mrs. Sullivan-Wisecup: If you were going to add a third member, you'd have to have a specific third member to vote on? Am I correct on that?

President Vanover: Correct.

Mrs. Sullivan-Wisecup: Okay.

Mrs. McNear: Couldn't it be opened as we were going to engage legal engagement versus saying we want to add "Bill Smith" to the committee? Leave that open-ended that we were going to engage legal?

Mr. Forbes: You can engage legal counsel, but that legal counsel would not be a member of the committee. They would be there for advisement and to the extent that you want a third person. I can only tell you what you're Council rules say and that is the specific person has to be confirmed by Council.

Mr. Anderson: I think, just as a matter of openness, I want to make sure since it's been brought up, we at least take a vote on a third person. I'm not advocating it, we can have discussion about it further if necessary. But, at this point I would like to make a motion to add a third person to the investigatory committee to be named by the President of Council if it's confirmed.

President Vanover: Do we have a second?

Mrs. Sullivan-Wisecup: I'll second.

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President Vanover: Motion seconded. Discussion? (No discussion). Mrs. McNear will you poll Council.

Council voted 0-6 to not add third person to the investigatory committee. (Mr. Shroyer was not present for the vote since he left at 8:40 p.m.)

President Vanover: Okay, that, I think, gets us to the point. Committee will self-contain and self-direct and take it from there.

Mr. Anderson: Just one last comment. Just so we can set expectations, I know there's a great deal of notice and meetings that will happen. Can we set an expectation at least for the people that may not be aware of how long something like this could take? Can we set a target or goal or an expectation from Council for when we expect to have some initial findings back to the group. Not a commitment; just to set some expectations for the residents when they'll hear about this again. Just to finish; the reason I think the length of time this group expects will dictate the detail and the number of witnesses. Now this is small, but I'd like that expectation set. Thank you.

Mr. Hawkins: I was going to say that it's going to take as long as you guys take to come back to the Council with a rendering on it. It's a serious matter and if there's going to be an investigation, there's going to be an opinion of findings that are made, then it's a matter of how much time you guys think. What you may do is, maybe it's premature to have that expectation set today. Maybe through the course of you guys having some discussion, maybe talking with some outside legal counsel, you may have a better idea how long it may take to go through and do that. It may be at our second June meeting or first June meeting. Maybe you're able to say to Council, "We think it may take this amount of time" and Council can have a discussion with regard to if folks think that's appropriate or not.

Mr. Anderson: Just as a matter of practice then, can I make a recommendation as part of our agendas going forward that we add at least a committee report from that or until such time just so we can keep the residents aware since this is a public interest?

President Vanover: No problem.

Mr. Anderson: Thank you.

Mr. Forbes: One small point; now that the committee has been confirmed, the membership is stated, I would just, as I mentioned, it's still subject to all the normal open meeting requirements and I would suggest that they coordinate with the City Administrator's office as far as all the appropriate notices that will need to be given for those meetings.

### New Business

Mrs. McNear: Council, you have, in your packet, a liquor license request. This is a new request. It's from the Juicy Crab Incorporated dba the Juicy Crab at 1390 East Kemper Road. This is for, as I mentioned, it is a new permit and it is for D2 which is "Wine and Mixed Beverages for on premise consumption or in original sealed containers for carry-out only until 1:00 a.m.". Any concerns or questions?

Mayor Webster: Yes, that address is not a good address. There is no 1390. That will put you right in the middle of the intersection of Chesterdale and Kemper Road. So, I think, if they meant 1309 which is the old IHOP, but I don't know how you can approve a liquor permit for a ...

Mr. Parham: As the Mayor pointed out, the license has an address that does not exist. We have notified Liquor Control. We have notified the investigator and so the investigator will begin to look into the matter.

Mrs. McNear: I'll bring this up at the next meeting then.

Mrs. Zimmerlin: If you will look at your Internal Memorandum, Item Number Two, Authorizing the City's Participation in a Workers' Compensation Group Rating Program. The City does have the opportunity this year to participate in either the OML Group or the Ohio

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Mrs. Zimmerlin (continued): Association of Public Treasurers' Group. If we participate in the Ohio Public Treasurers' Group, we will realize a 44% savings. If we participate in the OML Group, we will realize a 40% savings. I'd make the recommendation that we participate in the Ohio Public Treasurers' Group. I would like to bring legislation to the next Council meeting for that with an emergency clause.

Mr. Parham: Mrs. Russell, would you like to talk about the TIRC?

Mrs. Russell: Thank you. Hamilton County has what's called a Tax Incentive Review Committee and this body exists to review any typically Enterprise Zone agreements that have been issued in the County. The status, how they're progressing and we have not had one in, I think, three years, but last year we did issue one for Pretzel Baron on Northland. So, we now are in the position of participating in the TIRC. As part of that, we have to appoint to residents that will act as the representatives for the City at this meeting. There's only a once a year meeting. It will be sometime in June. They've not set the date yet for this year and it will be during the day. I will go along with you, assuming that my schedule allows me to do that and if not me, then somebody else from the Administration will accompany the two residents, but we do need to appoint two residents and then let Hamilton County know their names so that they know who to notify when they do set the date of that meeting.

Mr. Parham: Who has served previously?

Mrs. Russell: Previously, Mrs. McNear has served and in my tenure at the City, the last time we went it was Mrs. McNear and myself. They now have the rule it is two residents. Before, it was one resident and one other appointee so they have modified those rules.

Mr. Parham: Council, we do need to hopefully make an appointment if we can this evening because we have a short timeline to get back with them.

Mrs. Russell: Yes, with the meeting coming up in June, they want to finalize that list so they know who they're notifying and can get it on people's calendars.

Mayor Webster: I would be more than happy to be that other resident. I think it's important for somebody to go to those meetings that has some inside information as to what the performance of the companies that have taken advantage of the enterprise zone and so forth and I think the Finance Director and the Mayor surely should be aware of that, along with Mrs. Russell. I'd be more than happy to serve unless someone else wants to do it and if somebody else wants to do it, go for it.

Mr. Hawkins: Mrs. McNear are you willing to serve again?

Mrs. McNear: I can do it.

Mr. Hawkins: Do you need a motion?

Mr. Parham: Yes.

Mr. Hawkins: State what this is for again?

Mrs. Russell: Sure, the Tax Incentive Review Committee or TIRC.

Mr. Hawkins: I move to appoint as our representatives for the City of Springdale Mayor Doyle Webster and clerk Kathy McNear to appear at the TIRC meeting.

Mr. Anderson: Second.

President Vanover: Motion seconded. Any further discussion? (None)

Motion to appoint Mayor Webster and clerk Kathy McNear to represent the City of Springdale at the TIRC Meeting passed with a 6-0 vote. (Mr. Shroyer was not present for the vote since he left at 8:40 p.m.)

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Mrs. Russell: Thank you. I'll notify Hamilton County.

Mr. Parham: Council, I know, since 2001, we've had summer schedules. So, we need to make a determination as to whether we're going to have a summer schedule or not. If you decide to not have a summer schedule, and I probably would suggest that you do not, because there are a number of things that are lining themselves up that we will probably need as many meetings as possible to be able to address those items. If you decide to have, typically, your summer schedule, you would only meet for the second meeting of Council and would not have it for the first Wednesday of the month. In this case in July, if you decide to have the meeting, it falls on July 4<sup>th</sup>, which is the holiday. Now, previously, there's only two holidays that run the opportunity to fall on the first Wednesday. One is the Fourth of July and we have not had a meeting since it has fallen on three separate occasions. Once in 2001, once in 2007, and the other one in 2012. The other is New Year's Day. That has occurred also on three occasions. On two of the occasions, we've met the following Wednesday; on January 8<sup>th</sup>. That was in 2003, and in 2014 and then, as far back as 1997, we simply had it the following day on Thursday, January 2<sup>nd</sup>. So, we probably need to get some understanding as we begin to try to plan projects out. Things that may go before the Planning Commission for approval that may need to also come before Council, it would help that we know when the announcement will be made to Council and then scheduling Public Hearings and those other matters.

Mrs. McNear: I would recommend we do it the week after because there may be a lot of people on vacation, extended vacation the week of July 4<sup>th</sup>.

President Vanover: I guess the first question is do we want to continue or forego summer schedule?

Mr. Anderson: I'm available for those dates, so, I'm fine either way.

Mrs. McNear: I think that Mr. Parham made it pretty clear that we need to have all of our meetings. So, I think we need to forego the summer schedule unfortunately.

Mrs. Emerson: I agree.

Mr. Hawkins: I agree.

President Vanover: Summer schedule; trashed.

Mr. Anderson: To be clear, we haven't cancelled summer, it was 80 degrees today.

President Vanover: Just the summer schedule.

Mr. Anderson: We're not going back to winter. Just want to be clear. Thank you.

President Vanover: Preference on meeting? Do you want to meet, that would be the second and the third (Wednesday).

Mayor Webster: The 11<sup>th</sup> or the 5<sup>th</sup>.

President Vanover: The 11<sup>th</sup> and the 5<sup>th</sup>.

Mr. Parham: The 11<sup>th</sup> or the 5<sup>th</sup>.

President Vanover: The 11<sup>th</sup> or the 5<sup>th</sup> for Council.

Mrs. Emerson: 11<sup>th</sup>. (Other members of Council nodded in agreement to the 11<sup>th</sup>).

Mr. Parham: So, it will be scheduled for July 11<sup>th</sup>. Okay. Thank you.

President Vanover: We'll have meetings two weeks in a row.

Mr. Parham: Correct. Thank you.

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Mrs. McNear: Debi, get those fingers working. Sometimes the minutes can be 24 pages long on legal sized paper and Debi does a heck of a job getting that to us in time for the next meeting. But, just understand that the minutes probably will not be available a week apart.

President Vanover: Yeah, sure.

Mayor Webster: Did we do Meetings and Announcements?

President Vanover: No, we're headed to that.

Mayor Webster: Okay. I though you said Communications from the Audience.

Mr. Anderson: Sorry, in terms of Old Business or New Business. Did we still have a need to create a board for the apron appeals? Equalization? Did we take care of that already?

Mr. Parham: Thank you for reminding me. Council, due to the fact that with the Beacon Hills Project, we have, since in the last few years, the largest number of residents that are required to replace or repair an apron at 123. We have sent out, as required, certified mail. Unfortunately, maybe about 50 of those have gone unsigned or uncollected. We are moving to the next step which is to try to make personal contact with those residents. The third option then is to simply post in a newspaper a notice and then that will, because what we need is the clock to begin ticking for the 21 day notice that they have. I don't think that we're going to be ready for this meeting, nor, as I think about it, the next meeting on the 16<sup>th</sup>. Because we have to notify those folks and then the 21 days have to begin. The other requirement is that once you set the Equalization Board, then, and within 20 days, according to the Code, the meeting must be held. Within 14 days or 14 days prior to the meeting, you must notify those residents and so I think, at this point, we're not ready until we have made contact with those residents. We're considering simply moving forward with posting. Unfortunately, sometimes when the staff are knocking on the doors, we don't get a response as we saw and as we've heard from residents who have come before Council, sometimes when we send notices, they choose not to collect them or to accept them. I think in order to perhaps, expedite the process, it may be more beneficial for us to simply go ahead and post the notice and let the clock begin to tick because one of the challenges, one of the good things is the contractor, Prus Construction has been moving very rapidly with the improvements and so they are going to be required, and in many of these instances, to make those repairs for the resident unless the resident had found someone else. Most times, that does not occur. Most times, they're relying on our contractor. In order to, I would think, keep the cost down from the contractor which would then be perhaps passed on to us, because once they finish the concrete work, they would expect to move that equipment out of town, but then they'd have to come back into town to begin to repair and replace aprons. I think we may need to go ahead and move forward with posting the notice and simply, what we're imagining at this point, we would post a copy of the letter and then we would identify each individual beneath the letter and identify their amount that they are required or at the least the estimate that we have for their repairs and replacement of aprons. Again, the real key and essential part of this is to begin to have that clock tick.

President Vanover: So, we're good for the time being.

Mr. Parham: Yes sir.

### Meetings and Announcements

Mrs. Sullivan-Wisecup: Planning Commission meeting will be held in these chambers on May 8, 2018 at 7:00 p.m. That is next Tuesday.

Mrs. Emerson: The Board of Health will meet May 10, 2018 at 7:00 in the room adjacent to here.

Mayor Webster: Mine is more of an announcement. All of you have received an email from Mr. Parham last week that he is going to march off into the sunset. I think the date was June 30<sup>th</sup>. Mr. Parham has graciously agreed to stick around for a couple of months. I will be engaging the firm of Management Partners to recruit a replacement for Mr. Parham. That

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Mayor Webster (continued): process is probably going to take the biggest part of four months. So, Mr. Parham has agreed to stick around until the end of August to help us through that transition. Mr. Parham, thank you very much. We appreciate that.

Mr. Parham: Thank you.

Mayor Webster: I'm sorry I beat you up so bad to make you say yes. (Laughter)

Mrs. Zimmerlin: The Civil Service Commission will meet tomorrow, May 3<sup>rd</sup> at 6:00 p.m. in the Administrative Conference Room. I also have a few announcements from the Recreation Center. Registration has begun for youth fall soccer and youth team volleyball. Contact the Community Center for details. The pool opens for the season on Saturday, May 26<sup>th</sup>. Don't forget to register your child for swim lessons this summer. It's a life skill that everyone should know. Classes are available for ages three through adult. You can register now at the Community Center. Finally, the Sailfish Swim Team is registering children ages 5-18 for their program this summer. They are committed to developing each swimmer by providing a positive learning environment while emphasizing safety and respect for the water. Participants must be able to swim at least one length of the pool. More information is available by emailing [Springdalesailfish@yahoo.com](mailto:Springdalesailfish@yahoo.com).

Mr. Hawkins: Mr. Parham, I do not accept your resignation. (Laughter)

Mr. Anderson: Second. (Laughter)

### Communications from the Audience

Mrs. Webster: I've been sitting in these Council Chambers since 1971. That's more than half of you are old. I found this meeting very sad, very disgusting, very depressing that my City, and it is my City, because I've lived here 54 years. More than half of you, has become this. All for a pack of lies. My husband, myself, and our daughter have given our life to this City and you all know it and you've all said it to us. Everything we've done will go up in smoke because of a recall because of a pack of lies. I could stand up here and tell you at least 25 lies that Mick Higgins has told me personally. But, because he's not here, I won't do it. I think this is depressing and disgusting and you've got to get on to governing this City. But, it's going to be torn apart. It's already been torn apart since 2015 and you all know it. We all know why and now it's going to be worse. When you have a councilman that can't even sit here and listen to the rest of the discussion; they leave and you have all this stuff going on. It's terrible. It's absolutely terrible. I certainly hope the resident of this City will remember this and take it out on the polls. Thank you.

### Executive Session – Economic Development

Mrs. Emerson made a motion to go into Executive Session as a Committee of the Whole to discuss Economic Development and the sale of property. Mr. Anderson seconded the motion. The motion passed with a 6-0 vote (Mr. Shroyer was not present for the vote since he left at 8:40 p.m.) to go into Executive Session.

Mayor Webster: I'd like to make a statement here. I will be attending the Executive Session to talk about the sale of real estate. I will excuse myself at the end of that conversation because I do have a conflict of interest in the Economic Development issue that you're going to discuss. Thank you.

Council departed chambers at 9:44 p.m. Council returned to chambers at 11:09 p.m.

### Update on Legislation Still in Development

Mr. Hawkins: Item Number One; an Ordinance Approving a Major Modification to the Planned Unit Development (PUD) and Preliminary Development Plan for the Tri-County Mall PUD to Permit the Storage of New Vehicles which is Ordinance No. 32-2018. We had a first reading on that. All other matters were forthcoming.

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Recap of legislative items requested for next Council meeting

Mr. Hawkins: Second reading of Ordinance No. 32-2018; an Ordinance Approving a Major Modification to the Planned Unit Development (PUD) and Preliminary Development Plan for the Tri-county Mall PUD to Permit the Storage of New Vehicles. As well as an ordinance Authorizing the City of Springdale's Participation in a Workers' Compensation Group rating Program for 2019 and Declaring an Emergency. That is all.

Adjournment

Mr. Hawkins moved to adjourn. Mr. Anderson seconded the motion and Council adjourned at 11:10 p.m.

Respectfully submitted,

Kathy McNear  
Clerk of Council/Finance Director

Minutes Approved:  
Tom Vanover, President of Council

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