

City of Springdale Council

June 20, 2018

President of Council Vanover called Council to order on June 20, 2018.

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

Mrs. McNear provided the Invocation.

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

President Vanover: Mr. Shroyer advised me at the last meeting that he would be out this evening. He is on a very worthy trip taking some wounded vets out on a fishing trip. Hats off to that.

The minutes of the June 6, 2018 meeting were considered.

Mr. Anderson: Thank you. Just one small update on Page 3 in the section for Resolution R8-2018. Under "Mr. Anderson", it says, "due ground", I believe that should say "new ground". It's the section in quotes; it's about halfway down the page. It's on the third actual page, it may be on the fifth.

President Vanover: Alright. Are there any others? (None) I'll entertain a motion to approve as published with the change brought forward this evening.

Mr. Anderson made a motion to accept the minutes; Mr. Hawkins seconded. The minutes were adopted with five affirmative votes and one abstention (Emerson).

President Vanover: Alright. We have a presentation. Mayor Webster, Mr. Parham. We'll turn it over to you.

Mr. Parham: Council, we have a couple of special recognitions this evening. On a couple of occasions, we will introduce new employees to Council. Before that, we want to have one special recognition if I could have our Police Chief, Mike Mathis come forward.

Chief Mathis: Just do all three?

Mr. Parham: Yes.

Chief Mathis: Alright. Mayor, Council, Administration, thank you. It's hot out. In case no one noticed it. Not body armor weather for sure. But, we're glad to be here because, actually, we just had a major massive water main break on Route 747. It was shooting like 100 feet in the air. We got the road done, so we're here. So, we made it just in time. Things will be fine, we think. First off, I'd like to introduce one of our newest officers. Officer Alex Marshall. Come on up. Alex grew up in Michigan and moved down to Cincinnati when he was younger with his parents. Had an interest in law enforcement and decided to make a beginning career by attending multiple police academies. I'll explain that. He went through the police academy in Ohio and graduated. He took the State test, got certified, and began looking for work. Found employment in Huntington, West Virginia, where he was hired.

Mrs. Ghantous: That's my hometown.

Chief Mathis: You didn't arrest her at any point did you? (Speaking to Officer Marshall) (Laughter). She'd take you, I think. Went down there and had to go through the West Virginia Police Academy. Worked in Huntington for about six and a half years as a Patrol Officer. Did a really good job. Then, got hired here in Springdale. He has family that's from Glendale and family that's from Fairfield, so he kind of found a nice place to work right in the middle, and so he came back up here, but since he'd been away from the State for six and a half years, we had to put him back in the Police Academy for just about six weeks to get some updated training. He has no excuse to make any mistakes. Very well trained. We're very excited to have him here. He's here with his wife Elizabeth and his daughter, Olivia and family. The Mayor is going to perform a ceremonial swearing-in.

Mayor Webster swore-in Officer Marshall. (Applause)

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Chief Mathis: Alex is nearly finished with his field training. I think he'll probably be ready for solo patrol in about two to three weeks. He's done a great job. A great addition to the Police Department. We're happy to have him. Next, I'd like to introduce one of our newest Violations Bureau Clerks or Police Clerks, JoAnn Nordwick. Our Violations Bureau Clerks fulfill an extremely important role within our organization. A lot of times, they are unrecognized "behind-the-scenes" kind of people. When everybody thinks of a Police Department, they obviously think of the people who wear uniforms and drive the Police cars and we are an officer-heavy department. It's a challenge, I think, at times, for our civilian staff to deal with us "Type A" personalities that wear uniforms and they're at a natural disadvantage because we don't give them guns or tasers or anything else. (Laughter). They learn to hold their own and they just do a tremendous amount. They're there at 3:00 in the morning. They're there on holidays. They're there on weekends. They are answering the phones. They're talking to people at the window. They're doing all our financial stuff. They're doing our data entry. We, as Law Enforcement Officers, we feed on information. They're our information people. They have very, very important roles within our agency. JoAnn grew up here in the Greater Cincinnati area and went to Miami University and got a Bachelor's Degree in Business. When we hired her, she was working at Mercy Fairfield Hospital on one of the cardiac floors as a Unit Secretary and Monitor Tech. I think she kind of grew into the Monitor Tech job and got some training and really enjoyed checking on everyone's heart status. She's here with her husband, Dave. We're excited. She's been with us about two or three months now and has another couple of months of training to go before we'll be able to cut her loose. Because, they're really "jacks-of-all-trade". There's just anything you could think about calling the Police for, they have to know how to answer it. It may shock you, we generate a lot of paperwork. We're the government and we specialize in that. They have to know what to do with all of it and there is a lot. A lot of different court systems we operate and so it's a big learning curve, but she's done a great job. Everyone I've talked to has been really tremendously pleased with her performance and with her work ethic and just a genuinely nice person. I enjoy talking to her. Do you want to say anything? (Talking to JoAnn Nordwick).

Mrs. Nordwick: No, but thank you. Actually thank you. I am very excited to work in the City of Springdale and I appreciate this opportunity. (Applause)

Chief Mathis: Last, but not least, Bob. Come on down. We're here to recognize one of our citizen volunteers, Bob Weidlich. Come on around Bob, I won't bite. Really, one of the reasons why I like having Bob in the Police Department, is I've gotten to know his wife, Deb. She's a great person. She became one of our volunteers too. So, but no, I mean really, Bob's a great guy. Bob's been a long time City resident, Vietnam vet. He's been a member of our Board of Zoning Appeals for many, many years off and on. He was a graduate of our first Citizen's Police Academy in 2012. If I can take credit for anything, it's kind of helping to get that program going. Because, from that program, we got somebody like Bob and that's been an amazing benefit to the Police division. After Bob graduated from the Citizen's Police Academy, as we always offer an opportunity to our members, "if you want to come back and volunteer, we'll work with you." I think Bob thinks he works for us to be quite honest with you. He probably works about 1,000 hours a year.

Mr. Weidlich: A little less than that.

Chief Mathis: Maybe a little less, okay, 900 hours a year that he comes in and volunteers. At this point in time, he pretty much has his own phone extension, email, business cards. He comes in and just does a tremendous amount of work with us. Particularly, with our Community Service Officer. Like today, we had the Special Olympics Torch Run. It went from Cincinnati to Springdale and then from Springdale to West Chester. When they got here, they had food, a picnic for the runners, the escort people, and a lot of that was organized by Bob. When we do our OVI checkpoints, people like Bob and a lot of our volunteers come in to help us with those checkpoints. We need people to count the cars and keep track of some things that we have to do so sharp-eyed defense attorneys don't give us a hard time when we get to court. He helps us with our junk and abandoned motor vehicles, with our Citizens Police Academy and Bob has just done tremendous work. Earlier this year, he received recognition through the Ohio Crime Prevention Association as one of the Volunteers of the Year in policing in the State of Ohio. It was well deserved recognition. One of the nicest guys you could meet. Consummate gentleman and just a good guy to have around the building.

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Chief Mathis (continued): He jumps in wherever he can and I think it's citizens like him that help make this a good place to live. I just wanted to commend him and publicly acknowledge his performance with us and let you know what kind of a gem you have here in the City. Bob Weidlich. (Applause)

Mr. Weidlich: I just appreciate the opportunity to do something in my retirement to get me out of the house. Otherwise, I'd be doing something else. (Laughter) It's been a pleasure working with everybody. Thank you (Applause)

Chief Mathis: I appreciate you giving us the opportunity to come here and recognize some of our employees, because they're the ones that do the work. They're where the "rubber meets the road" and they get the job done and so I appreciate them and thank you.

Committee and Official Reports

Civil Service Commission

Mrs. Zimmerlin: The Civil Service Commission met on June 7th at 6:00 p.m. At the meeting, the Commission discussed the Firefighter position, Patrol Officer, Police Sargent, Police Department Administrative Supervisor, Police Department Violation Bureau Clerk and Public Works Maintenance Worker positions that we are currently hiring for. That concludes my report.

Rules and Laws	Mrs. Emerson	-	No report
Finance Committee	Mr. Hawkins	-	No report

Planning Commission

Mrs. Sullivan-Wisecup: Planning Commission met on Tuesday, June 12th at 7:00 p.m. We only had one thing actually on our agenda, which was very refreshing. We haven't seen that in quite a while. It was the final development plan for the Tri-County Mall located at 11700 Princeton Pike. We were just approving the final development plan for the northeast side parking spaces. The 400 on the lower level and the 400 on the second level of the old Dillard's parking garage that we had talked about last month I think it was, here. That passed with a 7-0 vote. Then Amanda Zimmerlin informed us sadly, that we did not get the Miami Grant for the City Comprehensive Plan. That was the plan that we had talked about trying to get the grant and the cities that did get the money actually had matching funds and so that's something that we need to look at going forward if we want to pursue this again next year we need to really look at the matching funds aspect of it to get that money through. I personally believe that the Comprehensive City Plan is something that needs to happen. Dave Okum brought up some discussions. First one was about arrows and signage that needs to be fixed and improved in Tri-County Mall. He also mentioned that the paint is peeling off of Michel's Tire. It needs to be addressed. He finally asked about the work on Dos Amigos as far as where they're moving in to. He said that he felt like there was a cease in working when they were doing the roof and we were told that work would be starting again soon and that they were getting things in place. Lawrence Hawkins asked if there were timeframes on conditional use building permits. Gregg Taylor said that as long as there is work on the project in six months, everything is good with it. It can be extended after one year to two years allowable in the Ohio Building Code, but, as long as they're working on it, there is no expiration. Anne McBride said that according to Zoning it says six months extended to a year. There was discussion about in the future putting time conditions in plans when we do them. July 10th is our next meeting. Is there any questions or anything you want to add? Thank you.

President Vanover: Thank you.

Board of Zoning Appeals

Mrs. Ghantous: Board of Zoning Appeals met yesterday evening. We had two items on the agenda. The owner of 406 Cameron Road came with an application for a Zoning Variance and that had to do with a fence that he wanted to place on the side of his house. He has a corner lot. That did pass with a 4-3 vote. Also, the owner of 255 Harter Avenue had an application for a Zoning Variance. That was for reducing the setback to 35 feet from, not

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Mr. Hawkins (continued): meeting that takes place then. I just think we need to be careful in terms of the perception of what we're doing if we're going down this path.

President Vanover: Well, I understand. It was advertised. I did call it. Being that this is like all of our committees, a sub-committee of Council, it is well within my jurisdiction to call a meeting and give them some aid and direction and that's all it was. That also a part of it was if we did that meeting that night, their next meeting then, hopefully would be more successful and can move because they have some ideas on some direction, some feedback and that was totally the only reason to do that.

Mr. Hawkins: I don't doubt your motives. I'm just saying we have to be careful because, you're right, as President of Council, you have a lot of discretion with regard to those things. This is a unique situation though where we decide to have an investigation involving you, me, Administrators that were present, everybody else. I'm just saying it's a special situation. We should be careful with regard to how we do things. That's the only thing I'm indicating.

President Vanover: That was why we also brought the Law Director in and there was public people in attendance. It was clearly in the open and there was nothing. It was just an attempt by myself to give the Committee, that seemed to be struggling with some things, some added direction and guidelines to make them more successful. Any other questions, discussion?

Mrs. Sullivan-Wisecup: I did also want to point out that tonight we do have something to address the legal counsel that is being recommended. I know that it will come up later, but I just want to let everybody know I know that I did send something to Derrick to send out to everybody so that they would have the information ahead of time and I hope you had time to look that over. He's here tonight as well and he will address us when we come to that.

O-K-I

President Vanover: Report will be given at the next meeting.

Mayor's Report

Mayor Webster: I'd like to start off by issuing a proclamation. This one way we can get these Department Directors here all dressed up and everything. I had to look twice to see Mr. Karle.

"WHEREAS, parks and recreation programs are an integral part of communities throughout this country, including the City of Springdale; and

WHEREAS, our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS, parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

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WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS, the City of Springdale recognizes the benefits derived from parks and recreation resources.

NOW THEREFORE, I DOYLE H. WEBSTER, Mayor of the City of Springdale, do hereby proclaim the month of July 2018 as

PARKS AND RECREATION MONTH

in the City of Springdale and I call this observance to the attention of all of our citizens

Mayor Webster: So, Mr. Karle if you would meet me down front. (Applause)

Mr. Karle: If I could, just a moment. I just wanted to sincerely thank the Mayor for the Proclamation and recognition of this important month to us. Summer is a busy time for us. We've got a lot going on this summer as you can imagine. The pools are real busy, we've got a lot of activities coming up. Want to sincerely thank Council, the Administration, your predecessors for the vision and the support you've provided to Parks and Recreation in Springdale. It's really made a huge benefit to the quality of life to our citizens. Thank you for that.

Mayor Webster: Thank you Greg. Just a couple of other things. We, as most of you have hopefully have seen, our City sign arrived last week. We've had that in operation down in front of the City Maintenance Garage down on Northland Boulevard. We had it at Glenview Park down on Sharon Road. We had it at the Triangle here over the weekend. We've had it over at Heritage Hill this week and also today, I understand, it was up in Beacon Hills. I think we've covered a lot of ground in a week. I'm very, very impressed with it and I did hear one derogatory comment, but anyway, we've got six primary locations that we will use the sign. Also, there are two secondary. The primary ones I just named most of them. Glenview Park, the Triangle right outside the building here (Municipal Building), Northland Boulevard in the median east of Route 4. The Kenn Road underpass which is where it was today. Also, over on Chesterdale in front of the Heritage Hill Elementary School. Also, we hope to put it across from Thornton's there at 747 and GE Park. I think with those six locations, you will do a pretty good job of covering the City. We've got a couple of secondary locations if we need to use them. One on Glensprings and one on Northland Boulevard here again out on the median strip south of Kemper Road. We've got a schedule of the things we're going to be advertising on there. As you know, the Concerts in the Park, our Neighborhood Yard Sale is coming up, Safety Day. We have a shredding event, Junior Olympics, Sports sign ups, ComeUnity Bash, Business Expo, S.O.S. Euchre Tournament, Winter Sports sign ups, Halloween Monster Mania, Veteran's Day, and our Street Lighting. Those are the items that hopefully we'll be able to advertise on that sign between now and then. We're pretty excited about the sign. It's something that we've talked about a long, long time and I'm hoping it's so popular that we put another one in the budget for 2019. Just to give you a brief update on our selection process for a replacement for Mr. Parham. We have 31 applicants for the job. Ten are out for a background check as I speak and we hope to get that whittled to a somewhat manageable number and we will start the interview process on the week of July 9th. That concludes my report.

Clerk of Council/Finance Director's Report

Mrs. McNear: The General Fund update through May 31st for receipts. The Net Receipts Budget is \$18.907 million dollars. We've received \$8.440 million dollars. That number is made up of five General Fund receipt sources which are Earnings Tax, Real Estate Taxes, Paramedic Services, Mayor's Court, and Local Government Funds. The total through May is \$7.846 million dollars or 93% of the net receipts. On the expenditure side, we have a

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Mrs. Sullivan-Wisecup: Thank you.

Mrs. Sullivan-Wisecup made a motion to add Ordinance No. 36-2018; Mrs. Emerson seconded. Motion passes with four affirmative votes and two opposing votes (Anderson, Hawkins)

Ordinance No. 36-2018 is added to the agenda.

Ordinance No. 33-2018

AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF SPRINGDALE, OHIO, TO PROVIDE FOR THE REZONING OF PROPERTY LOCATED AT 11100 SPRINGFIELD PIKE FROM RESIDENTIAL SINGLE HOUSEHOLD – LOW DENSITY (RSH-L) TO PUBLIC FACILITIES (PF) (MAPLE KNOLL COMMUNITIES)

President Vanover: Okay, we will open up the Public Hearing at this point and we'll invite anybody to speak either for or against. Do we have a presentation?

Mr. Dooley: I am just here to answer questions.

President Vanover: Okay. Any comments from the floor? (None) Mr. Vanover closed the Public Hearing.

Mrs. Emerson made a motion to adopt; Mr. Anderson seconded.

Ordinance No. 33-2018 passes with six affirmative votes.

Ordinance No. 34-2018

APPROVING A MAJOR MODIFICATION TO THE PLANNED UNIT DEVELOPMENT AND PRELIMINARY DEVELOPMENT PLAN TO THE PRINCETON PLAZA PLANNED UNIT DEVELOPMENT (PUD) (SPRINGDALE BUSINESS CENTER)

President Vanover: Alright, with that, we'll open the Public Hearing. You are welcome to speak for or against. Do we have a presentation?

Mr. Gilhart: Well Mr. Vanover, I'm hear basically to answer questions. Questions from the Council.

President Vanover: Can we get you to come down here.

Mr. Gilhart: I'm John Gilhart. I'm here to answer any questions that you may have on the proposed plan.

President Vanover: Well, actually, if, because I know there's only two members up here on Planning Commission that have seen the plan, can you kind of give us a thumbnail of what you have in the works.

Mr. Gilhart: Yeah, I'm sorry, I was under the impression that you had packets that had that. Okay. I wasn't aware of that. Basically, what we're proposing to do is take the existing bowling center building, demolish maybe 13,000 square feet. Plus or minus. The remaining building, turning that into what's called "flex space". I can give you an idea of what that is. Flex space, and it would be approximately ten tenants. They would be, let me just read this to you. This is what they're talking about in the covenants and conditions. There's several items that'll be addressed. It basically, in the Planned Unit Development, as you may know these would be all the permitted uses under GB (General Business), General Industrial, Support Services, Public Facilities, and office buildings. There is an exception; there's no adult materials or adult something like that. That's apparently not permitted, nor do we plan on doing that. But, to give you an example, it goes on to say, "which may include office space, light production, inventory, retail space, showrooms, laboratories, internet technology, light industrial, assembly printing, shipping, distribution, pet care, storage, auto truck and vehicle bodywork, service repair sales, detailing, window tinting". In other words, it's almost like a shopping center. You don't know what it's going to be, but whatever goes in there has to comply with your zoning and the permitted uses and if there are specific things that have to be

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Mr. Gilhart (continued): done. For example, if there's materials that are requested on-site, this actually, goes in under "outside storage". There's no outside storage, but if they were to have outside storage, they would have to go back to Planning Commission and meet the specific regulations on that and get approval. It's basically, a mix of tenants that will have minimal impact. There is a residential neighborhood to the north and I think we've worked that out to get a buffer and so on and so forth. I talked to Ms. McBride about this. It's hard to say what's going to be there. We don't know what's going to be there. "Build it and they will come" so to speak. However, if there's something that you don't want to have there like a heavy manufacturing, we don't plan on doing that. I think it would be easier to exclude it rather than tell you all the things that it could be. I hope that explains the project, so to speak. If you have any questions.

President Vanover: Questions?

Mr. Anderson: I've a question about what could go in there. With the residential area being so close to the back end, plus the retail space. My question is around industrial use cases or light manufacturing that might occur in the back warehouse spaces. I understand this was described in the Planning Commission meeting. There's a potential for some small office upfront and then workspace or storage in the back. What kind of restrictions and protections are available to prevent light manufacturing that may use hazardous materials require any storage of those materials or use of it that could endanger the residents nearby?

Mr. Gilhart: Well, I wouldn't permit it. It would be in the lease agreements. But, if there's something in the code, obviously, you know, we don't permit anything; any hazardous materials. Is that what you're asking me?

Mr. Anderson: It is. I guess my question is I thought one of the challenges that I heard with the way this PUD was being updated is it's opening up the industrial use cases. Basically, all of the use cases with limited exceptions. What exceptions are there aside from adult-oriented material? Is it possible to have light industrial there? Is that a permitted use based on what we're voting on tonight?

Mr. Gilhart: It says in the code, it says, "GB-General Business, General Industrial (GI), Support Services (SS), Public Facilities, and office buildings. I think that would be more of a question for Ms. McBride. And, if I could, I just have one copy of this and I apologize for the poor quality of this one page. (Off mic) This will give you a brief overview if you'd like to pass that around.

Mr. Anderson: Thank you.

Mrs. McBride: So, as the Council knows, we obviously have a lot of Planned Unit Developments within the City and they function very well. Our Zoning Code does allow basically, any use that's permitted within the City to be included within a Planned Unit Development. For example, the most recent major amendment to the Tri-County Mall was to be able to allow vehicle storage. A very specific use that wasn't otherwise identified in our Code. So, when an applicant comes forward to either amend an existing PUD or to initiate a PUD rezoning, then, they are asked to identify the list of uses that will go into that property. So, if, for example, Tri County Mall, when they came forward initially, they identified retail sales, they identified I'm sure personal services, restaurants, financial institutions, those kinds of things. That is the way that we run our PUD's so to speak. What Mr. Gilhart is proposing is that he be allowed to do any of the uses that are permitted in any of our districts which would include residential actually on this site. That's not how we run our PUD's. I understand his need for, and I hate to say, flexibility on the flex-space, but flexibility on the flex-space. It's very similar to tenants in a shopping center. You need to be able to have some flexibility in leasing and we certainly want his development to be successful. However, having said that, we do have a residential district immediately adjacent to this property. We also have other commercial properties adjacent that we need to protect their property values and business operations. What we have suggested, on a number of occasions, is that he provide us with a list of the uses that would be proposed for that site. Typical uses in flex-space might be like a small HVAC contractor where he's got his office and he has ductwork and that kind of thing in the back. Maybe he keeps a van or two in the garage. Those types of uses or other people that need small storage type spaces and small office spaces. Typically, people do not come to a flex-service building. Rather, people go from the flex-service building to somebody's home, or

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Mrs. McBride (continued): somebody's business or those types of things. As a planner, I don't think that the list of uses, as an example that Mr. Gilhart is giving you, is consistent with what we are trying to do with our Planned Unit Developments. Just the range of from pet care to auto body work is a very large range. To retail sales to industrial uses and so forth. The only thing that I've heard Mr. Gilhart proposing to exclude is the sexually-oriented businesses, which, obviously, we would certainly not be permitting in this location.

Mr. Gilhart: Which is required to be excluded.

Mrs. McBride: Right. Based on their proximity to a residential district. The other issue with the covenants that we have brought up is that the applicant is proposing that the covenants would lapse if demolition did not occur within a one year period of time. That is not something that we typically see in covenants that run with a PUD. They run with the land. I think that we need to be much more specific this evening or if you wanted to table the request so that we could try to work something out. We have been going back and forth on this issue for quite a while. Planning Commission's recommendation to you was to adopt the staff recommendation, which was largely mine, which was that we needed to identify the uses that were being proposed for here. Again, understanding that they needed to have some flexibility without knowing the specific tenants. Again, needing to protect the residents, the adjacent business community, and so forth. Also, there's this issue of the covenants lapsing. If you had questions, I'd be happy to try answer those.

Mr. Hawkins: If we end up with a list of uses and some new potential tenant comes up with a use that's not listed in there, is that an easy thing for us to amend and add should that come up?

Mrs. McBride: It would just depend on how close that use was, Mr. Hawkins, to one that was already approved. If Planning Commission would feel comfortable extending an approved use to the proposed use. If it was something totally different, like, for example, it was approved for minor industrial and office and warehousing and so forth and they wanted to propose pet grooming. That would probably have to come back to you guys. Just as the vehicle storage did or the movie theater did at Tri County Mall.

Mr. Hawkins: Planning Commission had a lot of discussion with regard to this situation from the covenants to the flood plain issue to what's actually going to be there in terms of the different tenants and we understand the flexibility you want for your flex-space, but there's also a need to have some kind of confines in the process. I would like it if you can work with staff to get a list of things before it comes through Council. That's my personal view on it.

Mr. Gilhart: Would it be easier though to take what's already in the code and the tables that are outlined in the PUD and wouldn't it be easier to exclude them? I don't want to do anything down there that would affect the outlying areas; the residential. That's not my intention. I just don't know. Am I going to put a bowling alley down there? No. Movie theater down there? No. There's certain things you can exclude, but, I just don't know how to accomplish that. Because, you could have, for example, someone doing a window tinting and you could have a Camp Bow Wow next to it. That's the idea of these facilities. It is typical for these businesses, in the contractor part, for them to go out. But, there's also retail uses that don't need visibility. If I would, for a second, before I forget, the language. I took this template from Cassinelli Square. It was provided because I didn't have a way to start or an outline to start with. The language about it lapsing is in the event that it wouldn't happen. So, it would be kind of foolish if the project didn't move forward and those conditions and so on and so forth were to remain on that property. Then another individual, I've got actually three parties interested in purchasing the entire property. One's for a religious center, another one's for electrical contractor where they use the inside just for their equipment like Duke Energy, actually, a contractor for them. I have another one. There's a gentleman here tonight with International Brotherhood of Electrical Workers that want to use it as a hall and a training center. I just don't know how to approach this. I can't just sit there. You don't want it sitting there. We have to move forward and either it gets sold or we build flex-space out of it. I'm looking for suggestions.

Mr. Hawkins: Here's the thing. I think we had this discussion when you were in Planning Commission. You have several members indicate that that's a location that has

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Mr. Hawkins (continued): some challenges in terms of what goes in there. The idea of having a place that's going to have flex-space is a solid idea for a use of that property. But, I think the issue is, and there was some discussion about this previously, having some confines with regard to the uses. It doesn't have to be a list of just three things. You can make the list as long as you want. All that has been asked previously and all I'm asking you now is if you sit down with staff and you make that list. That list may have 50 things on it. I don't know. But, to go through and have that conversation with staff so that we have a starting point. You just heard from Mrs. McBride in terms of the question of how easy is that to amend or change it. She just indicated that it can be amended and changed if you get somebody else that comes in with something that you did not list on your exhaustive list that you guys came to an agreement on with staff, there's a process to be able to go and add that to it.

Mr. Gilhart: I understand what you're saying, but the list already exists. That's my point. It's in there. I'm not asking for anything outside of the code. If you go down the table. I've been asked for a specific list. It's there. It's already in your code.

Mr. Hawkins: I think what you just heard . . .

Mr. Gilhart: I can copy it and put it in here. But, it's already there.

Mr. Hawkins: Well, when you came through Planning Commission, the discussion was about working with staff with regard to that issue. That was a significant issue. Right? After we got through the flood plain and the covenants issue that was a significant issue. So, I think you had unanimous vote for you from the Planning Commission and it had the contingencies that it had in it. Planning Commission wants you to go forth and be successful, but they also wanted you to work with staff on that. Have you had a conversation with Mrs. McBride or staff with regard to . . .

Mr. Gilhart: Yes. I've had emails and most recently, she (Mrs. McBride) asked me what specific uses were that I wanted. I said I just want whatever is in the code. They're already listed.

Mr. Hawkins: So, my suggestion to you is go through . .

Mr. Gilhart: I've already put it in the covenants and contingencies, so I don't know what else to do.

Mr. Hawkins: Go through and have a conversation with staff was the suggestion. Well, the base of approval from Planning Commission with a list of things. You can do it however you want to do it. You may go look at every flex-space in the Greater Cincinnati area and list everything you see that's offered as services in those flex-spaces. Whatever that is, but, that was the basis for the approval was that there was going to be a conversation with staff to work that out.

Mr. Gilhart: And there was a back and forth, but, it's not going anywhere because there already is a list that exists that I've referred to.

Mr. Hawkins: Okay.

Mr. Gilhart: I can state it again. I understand what you're saying, but where do I go with this?

Mr. Hawkins: I'm telling you though, right now, you're seeing staff telling you that they haven't gotten a list from you. It sounds like you're having a conversation back and forth saying, "Hey, look, it's whatever's in the code."

Mr. Gilhart: They have a copy of this right here.

Mrs. McBride: Mr. Hawkins, I think, and just so the applicant understands, we have the document that he has proposed. What he is proposing is that every use that is permitted in the City of Springdale be allowed to be used at this location.

Mr. Gilhart: Every permitted use.

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Mrs. McBride: Every permitted use. Every permitted use in the City would be allowed on this site. What I am saying is, as your City Planner, is, "No." There are a number of uses that are not appropriate there for a whole variety of reasons. The PUD says you "may" do any use. You "may". But, the idea is that you narrow that down for the PUD and you say, "I want to do retail, I want to do office, I want to do office and retail. I want to do office and warehouse and retail whatever it is." You don't say, "I want to do everything that's permitted in the City".

Mr. Gilhart: I've asked for exclusions. I've asked for direction for exclusions. I have not gotten any.

Mrs. McBride: I don't remember having that conversation, but I'm not going to, at any rate . . .

Mr. Gilhart: Mr. Taylor and I just had the conversation yesterday.

Mrs. McBride: Well, I would not be in favor of doing it in an exclusionary manner because new uses can come on line that would not be appropriate at this location. Zoning Codes many years ago, some of you may recall, some of you aren't that old, but used to say instead of saying, "This is what is permitted", "This is what is excluded". For reasons, because new uses came on line, that were not appropriate and we're continually having to amend, that is why Zoning Codes Zoning is not done on an exclusionary basis anymore.

Mr. Gilhart: If I may give you an example. We talked about something simple that if there was a use that was simple that we just come up here and say, "Hey, we'd like to do this, yeah it looks good". I proposed this back in December 2016. The property is currently zoned Planned Unit Development. It currently covers all of the things that we talked about. It is. Princeton Plaza, excuse me. Princeton Plaza PUD is currently zoned that property. If you're telling me it's different, show me.

Mrs. McBride: No, no, no. That's correct.

Mr. Gilhart: So, that's correct. Now, I've been since 2016 trying to go from what I would say is a high impact 50 lane bowling center and entertainment open seven days a week to something that is basically open during the day. Now, to do that, I've been told it's not only not a minor change; it's a major change. So, there's my conflict there. I can't come see you every time. For example, Princeton Plaza Shopping Center; I guarantee you they're not up here every time they put a new tenant in. It just doesn't happen. They could have a restaurant, there's a karate center up there. They were not major changes, but I can't operate like that and I don't know anybody that does in the City. So, I'm just asking for some direction just like these covenants and conditions. I kept hearing for months, "We need covenants and conditions". I said, "Well, give me a sample". Mr. Taylor was finally kind enough to do some research and find some to give me a start on it. I can't just make this stuff up and pull it out of the air. So, I'm not asking for anything other than what's in the current code. If there's something that is offensive or you think doesn't belong there, first of all, I'm not going to allow it there. If you want me to exclude it, or if you want to go through, I have no problem with taking the list and then crossing of what's there and then we'll copy that and put it on here. But, I don't know what else to do at this point.

Mrs. McBride: If I could just clarify for Council. The shopping center is zoned PUD as you well know, but the uses that are permitted there are retail, personal services, restaurants, offices, professional offices, medical offices, financial institutions, those types of uses. You can't put an auto body shop in there. That's the difference.

Mr. Hawkins: You're indicating that you're at a loss in terms of the process and maybe it's an issue of breakdown of communication, but, the suggestion is sit down with staff and make an exhaustive list and sit there and things that you may cross out.

Mr. Gilhart: I could copy the Code. I can do that.

Mr. Hawkins: Whatever that is and sit down with staff and go through it. But, the problem is staff is saying, "Bring me a list." You're saying, "Hey I want everything that's in the Code because it's a PUD, so, I can do whatever for a PUD." It's whatever gets approved for a

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Mr. Hawkins (continued): PUD, okay? Make a list. I want you to be successful in the process, but we're not getting things done.

Mr. Gilhart: With all due respect, I've heard this. I've got you actually in the minutes as saying that. I've had two different individuals say this. They keep saying this. I want you to be successful, but everyone keeps throwing roadblocks. This is ridiculous. It's five acres down in a hole behind a shopping center. There's going to be a buffer between. . . This is crazy. It's like we're building another Tri County Mall. I don't know where to go at this point. I even tried, as I've said this before, Council hasn't heard this, but Planning Commission has heard this. I even tried donating it to the City of Springdale. That's how frustrated I am. I'm done. I want to be done with it. So, I'm just asking for some direction on this for me to be successful.

Mr. Hawkins: I'm giving it to you. My suggestion to you is you make a list. Sit down with Staff and if you want to go to the Code and open the Code up and list everything and then sit down with staff and start checking things off that you're not going to do, then do that. But, there's a breakdown in communication in terms of where things are going. There doesn't have to be. You're asking for a suggestion, that's my suggestion.

Mr. Gilhart: I'll do that. I just ask that if it's acceptable, the project is acceptable, that you approve it based on satisfactory review of staff.

Mr. Hawkins: That's what Planning Commission voted and approved; 7-0. So, that's what that approval came from. But, this issue right now I'm hearing is that hurdle hasn't been gone over with staff and I don't think it's a very high hurdle at this point. You have done a lot through working with Planning Commission. You did a whole bunch of heavy lifting through that process. This part right here, I don't think, is heavy lifting. There's a breakdown in communication. Sit down with staff. You make a list as exhaustive as you want and then you guys can go through them and pluck things off. That's my suggestion.

Mr. Gilhart: So, I respectfully request that you approve the project based on that so that it will go back to Planning Commission for final review for the development? I don't know how it works at this point.

Mr. Forbes: Just a couple of points I'll make. I just want Council to be aware that through this entire process, Mrs. McBride and I have discussed this extensively. This is not your Planning Department out there on their own. I've been involved in this through this whole process. There has been extensive discussions back and forth. I would point out a few things. What Council is doing tonight is considering a major modification to the PUD. One of the things, and, it's apparent from the questions that have been asked, is if we're approving a major modification to the PUD, what uses are we approving? At this point, we can't tell you because the covenants have not been resolved. For Mr. Gilhart to state that the list is there; it's in that document, as Mrs. McBride pointed out, that list is every single permitted use in virtually every district in the City. That's typically not how Council would approve a major modification without having any clue what the uses would be. As far as the process, the major modification process to a PUD is the exact same for this major modification as the last major modification, and the one before that, and the one before that. Applicants may not like the process, but it is the exact same process for every applicant that comes through.

Mr. Gilhart: Sir, it's not the process. It's the direction. Getting no specific direction. Ma'am (referring to Mrs. McBride), there's a list right here. If you refer to it; it's your Zoning Code. Let me read this just for a second if I may. It says, "The agreed uses of and for this property areas and for Planned Unit Development as listed in the City of Springdale Ohio Zoning Code Title 15 Land Usage Chapter 153 Zoning Code Revised 11/16/2016 more specifically those uses under the Planned Unit Development 15.255b1a-d, which include the uses . . ." and it goes on. If you refer to those in the Code, I'm stuck at this point. I don't know what to do.

Mr. Forbes: Mr. Gilhart, you've been told what to do. The list you just read is directly from our PUD section in the Zoning Code and it essentially says, "If you want to have a PUD, every use in the City can be permitted in a PUD". Now, go through the process and tell us which uses you intend. That's the menu, every permitted use in all those districts; that's the menu. Now pick the ones . . .

Mr. Gilhart: Those are the uses I'm requesting.

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Mr. Forbes: Okay. Just so we're clear then, you're requesting every single permitted use in the City to be permitted on this PUD.

Mr. Gilhart: I'm asking you that if you have a problem with that or if you have a suggestion to exclude them. Tell me which ones to exclude.

Mrs. Emerson: I just have a clarification and I don't know if this goes to Mr. Forbes or if this goes to Mrs. McBride. If he gives us a list and we're okay with it. Let's say something new comes up. That doesn't limit him to say that he can't have that. All it says is that he needs to bring that to us to okay it or no okay it. Is that correct? So we're not limiting him in the future. If something else comes up and we think it's worthy or okay to go there, we can vote that it in. Correct? Or not?

President Vanover: Yes.

Mr. Forbes: Short answer is yes. I don't want to speak for your City Planner, but it's just like any other use that's being proposed for an existing PUD. It comes to Planning Commission. If the Council members that are on Planning Commission determine that it's a minor modification, then Planning Commission deals with it; it's done. If the Council members on Planning Commission determine that it's a major modification, then it goes through the major modification process.

Mrs. Emerson: Thank you.

Mr. Gilhart: So, if I may, so then I come up with a list and then I present it back to Staff?

President Vanover: Staff, correct.

Mr. Gilhart: Staff then says, "Alright, let's present this to Planning Commission or Council and then we see if they like it and if they don't like it, well then we go back and exclude? You see where I'm going with this? I'm not asking for anything other than what's in the Code. I just need some direction and finality to this. Help me out.

Mayor Webster: What you need to do is to take that list, sit down with Mrs. McBride, cross off. You can't have them all. This is not an unlimited buffet where you can take everything and that's out there.

Mr. Gilhart: I don't want them all.

Mayor Webster: Well, that's what you're asking for here. You want it all. What you're hearing is the City's not going to give you all. You're going to have to go through that list, along with Mrs. McBride, you're going to have to cross off some of the things that we do not want to see adjacent to a residential area in back of a commercial strip center. There's some items on there we don't want to see. I think Mrs. McBride could give you all kinds of guidance on that and then once you do that, and you two come to an agreement, then I don't think, as is my understanding is that would not go back to Planning. I think Planning has told you to do that. So, once you do that, then you ought to be able to bring it back to Council.

Mr. Gilhart: I have absolutely no problem with doing that. So, does Mrs. McBride, as an independent contractor, does she have the authority to say what's good and what's bad and what I can and I can't do or is it Planning Commission and Council?

Mayor Webster: I think she can give you some guidance on some things that are on that list that she knows that the City will not approve, this Council would not approve, and Planning would not want to see in there. I think she's been with us long enough. She's savvy enough to give you some good solid advice.

Mr. Gilhart: I'll take your recommendation and I'll meet with Mrs. McBride and we'll exclude as I suggested earlier, we'll exclude items from that list and we'll copy them from the Code and present those through Planning Commission I assume.

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Mayor Webster: No, back here. You've already cleared Planning Commission. Planning Commission has instructed you to do exactly what I'm telling you to do right now. Is that right, Mr. Hawkins?

Mr. Hawkins: Yes.

Mr. Gilhart: Mr. Hawkins said that we're here to consider this based on the meeting with Council. I'm trying to get an approval to move on.

Mr. Hawkins: Mr. Gilhart, you're not going to get an approval tonight, I don't think, from what I'm hearing from the members of Council. Without having done what Planning Commission was asking for. What's been said today is Planning Commission approved that 7-0 with some conditions. One of those conditions was that you were going to sit down with Staff and work out the uses. What we're hearing is that has not been done. So, as such, you've heard some snippets that that's not likely to be approved as it stands. If you sit down and do that, and come back, then that's where you're going to be. What I'm suggesting you ask Council do is to table it until our next meeting so you have time to sit down with Staff and resolve those issues opposed to you asking Council to vote on this right now as it stands with unlimited uses.

Mr. Gilhart: With satisfactory approval. Because, it sounds to me like Mrs. McBride, if I meet with her, she'll have everything that you said that would be not favorable to the community. So, when I come back, you're just going to "rubber-stamp" it at that point.

Mr. Hawkins: Well, I wouldn't say it's a "rubber stamp". What Planning asked you to do was to have that conversation with Staff.

Mr. Gilhart: Do you see what I'm saying? How do I know what's going . . .

Mr. Hawkins: That's why Planning Commission said to meet with Staff because Planning Commission trusts what Staff's viewpoint is. You just heard the Mayor indicate Mrs. McBride and Staff know what, as the City, from our standpoint, what we want where and what we don't want in certain places. That's why you got that guidance from Planning Commission with the approval was to go ahead and do that so that when you came here, Staff would be sitting here going, "We talked about this, and we've got a good list of things that are here."

Mr. Gilhart: So, does Staff talk about it on the side with Mr. Vanover?

Mr. Hawkins: Staff is going to talk to you. You're going to work that out with Staff. When it comes back in front of us, it's all taken care of.

Mr. Gilhart: I guess what I was suggesting was is if you have that much confidence in Staff, which I certainly understand, why wouldn't you approve it based on satisfactory compliance with Staff?

Mr. Hawkins: That's not the process for us.

Mrs. Sullivan-Wisecup: Because right now, we can't, for your words, "rubber stamp" anything because you want, what you're asking for right now, is everything. We can't make a conditional "yes" vote on that. We have to see the conditions first before we say yes or no to what we feel about it.

Mr. Gilhart: I'm sorry, what I would be asking for is approval based on the satisfactory view of Mrs. McBride.

Mrs. Sullivan-Wisecup: We would have to see the finished product of what it is that you're asking to say yes to what Mrs. McBride would tell you right now or tell you in a later meeting. We would have to see those conditions in front of us. We'd have to see exactly what you're proposing, which, I'm also on Planning and I cannot echo enough what Mr. Hawkins is saying. That's exactly what we've said. We've said you need to sit down, we need to know what it is that you're planning on having there because we cannot agree carte blanche to let you have whatever you want. It has to have a focus. Even if it's 30 focuses, as long as we know what the focus is so that we know what we're voting on. That's what's important.

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Mayor Webster: I don't think there's any confusion here. You're objective John is, on July 11th, if you can get it turned around that quick, is to have that lady right there (pointing to Ann McBride) stand at that podium and say, "I support what Mr. Gilhart wants to do". That's all you have to do.

Mr. Gilhart: Okay.

Mayor Webster: Couldn't be a whole lot clearer than that.

Mr. Gilhart: So, it's based on direction from Staff. I understand. Perfect.

Mayor Webster: I'm not speaking for Council, but I think that I know the process well enough that if she (Anne McBride) stands here and says, "This is good for the City", that this body will most likely agree to that.

Mr. Gilhart: Okay, so then we would table this and when would be the next meeting?

President Vanover: July 11th.

Mayor Webster: July 11th is the next meeting.

Mr. Gilhart: Okay.

Mayor Webster: You have to get them to the City before then. Don't go running in here on the 11th with, "I've got them, I've got them". Make sure we get them well before that so we can get the covenants. When do we get those put together?

Mr. Parham: I said, "Don't come in here on the 10th either." That seems to be the practice.

Mr. Gilhart: Excuse me, is there anything else that I need to address while I'm here?

President Vanover: No, I think you've pretty well heard.

Mr. Gilhart: Is there any questions on the termination Mrs. McBride talked about?

President Vanover: On those covenants? The termination of the covenants?

Mr. Gilhart: In other words, they wouldn't go into effect if the project didn't go into effect and that's pretty common actually.

President Vanover: No, because as my grandfather would say, that's kind of like closing the door after the cows have gotten out. I haven't seen, in 24 years a PUD that didn't . . .

Mr. Gilhart: I just took it from Cassinelli Square and it was approved by your City Council or whatever. Okay. So, do I just exclude that?

President Vanover: Yes.

Mr. Gilhart: Okay. We'd like to table.

President Vanover: So you're requesting a table. Council, do we have a motion to table?

Mr. Hawkins made a motion to table the matter until the July 11, 2018 Council meeting; Mrs. Sullivan-Wisecup seconded. Motion passes with six affirmative votes.

President Vanover: We'll see you in a month, or three weeks.

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Ordinance No. 35-2018

AN ORDINANCE DECLARING TO BE A PUBLIC PURPOSE CERTAIN PUBLIC IMPROVEMENTS WHICH ARE NECESSARY FOR THE FURTHER DEVELOPMENT OF CERTAIN PARCELS OF REAL PROPERTY WITHIN THE CITY, EXEMPTING SUCH IMPROVEMENTS FROM REAL PROPERTY TAXATION, AUTHORIZING SUCH DOCUMENTS AS MAY BE NECESSARY, ESTABLISHING A TAX INCREMENT EQUIVALENT FUND, AND DECLARING AN EMERGENCY

Mr. Parham: Council, as the legislation indicates this ordinance would create a TIF (Tax Increment Financing) for the property formerly known as the GEEAA Park now known as the Springdale Commerce Center. It is expected to be developed by Strategic Capital Partners. As the legislation indicated, the Princeton City School District has agreed to a compensation agreement. They passed legislation at their June 4th special meeting. In addition, as required by law, the Great Oaks Institute of Technology has also, instead of waiting for the 45-day period to expire, they have issued a waiver of the 45-day period which would allow us to then address the legislation this evening. I think that's probably all that I want to share with you at this point.

Mr. Hawkins made a motion to adopt; Mr. Anderson seconded.

Ordinance No. 35-2018 passes with six affirmative votes.

Mayor Webster: I'd just like to make a couple of comments here. This is been a long time coming. A lot of effort has gone into this and I commend Mr. Parham for all of his diligence and also the school board. We've had numerous meetings with those folks and their attorneys. Mrs. Weimer is with us here this evening. As a matter of fact, I think thanks to some of her investigative work, we were able to overcome the last obstacle late last week. Anyway, I commend all these people on their outstanding effort on bringing this thing to fruition.

Mrs. Sullivan-Wisecup: Before we go on to this, at the last C.I.C. (Council Investigative Committee), there was a question about starting the process and it was told to me that I was to start interviewing and that if they meet the criteria, that there was really no strong opinion on it, so I should go forward, so, I did. I called several attorneys and of those attorneys, three were willing to meet with me about taking on C.I.C. as legal counsel. After meeting, one of them actually had rescinded and said that there was a conflict of interest so that was fine and then I had the two. One of them was going to be an exorbitant cost. Everything they did was going to be in a team. There was five people working together on everything and they really didn't have the City's best interests financially when they were going through this and that was something that I had asked. I did sit down with the attorneys and when I went through everything with them, I asked them about their background, I went through what this Committee is. Mr. Anderson had prepared an RFP (Request For Proposal) and I went through that because a lot of those things that he had outlined were very important and they were guidelines that we were using for what we were looking for. I went through and I questioned, pretty thoroughly I believe, and I had found Alan Abes to be the best choice. It's going to be him and one other associate that are going to be the people that I'm recommending. He was the most in line with what the Committee was looking for. I felt that he would be the best interest. When I was going through stuff, I actually had Mr. Anderson in mind as I was going through stuff and Mr. Abes can actually attest to that. As I was reading through stuff, I said, "I want to make sure I get everything so that it's something that I know would be what we were looking for. He is here if you have any questions for him or, actually, would you like to come up and say, "Hi" and introduce yourself?

Mr. Abes: Thank you for having me. My name is Alan Abes, I'm a partner in the Litigation Department of the Law Firm Dinsmore and Shohl. My partner, Brenda Weimers is actually in the back. She's your Bond Counsel. Gary Becker of our firm has represented the City on various insurance claims through MVRMA so I believe the City knows our firm well. In addition to my active litigation practice, I have represented municipalities and political subdivisions for more than two decades. Continuously been the Solicitor for the City of Fairfax. I represent two joint fire and rescue districts. I've also served as Special Counsel for various political subdivisions. Typically, when their Law Director has a conflict of interest or where the City or other political subdivision has a need for our expertise and experience. The project described here, the investigation is well within our expertise. My goal would be to accomplish your objectives as efficiently as possible and if we need to keep everything proportionate to your goals and make sure that we don't run up costs and that we don't pool more resources than are necessary, but that we pool all of the resources that are necessary. My plan would be to handle

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Mr. Abes (continued): this directly myself with assistance from an associate as appropriate and is needed. The associate I would have in mind, we've worked together for quite some time. He's actually been the prosecutor for the Mayor's Court in Fairfax and has worked with me on various Civil matters, so, he does have experience in Municipal Law. As litigators, we're both experienced in investigations, examining witnesses, reviewing evidence, issuing reports. So, from that standpoint, we feel very comfortable with the assignment. Obviously, I've not been retained yet, so, our conversation with Council Person Sullivan-Wisecup was limited. But, the next step would obviously be to meet with the Committee and to go over the goals and objectives and to determine exactly where we want to go, how we're going to go there. Make sure everybody is on the same page and then move forward. Happy to answer any questions or address anything else you'd like.

President Vanover: I don't see any lights. Thank you sir.

Mrs. Sullivan-Wisecup: I also at this time, would like to add the emergency clause to this. Seeing as we do have a C.I.C. meeting tomorrow, I would like to get things rolling and if we do approve this, I would like to be able to enter into an agreement with them at the earliest time possible just to expedite everything. Mrs. Ghantous seconded the motion.

Mr. Anderson: I'll limit my comment to just this motion for now. I do have other comments on the ordinance itself when that comes up. I believe that there was some concern raised outside of the meeting prior when the agenda was being discussed. I wanted to make sure it was heard by all. I know Councilperson Dan Shroyer and myself and Meghan were on an email discussing the agenda and there was concern raised for an emergency clause that several residents, myself in addition, would be concerned about having an emergency clause tied to C.I.C. motions unless there was a compelling interest. In order to do that, there should always be an opportunity for the Committee to have an opportunity to deliberate those as its body. So I know for myself I'm concerned about an emergency motion for something like this where it certainly wait and allow for both the C.I.C. meeting to review what's being proposed and then also for the Council to have an opportunity to review the proposals since we just received them in the past few days.

Mrs. Sullivan-Wisecup: It's already been 52 days; no, it's been 49 days that we've had this committee and it has not moved forward until the last week and a half; two weeks when we started this process of interviewing and going forward. When interviewing the lawyers, the attorneys, there was nothing that I was trying to hide or keep from anybody in the public whatsoever. I felt it was in the City's best interest to get this going. The longer that we wait, the longer it's in limbo and there are no answers to the public. I thought that this was to give everyone some sort of resolution of what had happened and to come to a conclusion one way or the other so that we have a place to say, "This is what happened or did not happen, here's the interviews. Everything is on the record; here's the report, let's move on from here". I thought the idea was not to keep harping at it. I understand the importance of doing a first reading and a second reading for some things, but there are several items that we use an emergency clause for. This should be one of them because we are entering into a contract to help us move forward. There has to be a point when the deliberating during our meetings comes to a conclusion and we move forward. It's only going to help the City to move forward instead of standing here arguing back and forth. We don't have very many options as far as what we can do. Every single attorney had the same idea that there was an investigation and there is a report. There were different ways of going about it. One was long and stretched out and the other one was efficient and to the point and the least impact to the City as a whole and I thought that that is what we wanted. There was never anything that was done that I felt was underhanded or sneaky. I think that sometimes when you say you don't bring it to the public, that's what you; you're not directly saying it, but, it makes it sound like it is. That's not the case at all. I was just trying to move it forward actually in a positive way.

Mr. Anderson: Thank you for those comments. I certainly didn't imply that there was any malfeasance. My concern was in the last C.I.C. meeting we said specifically that we would do, that you had agreed to do screening of nine; a list of nine and that you would come back and provide me "everything that was discussed" and then we would and the emphasis was on we make a recommendation. My intent here is not to litigate the last meeting. I'm merely sharing that the first time I'm hearing about the deliberations and the review of both of this attorney, who seems perfectly qualified. I just don't know. I haven't had a chance to do any deliberation or diligence on it. It was when I found out about the recommendation through

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Mr. Anderson (continued): the Council agenda mailing. I think that we can do better in that regard to allow for deliberation and communication and allow for feedback from a very interested audience at the C.I.C. meetings. There has been good attendance for a subcommittee meeting and several times the comments have been around openness and transparency. I'm simply asking for an opportunity to review the information that you shared about your deliberation that I'm just hearing. I'm not saying your decision was incorrect, I'm just receiving it now and would like an opportunity to review both that. I have several questions about both what's been proposed here as well as what you had decided was not in the City's best interest. I'd be interested in more discussion on that at our meeting. Especially around any calls that you might have made for references for the finalists. Questions about the fee schedule, questions about how the contract could be done to make sure that we are protected. There's a number of those items that I think are warranted. That's not to slow things down or prevent transparency. I just want to have an opportunity to do that deliberation. It is certainly this Council's prerogative to move ahead with the contract if we think it's in our best interest. I won't fight that. I do want to say that I do expect to have an opportunity to deliberate on decisions that are made in the C.I.C. and not hear about them when they're up for a vote with Council. I think we can do better. So, there's not a proposal currently. We're going to read the ordinance. I'm going to ask that we not do an emergency clause because that will allow us an opportunity to review it before it's voted on. Or, we consider tabling it so we have an opportunity to go through the interviews that you did as part of our C.I.C. meeting tomorrow. Thank you.

Mrs. Sullivan-Wisecup: As per last month, you had said, "If they meet the criteria, I don't have a strong opinion on which one it is." Then later on you said, "If it's narrowed down to one or two, you could share it." I did share; actually, I sent you his information earlier in the week and then I sent it again at the end of the week and I know that you said that you were travelling and you didn't get the stuff. But, I did send his stuff the day actually that I met with him because I was very impressed and I sent it that same day I sent his cover thing and all of his stuff that he had sent me. Because he had sent it prior to meeting with me and then after I met with him, I sent it to you. Then, you had said to me later on when I said, "What do we need to do to go forward?" You said, "We already have direction from the City Council meeting that enabled us to retain counsel." We spoke with Administration with our RFP criteria and they said that it wasn't necessarily posted as a sealed bid, so at our last session we voted to retain counsel as a committee and then earlier you had told me that you didn't have a strong opinion as to which one it is, so if I am misunderstanding, I've already told you; if I'm wrong, I'm wrong. That was what I had taken from that was that you were saying you weren't going to be available. If there was something I felt was a strong one and if I felt at all that there was something, like I wanted you to look at the other two, and then the one that I actually wanted to look at was the one that withdrew and said that there was a conflict of interest. It wasn't even with him and that person. It was with him and somebody who withdrew as far as the contention ones. I'm sorry if there was a miscommunication, but that was what I had taken from what you had said.

Mr. Anderson: So, again, I think those comments are missing responses in between them. Where there were commitments made in terms of the process that you would follow. I had assumed when I said that I was going to be comfortable, that we would follow that process that was discussed. In that meeting, it was explicit that you would come back with everything and then we would make a recommendation. If you read the section that you have, it is the very next lines. Again, I don't want to litigate that. I'm sharing my opinion that I don't think that we follow through on that commitment. I don't feel like I got everything the first time I'm hearing about the process you used for the RFP. I think that's great. I'm glad the document could be used. I don't have that information so it's difficult for me sitting here to just assume that those things happened. So, for example, the references, did we follow up and make those calls with the references provided? What was shared with those references? Those types of things is part of the "share everything" that I would've expected. Again, I'm not trying to have an argument about it. I think we can move forward. I'm just sharing that I don't feel like I was included the way I expected and I'm not comfortable voting on it tonight for that reason. Because, I still have a number of questions about those other attorneys that were contacted. So, we can either discuss those other here, but I think it would be more appropriate to do deliberation on the attorneys including the ones that were not selected as part of the C.I.C. agenda that we have tomorrow. I don't mean any disrespect to the attorney that is here tonight. I have questions not just about these qualifications, but why the others were disqualified. I think that's important to hear.

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Mrs. Sullivan-Wisecup: They didn't want to be considered. Three of them did not even call me back. Then there was one that was already, prior to that, had told me that there was a conflict of interest and then there was one that came up as a conflict of interest after the fact. That was where that came from.

Mr. Anderson: There's a list of nine. I think we need to talk about each one of them since we said we were going to interview nine. If they're disqualified, that's fine. I just want to go through each, not scatter shot and let's walk through each one of them so that we can show that we did do due diligence so that we can get to the business of the Committee. I also want to point out that doesn't mean that we can't do other meaningful work at the meeting. We certainly have the opportunity. I haven't seen the agenda for tomorrow yet, but we certainly have the opportunity to put together the questions that we feel we're going to use. We can put together the people we feel need to be questioned. That can all be reviewed once the counsel is retained, but we can make meaningful progress as soon as we have our next meeting.

Mrs. Emerson: I just want to make a comment. So when you keep saying, Mr. Anderson, "we"; are you talking about just the C.I.C. Committee or are you talking about residents being part of this decision of choosing legal counsel. Because I don't feel that it's resident's responsibility nor is it their option to seek legal counsel. That is our job or your job as the C.I.C., so I just want to make sure that when you're talking "we", we're talking Meghan and you, who's in the C.I.C. I have no problem with the discussion going on in front of the public, but, that decision should come down to the two of you and then to come to us.

Mr. Anderson: I agree completely. In the context of the discussion, the "we" in the minutes is Mrs. Sullivan-Wisecup and myself at the C.I.C. meeting.

Mrs. Emerson: Okay. Thank you.

Mr. Anderson: Yes.

Mr. Hawkins: It appears that Mrs. Sullivan-Wisecup had done a significant amount of work with regard to this process to this point. It also sounds like the Committee has some other things to discuss in terms of the situation. I personally would think it would be appropriate to table it until the November 11th meeting. If there's a reason to have it. I'm sorry, not November 11th, I'm jumping way out. To the July 11th meeting and it may be something where it's appropriate at that time to put an emergency clause on it to act swiftly at that point. I agree, I don't want this to drag on for a long period of time. It's not an enjoyable process or a good thing to spend a bunch of resources on and energy for the City when it could be spent some other directions as well. That's my suggestion. The only other thing I would, well, it may be premature for that discussion based on where we go with things, but, the only other thing I'd maybe consider that comes to Council is in regard this basically is a blank check based on the hourly rates. I don't know if it would be appropriate to consider some kind of incremental caps where it would come back to Council to look at, but, that maybe premature to where we are.

Mayor Webster: This is clearly Council's decision as to whether you want to not put the emergency clause in and kick it down the road for another three weeks and that's what you're talking about. July 11th is the next meeting. Seven weeks ago, you decided to have this Investigative Committee. Seven weeks. The first five weeks absolutely nothing happened. Nothing happened. Two weeks ago, you finally named a Chairperson, and the last two weeks I think Mrs. Sullivan-Wisecup has done a remarkable job of getting this thing to the point where it is this evening. So now you're proposing, "Well, let's wait and talk about it some more tomorrow night". With still no legal counsel. I think this, and I'm not criticizing either of the members of this Committee. I think you two were thrown into a very difficult situation. I became so concerned about it that it's been dragging on and you've got two Council people out here in a Committee with no legal guidance. That's the question that I posed to Mr. Forbes I guess last Monday. I called him and said, "Jeff, is there some reason why you can't advise these two members? Because I'm concerned that they're out there trying to get their job done, but they don't have any legal counsel and they're not going to have any until we can pass a piece of legislation to appoint somebody. He said, "Yeah, there's no reason why they can't rely on me until such time as they have their own legal counsel. Well, now, we're proposing, "Well, let's wait three more weeks" for these two not to have any legal counsel. I

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Mayor Webster (continued): just don't know what else you want and Mr. Anderson I hear you talking about the residents are concerned about it. I appreciate that, but, how are the residents going to give you any input as to which legal person you should select. I think you stand back and look at it, they aren't. Now, maybe, it would be nice to say, "Well, we sent out phone calls or whatever to these nine and these didn't respond and these did, but, at the end of the day, it's still going to be back to you six or seven people to make the call as to whether you want to go with this counsel or somebody else. I just don't know what you're going to accomplish in another three weeks except extend this thing and I totally agree with Mrs. Sullivan-Wisecup. I think the sooner you can get this thing over; the better. That doesn't mean you shouldn't do it proper, but, at the same time, this is not helping the City of Springdale to have this thing hanging over everybody's head for an additional three weeks. That's really what you're asking for.

Mr. Anderson: Thank you. I share the concern. I'm not sure I agree with all of the comments around nothing had been done prior to two weeks ago. You may recall, Mrs. Sullivan-Wisecup mentioned the RFP that outlined both the scope of our Committee which was confirmed in the first meeting. Also, in that meeting, we confirmed the requirements for the legal counsel we would need so we would be able to get to the step that we're at tonight. I don't believe that was a fair characterization. Secondly, I don't believe I ever asked for resident input as Mrs. Emerson asked about in terms of who are legal counsel should be. I'm merely reiterating a concern that I have shared and have heard that the conduct of the C.I.C. should be done in the open as much as possible in our regular meetings. This Committee, as I understand it, that we also confirmed, as a Committee, is as much to re-instill confidence in the work that we're doing. That we're following the rules of the Charter of Ohio for how we're conducting our business. That requires a bit of over emphasis on some of those early steps to make sure that we're not giving any implication of impropriety. You heard Mr. Hawkins mention earlier about a special meeting can cause concern. This whole atmosphere is why I'm very concerned about the way that we started off. I still believe that we'll be able to move very quickly. I still don't believe that we need to have legal counsel to continue to make progress. Mr. Forbes has reached out to both Meghan and I. I'm sorry, Mrs. Sullivan-Wisecup and I and clarified what his role could be to help us as we do this formation process. We understand that and we're making progress. The question that I have tonight and the concern that I raised is around this specific ordinance and how much information that I need in order to feel comfortable that we have the counsel that we need to be successful moving forward when we get to the part of the Committee where we're interviewing subpoenaing, interviewing, and making recommendations. All I'm asking for is more than a brush of the calls that were made. We made commitments in our Committee meeting that we would contact certain attorneys. I'm asking, "Did we meet those commitments?" before we sign a contract and pay money to do that. I don't think that's a high bar to follow and there's also no reason that we can't have a special City Council meeting to confirm this ordinance after we have our C.I.C. meeting. There's nothing that says that we have to wait three weeks to do this ordinance, just like we can have special C.I.C. meetings, we can have our meeting, due the deliberation, review the documents and then, if it's appropriate, if we want to make up that time, we can meet as a body and review that. I'm open to that. Thank you.

Mrs. Emerson: Mr. Anderson, I think Meghan went through what the process was and I think, if I'm understanding this right, it came down to two. Is that correct? (Looking to Mrs. Sullivan-Wisecup). Then, out of those two, one was lengthy and costly, and the other one was who we have here today. So, I don't understand what questions you're still having about the process because the process was done, she told you she contacted the nine. Only three . .

Mrs. Sullivan-Wisecup: Seven.

Mrs. Emerson: Seven, three returned calls, two came and interviewed. We gave you that. What other details do you need to make this decision between two attorneys?

Mr. Anderson: Thank you. So, I still haven't heard the answer. The answer I got over email, even for the first question of who was contacted was different than what you just described. So, what I'm asking for is an opportunity to get the detail. If we want to have the deliberation for the attorney in full, then let's do that. So, we need to have that information. I was prepared to have that discussion tomorrow. I can get out the materials and the questions

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Mr. Anderson (continued): that I have because we make commitments in the meeting for the discussion that we would have about the attorneys. I don't think that's the intent of this ordinance.

Mrs. Sullivan-Wisecup: There was never anything discussed about how the process was exactly that I was afforded to do an interview. Throughout the whole entire thing, I asked you if you wanted to be a part of it. You said, "Do not work around my schedule." You told me to go ahead and now I feel like you're second-guessing what I did. I don't think that's your intention. But that's what I'm hearing when you say that and I did work very hard on this and I did put a lot of time in it and when I called attorneys and they didn't call back, there wasn't much I could do because I was going forward because I thought that that was what asked of me was to go forward and do this quickly, efficiently. So I did what I felt was being asked of me and now you're saying that's not what was asked of me and I would never bring anybody forward, especially to do something this serious, if I didn't have full confidence in it and I think you know that. I hope you would know that. I know that you want to question every single question that I had asked or that I had said because you are a very thorough person. That is your nature. We talked about that. You're very thorough and I do like that. I invited you to be a part of this. If you wanted to be there when the questioning happened, if you wanted to be a part of that, then you should have said that at the meeting and I would've waited. I would've absolutely had you part of every single thing. You know this because I said it two or three times. I guess that's where I am with it. When you had said, "Go ahead" I went ahead and now you're saying, "Well, no." That's not what you wanted. I don't know what exactly that you wanted.

Mr. Anderson: So, again, not to litigate the draft minutes, but I think if you go back and look at them, the comment I made was, "let me know when they are, but not to schedule around me because my calendar might not be as flexible". I didn't even know that you had made calls prior to that. I don't want to keep going round and round on this; I don't think it's in the best interest. My feeling was, coming out of that and I reviewed the minutes before tonight, when I found out this resolution was coming, was I was surprised because I thought we'd agreed that it would come back to the Committee and that we would make a recommendation. Those are the words that were in the minutes. I agree there was a misunderstanding. I'm sharing that now and I'm telling you I would like an opportunity to deliberate and ask some of those questions that you know I'm interested in. If this Council feels that there's enough information there, I'm one vote out of it. I will stand behind the decision and work to the best of my ability with whatever counsel is assigned. I am telling you how I reviewed and understood the last meeting. It's as simple as that. It doesn't change the facts. Thank you.

Mrs. Ghantous: So, I'm in favor of moving forward and hiring an attorney and getting the ball rolling and getting this put to bed as quickly as possible. It's a dark cloud hanging over our heads. The ill will and the negativity is growing like a cancer. I don't like being a part of it. I would personally like to see this put to bed as quickly as possible. One thing that's clear tonight is both of our Committee members are in the right place. But, as long as we continue to have a Committee of two, we're going to have the situation that we have in front of us tonight which is a misunderstanding or misperception maybe of what was said. We need a Committee of three. There's one way to get a Committee of three. That would be to move forward with getting the attorney. Otherwise, we've got this Committee of two and we have a lot of room for more misperceptions and misunderstandings going forward. That is not going to help us resolve this in a timely manner. We need to get back to conducting the business of the City in a professional and business-like manner and put this behind us as quickly as possible. This is not in the best interest of the City. It makes me sick to my stomach.

Mr. Hawkins: Obviously, there's been some miscommunication that has taken place inside the Committee and I think it makes sense. This is about a recommendation from the C.I.C. Committee so I think it's important that whatever communication there is, that it is clear between everyone that is involved in it in terms of the Committee and that the Committee is in line with regard to the recommendation. Everybody, I think, wants this over with as quickly as possible. I agree with everything Mrs. Ghantous said with regard to the growing cancer, animosity, and divisiveness and there's no question when this was suggested initially it was going to be the most divisive thing that we could do or probably have encountered in some time. So, at the same time, it's important that the process is right. Whether it's special meetings, whether it's interjections from people. It's important that the process is right. I

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Mr. Hawkins (continued): agree, it's important that you get legal counsel sooner than later, but, it's important that the process is right. Even with Mr. Forbes, we had this discussion back in May when we had discussion that Mr. Forbes is saying basically that, "I can't assist in this in great detail", because he's in the room. He's in the investigation. We can't do this like it's something normal. It's not. This is a special situation. It's not say we don't care about other things, but people have to be careful how they are injecting in things. I know, Mayor Webster, that you called Mr. Forbes to try and help them out. Your heart is in the right place, but, at the same time, he (Mr. Forbes) can't give a bunch of information on an investigation that involves him. He is being investigated. When you go through that, you have to be careful in that process. This is the whole point. I know everybody loves my analogies/sarcasm, but it's like you go through a criminal proceeding, there's due process. Judge is very concerned about due process. You have a death penalty case, it's as they would term "super due process". Because the stakes and the situation is that much more important, it's that much different. It's not to say that we don't care through other stuff, but I'm saying, right now, if we're going to go through this process, then you can't have certain things happen that you might otherwise happen, because this is not an everyday thing. This is a unique situation. All I'm saying is as we go through this, we have to be mindful of the process. If that takes them having another meeting, then have another meeting. You heard Mr. Anderson suggest we could have a special meeting of Council. Council seems to be very driven to get this done. Council could have a special meeting upon C.I.C. saying, "Hey, look, we've had this discussion, communication is clear, we're all on the same page". I would imagine that Council would be quick to say, "Hey, yeah, let's make this happen". I'm just saying this is a repeated reminder, and you may get tired of me beating the drum, but, this is not an everyday situation. This is unique. We have to conduct ourselves in that way. When we do stuff, certain things, that perception looks bad. It may not be that that's the reality or what somebody is doing or inaction or something clandestine is happening, but we have to be mindful of that. Mr. Forbes has indicated that there's limits as far as what he can do with this Committee in an investigation that involves him being investigated. There's limits in terms of what influence there can come from the Administration when we've got administrators who were in the room that are going to be investigated. There's limits in terms of what the President of Council can do or the Vice President of Council can do with regard to this Committee when we're being investigated. That's what it comes down to. We can't act like this is normal business. Because it's not. I'm seeing on more than one occasion we're acting like we're not being investigated. You can't do that. My opinion.

Mrs. Sullivan-Wisecup: You all are being investigated. It's not a secret. You are getting ready to vote either today, or another day, or whenever you all see fit. You're going to be voting on the person is going to investigate you. There is nothing normal about that. There is absolutely nothing normal. All the voting body does have a say in how this is conducted because you either approve or don't approve who's going to investigate you. At the end of the day, we make a recommendation, but, it has to go through council. So, you all will be approving or not approving the counsel that is going to investigate you. Again, it is not normal. The question now is what's next. Do we want to wait until after the next meeting? Do we want to wait three weeks? When is going to be a sufficient time when everyone's going to be happy with when we're ready to vote on this? When are we going to say, "Okay, now we're going to vote on who's going to investigate us"? I don't want to put a whole lot of emphasis on that except for the fact that it's the truth. I think that a lot of people are saying, "Well, these people want input, these people want input". At the end of the day, you guys approve or do not approve what counsel is going to be investigating you. I'm just echoing off of what you (referring to Mr. Hawkins) said that there's a lot of people that are involved in this whether it be Administration or anybody else. At the end of the day, you all are having a part of this when you vote for that.

Mr. Anderson: I just want to recognize that emotions are high. I don't intend to exacerbate any of that. I just, as a point of clarification, it's my understanding the charge of the C.I.C. and us as Council people on it is to conduct the investigation. We were already voted as the investigators that will be creating and providing the recommendation of a full Council, the findings. Legal counsel is to advise us. They are not a member of the Committee. They are simply there to provide legal guidance, help us with drafting documents, and steer us and address legal concerns. They are not the investigator. If that's a mistake, and that's incorrect, we need to go back to what we discussed in our first meeting which was explicit on that that the C.I.C. Committee members are the investigatory body.

Mayor Webster: Mr. Hawkins, I totally disagree with you. I think what this Council did is you created a special investigative committee and chose two Council members that weren't in

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Mayor Webster (continued): the room, which is the proper thing to do, but you chose two Council members that had about four or five months-worth of experience as a City Council member. You cut them loose, go do your job. You gave them no guidance, no help, no legal help. Even though you're paying a legal person here and you're telling me that he's got to say, "Hands off", he can't give them advice on how to form the Committee, what's legal, what isn't legal. I'm not talking about the questions, I'm not talking about the witnesses. I'm talking about the normal legal advice he would give any other Committee of this Council or of this City and you're telling me that that's wrong for me to say, "Jeff, could you help these people. They're struggling over here. They need some legal help" and they're not going to get it until this Council passes some resolution or ordinance to give them that. So, until that time, I think it's his responsibility to provide them that. Now, if they're meeting to talk about what kind of questions they're going to ask or who they're going to call; yes then I think that would be wrong for him to be a part of that discussion. Short of that, I think it's his obligation to do that. I think it's our obligation to provide those two people with some legal help. And, seven weeks later, we can't even do that and now we're talking about let's wait for ten weeks to do it.

Mrs. Sullivan-Wisecup: When we had had our first meeting, we had discussed some things and we had said, at that point in time, there was the question of who would do the questioning and things like that and it was said, at our Special Meeting we were actually advised by Mr. Forbes. Mr. Forbes said, "That's something you have to ask your legal counsel. Every single legal counsel that I spoke to as to who was supposed to be asking questions, every single one of them said you guys aren't investigators, you are a Committee. Yes, you're an investigatory committee, but they're professional litigators. They're professional "question askers" for lack of a better words. They're the ones that have the experience investigating, questioning, and yes, every single one of them said we can submit questions and said that that would be part of it, but, pretty much, across the board, everyone had told me that the three that I had interviewed, they all said that this was something that wasn't necessarily done by people because then we would be questioning our own peers. It's very obvious we are a Council divided. This is not something brand new. I will bring up something prior to this Committee being formed. Mr. Anderson and I have never had two ill words spoken to each other. I still hold him in very high regard. I like him a lot. I feel like I'm always on guard now, no matter who is talking and it shouldn't be like that. I think that this needs to get started one way or the other. We need to see how the actual thing is going to go by someone who has done something similar to this before that can give us some sort of legal guidance that can tell us, "Here's the next steps I've done before, because this is what I do for a living." And, we can discuss with them what we want our participation to be and they could discuss the parameters of how that's going to work. That's part of that relationship. But, if we never get started, we're never going to get to that point. I don't know exactly who is going to question. That's kind of something that's going to happen once we get into when we have the legal person and when we get into that, that's something that's going to be discussed then. But, even though they're not in our Committee, they're definitely a huge part of this Committee. Even as an advisory role, they're still huge. Just like, Mr. Forbes, you're not an elected official, but you are a huge part of what drives our every single meeting. It's the same kind of thing. He's there as an advisement. He writes up the paperwork and he advises. That's the same thing that we would have with our attorney and it would be up to them and up to us how that relationship works. That's all I have to say about that.

Mr. Hawkins: Mayor Webster, my point is, there's a lot of things that take place and happen that don't seem to be giving any kind of consideration for the process of people that are involved and being investigated. That's my point. I know that they, this Committee, C.I.C. needs to get counsel sooner than later. That's going to be a very helpful thing. But, my point is, there's a whole bunch of stuff that's gone on that is not consistent with people sitting there saying they are being investigated. You're talking about things that are a normal occurrence. Normal occurrences, yes, Mr. Forbes would go and get involved with that situation and help give guidance, what have you. I'm just saying Mr. Forbes, because of the circumstances that we're in, has to be careful and is limited in what he can do. So, it's not a situation where I would just pick up a phone and say, "Mr. Forbes, go and do that". It's not a normal situation. That's my point. In terms of this ordinance. This ordinance is talking about a recommendation from C.I.C. What we've gone through for the last I don't know how many minutes is, a situation where there's been some kind of miscommunication, breakdown of communication, not saying it's anybody's fault, but within the Committee and so, we're sitting here voting on a recommendation from C.I.C., which, it sounds like, they still have to have some discussion on

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Mr. Hawkins (continued): for that recommendation to take place. Now, obviously, Council can do whatever it wants, but that's the issue as I'm seeing it in terms of concern for going forward right now.

Mayor Webster: Well, I certainly trust Mr. Forbes to know what he could or couldn't do to help the Committee. You know, I think someone once said at the inception that we probably need three people on this Committee, but that was voted down. You heard this evening from Mrs. Ghantous; if we had three people on this Committee, we wouldn't be sitting here. Why didn't we put three people on this Committee to start with?

Mr. Hawkins: Why wouldn't we be sitting here if we had three people on the Committee?

Mayor Webster: Mrs. Sullivan-Wisecup left the last meeting with some clear direction in her mind, "Go ahead, interview these people; I don't have time, or I don't want to be involved with it, whatever". I wasn't at the meeting and I don't have the minutes. I'm paraphrasing the things I've heard that Mrs. Sullivan-Wisecup left the meeting with the understanding she was to go ahead and get a recommendation for Council. Conversely, Mr. Anderson, and look at his face, you can tell he doesn't agree with that. He left the meeting with a totally different opinion of what she should be doing. So, here we are. So, why is this going to be different three weeks from now?

Mr. Hawkins: Three people versus two people does not deal with a miscommunication. Part of the situation that goes on when you have a smaller committee is you have a quorum when they meet. If you had three people on that Committee, guess what; two people talk, it's a quorum. So that doesn't change anything where there's going to be a whole bunch of more communication. You can't have a three person committee and two people get on the phone and have a conversation. That's a meeting. You can't have two of the three people sit there and want to email back and forth. That's a meeting. You can't have two of the three people say, "I'm going to go meet for coffee and discuss this matter". That's a meeting. There's nothing magical about putting three people on there. If there's a miscommunication, there's a miscommunication. You can have miscommunication with two people or five people. It's not about the numbers. There was a miscommunication. I'm not saying whose fault it is. I don't know. I'm not a part of that Committee. I don't think the number of two versus three deals with a miscommunication. One of the issues that probably makes it more challenging for the Committee is if you get a Committee of three people or two people; two people want to talk about something, that's a meeting. You can't do it. So, unless you're going to sit there and make it five people or something like that to avoid there being a quorum when people are having discussions outside of a meeting; three people doesn't get that done. So, I disagree. Three people versus two doesn't stop. There's a miscommunication. A miscommunication is the issue.

Mrs. Emerson: My comment to that Mr. Hawkins is that if they can go to this meeting tomorrow. We can table this or whatever; whatever Council decides. They can go to this meeting tomorrow, there's only two of them; that means fifty-fifty. So, they go to this meeting, they have a discussion and they still don't agree. Where are we at? There's no majority, there's still fifty-fifty. We still have to come here as a Council and decide it whether this is legal representation or not. So, if we had a third person, we'd have a majority here. It doesn't guarantee any of that the two of them meet tomorrow and they talk and still can't decide. He says this attorney; she says this attorney. Where are we at? We're at the same place we are right now. All of us making a decision on who should represent this Committee. That's the end of it.

Mr. Hawkins: If they have a meeting and Mrs. Sullivan-Wisecup says Attorney A and Mr. Anderson says Attorney B, they can bring an ordinance with Attorney A and B before Council and Council can vote on it. But, the issue is, what we've heard, as bystanders through a discussion between the two members of the Committee is, there was a breakdown in communication somewhere along the lines. So, you don't have a committee sitting there in any kind of way saying, "Yes, we're ready to go and make this full decision" in terms of both of them. They may not agree. I agree with you and that's fine. Because they're not going to make the decision individually on who's going to be counsel. It's going to be a vote. So, if they have two different recommendations for two different lawyers, those two can be brought before Council, and Council will vote on it. I don't see that as a problem.

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Mrs. Emerson: I don't see how deliberating another meeting is going to change anything. We've already discussed that we've come down to two attorneys. I already know this and I wasn't even on the Committee. We've talked about this ten times on how she narrowed it down. We came down to two attorneys. One that's going to cost the City a lot of money and both of them are equal qualifications. One's going to be efficient and save the City money; the other one is going to be more expensive, take more time to do it. To me, it's a pretty simple decision here. I don't understand how another meeting and putting it off three more weeks is going to get us any better of an attorney.

Mr. Hawkins: When you look at the ordinance, the ordinance is talking about a recommendation from C.I.C. It does not appear, from the discussion that we've sat here and listened to, that the Committee is in that position; in that place. It sounds like there's a miscommunication where, what I'm hearing them talk about is, Mrs. Sullivan-Wisecup has gone through this process. She's ready to recommend Mr. Abes. I'm hearing Mr. Anderson say, "Hey, look, there's other information or more discussion that I want to have".

President Vanover: Well, sitting here filtering everything coming through, and the reality is, and this is a problem we know going in, we have a Committee of two. It comes down and we're exactly in that position; it's "he said" versus "she said". Doesn't sound like we're much closer on that. The other thing, there's been some slighted innuendos. Irregardless of whether we're being investigated, we have a plurality. We are still members of Council. This Council has business to do. So, we will conduct that business. Short of going out in left field, it's not going to change our roles. Coming in and trying to strong arm or influence somebody, we, at this point, are a dual plurality person. I'm President of a Council that has a job to do. I'm President of a Council that's being investigated. Every one of us, sans the two. It's frustrating. I'm like Mrs. Ghantous. I am sick of it. I have been sick over it. Some of this reminds me of my kids pointing fingers at each other. He did it; she did it. You accepted the position, the role; either we do it, or we don't. One of the two. There is, at this point, do we have a motion Mrs. McNear? It's been a while.

Mrs. McNear: We have a motion to add an emergency clause and a second.

President Vanover: We have that standing in front of us. The ordinance was added to the agenda. So, at this point, I think let's call the vote on the amendment before us.

Mrs. McNear: The emergency?

President Vanover: The emergency, correct.

Motion to add the emergency clause passes five to one (Hawkins).

Mr. Anderson: So that was to add the emergency clause.

President Vanover: To add the emergency clause. At this point then, Mrs. McNear, we need you to read that. Mr. Forbes can we get some direction on the emergency clause verbiage?

Mr. Forbes: Yes. You can. Typically, the language, and I would assume Mrs. McNear can probably recite it in her sleep, but generally, it's that "the ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and general welfare". I thought maybe they were writing it down; I was trying to go slow. "And shall be effective immediately upon its adoption. The reason for said declaration of emergency is", and that's for Council to . . . If I were writing it, it would say the reason for said declaration of emergency is "the need to retain special legal counsel at the earliest possible date".

Mayor Webster: Is that proper for him to be dictating an ordinance?

President Vanover: He's wearing the one-sided hat right now.

Mr. Forbes: I draft your legislation all day, every day, so if you're asking me to draft an emergency clause, I can do it tonight. As I would any other.

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Mr. Hawkins: He's acting as Council for the City.

Mayor Webster: Oh, that's okay. Okay. Thank you.

Ordinance No. 36-2018

APPOINTING SPECIAL LEGAL COUNSEL FOR THE COUNCIL INVESTIGATORY COMMITTEE AND AUTHORIZING COMPENSATION

President Vanover: Alright, I guess direction; plug the name in?

Mr. Forbes: Yes, as it was read, there is no name, so the appropriate next step would be a motion to amend the ordinance to insert the name of the legal counsel.

Mrs. Sullivan-Wisecup made a motion to amend Ordinance No. 36-2018 to add the name Alan Abes as legal counsel; Mrs. Emerson seconded.

President Vanover: Discussion on the amendment?

Mr. Anderson: One question on that. Should it name the law firm and the principal as opposed to just a specific person?

Mr. Forbes: Well, as it has been prepared, it says that it's appointing someone to be appointed as Special Legal Counsel for the C.I.C. and it shall be compensated pursuant to the terms of the proposal. The proposal that I believe, was passed out is from Mr. Abes on behalf of the firm. It also indicates that a separate engagement letter will follow assuming that, when it's appropriate, that it's adopted. That engagement letter will set for the terms and it will likely be with the firm of Dinsmore & Shohl, but I think it's perfectly appropriate to identify the specific individual.

Mrs. Sullivan-Wisecup: Okay. I just want to make sure we're doing this correctly.

President Vanover: Okay, so we have a motion to amend to include the name of Mr. Alan H. Abes into the ordinance. Any further discussion?

Mr. Anderson: Thank you. If I could be indulged for a minute. I have three questions and one comment on this specifically and hopefully that can get at least me over the hump. So, I'd appreciate an opportunity to ask the questions about Mr. Abes and how it was done. Please take this in the spirit it is intended.

Mrs. Sullivan-Wisecup: You're good.

Mr. Anderson: My first question regarding Mr. Abes is you mentioned earlier that, I know in the letter, he provided references. Did you have an opportunity to speak to those references and what was their feedback?

Mrs. Sullivan-Wisecup: I do not have the paper with me. I did call the first person. I forget who the first person was on the thing. I did have a chance to call them. I don't have it with me, do you have it with you? He was, right here, it was the Mayor Carson Shelton. I did leave a message and I left a message for him, I did not get a call back from them and then I called the Village Administrator, Jenny Camener and they just said that they had worked with him and that they gave a good reference. Basically said that he was very good to work with.

Mr. Anderson: Okay, then the second question that I have is and it's probably what Mr. Forbes referenced in terms of the engagement letter that would follow. I heard feedback that I agree with from Mr. Hawkins around spending limits. I'm never one to be comfortable with a blank check in any situation. Even if I have reins on the checkbook in this case. Is it typical in a situation like this, and this is a question for Administration and Mr. Forbes, that we would approve an ordinance without any comment about a spending limit and assume that the terms and conditions would control? Or do we need to put some sort of fee schedule in this ordinance?

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Mr. Forbes: The only thing I can say in response to that is, for instance, Council approves legislation that appoints me as your Law Director in a contract with Wood & Lamping to serve as your legal counsel. It sets forth the hourly rates, but, beyond that, it doesn't have any additional parameters.

Mr. Anderson: Does it specify review periods, billing cycles so that we'd have an opportunity to stop or is it just best effort?

Mr. Forbes: My answer to that is I serve at your pleasure. But, generally, that contract is a one-year contract. But, I always take my direction from the Council.

Mr. Parham: Following up on Mr. Forbes comments, also working with the Miami Valley Risk Management Association, there are multiple legal counsels they employ. They employ Dinsmore for the southern communities or the Greater Cincinnati communities. They employ at least one or two other law firms in the Dayton area for those Dayton communities. They typically identify a rate in which they're going to engage those individuals and with that comes various assignments and tasks. In this particular instance, their assignment or their task is to reach some outcome based on this investigation. It seems to me that if the dollar figure hits some particular number, and you have not reached your outcome, have you done what you're attempting to achieve. In this instance, it seems to me that you're engaging this person to help you reach that outcome. Now, he has given you a rate in which he's willing to perform that task and that work. At this point, my experience has been that we hire the individual, let them complete the task and the cost is going to be what the cost is going to be.

Mr. Anderson: I'll pause there for just a second. I do have one more question or comment. I just want to get Mr. Hawkins' feedback on it if I can since he had raised that point earlier. Does that make sense to you?

Mr. Hawkins: Just a question for either Mr. Forbes or Mr. Parham. Council is not precluded from putting a cap or any kind of scheduled fee in this ordinance, right?

Mr. Parham: No. It's totally up to you.

Mr. Hawkins: So, my only point in raising that is it's not that Mr. Abes hits a number and then we say, "We're done". It's so that there is some kind of control in place and then it comes back for the body to sit there and say, "Does this still make sense?" Or are we throwing money out that, at some point, someone says, "This no longer makes fiscal sense if we're using tax dollars for this purpose". That's the idea behind that. Council can obviously do whatever it wants to do, but, that was the idea.

Mr. Parham: I think that the involvement and direction on the part of those two Committee members can help focus Mr. Abes in his performance and what it is that he is doing. They can establish goals for him in which he is to report back to them and for what things that he is going to perform versus what the Committee is going to perform. I think there's a number of things that you can do to sort of help you keep your costs in some sort of control.

Mr. Anderson: A third question. Were all the named law firms that were raised in the last meeting at least contacted? There was, I believe, three references that were provided from Mr. Forbes that I had requested; two were from the same law firm and then I believe there was the list from Mr. Parham that included all of the people who received the previous Law Director's office RFP albeit only five I think of those nine responded. Were all of those at least contacted?

Mrs. Sullivan-Wisecup: I called the three that Mr. Forbes had requested. I told you I called those prior to even coming to that meeting that day. Only Tim Burt called me back out of those. Then, on the other ones I called; the ones that had returned the RFP, which is where I found Alan and Dinsmore, and one of the people on that list was a conflict of interest, so they declined to be interviewed. I had Mr. Abes and then the other person was Mr. Goodin that I met with. Mr. Steve Goodin and then I had one other person say that they were not interested. I would have to look at my list. And then, I didn't get any other phone calls back. Those were the only people that called me back.

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Mr. Anderson: But, to the best of your knowledge, all of them were attempted to be contacted?

Mrs. Sullivan-Wisecup: Oh yes; absolutely. All the ones that had returned the RFP. The ones that had returned the RFP; I called those, and I called the three on the list. Yes.

Mr. Anderson: Okay.

Mrs. Sullivan-Wisecup: Yes, absolutely.

Mr. Anderson: And then one last question and then a comment. You've had more interactions with Mr. Abes and knowing and seeing this maybe we should ask him again. Are you comfortable in your best judgement having spoken to a number of these attorneys over the past two weeks, which I'm sure was an experience, it is your strong recommendation that Mr. Abes is the best fit for our Committee? Is there any reservation?

Mrs. Sullivan-Wisecup: He was the one when I spoke to him I had the best feeling talking to him. I was actually looking forward to meeting with him and getting more in depth. And, when I met with him, it was an extremely positive meeting. I left feeling that everything that both you and I had discussed and everything that was on the RFP and everything in general was what he was on board for. In fact, we had discussed things about how we needed to make sure that everything is on the same page from the very beginning and I felt like he was the very most in-line with what we had discussed and what we wanted. He was the very best choice that I spoke to; even of the people couldn't or would not represent because of conflict of interest. He was definitely the one that was most in-line with what we were looking for. Absolutely.

Mr. Anderson: You're still interested after hearing all this discussion? (Addressing Mr. Abes in the audience). Just a wink or a nod or a pull of your ear if you want out.

Mrs. Sullivan-Wisecup: The fact that he's still here, speaks volumes I think.

Mr. Anderson: I just have one last request then before I yield the rest of my time on this. I believe it is a fair expectation that people are expecting some discussion on the attorney in our next C.I.C. meeting. For any number of reasons. It is, obviously, a decision of Council. We've communicated that in the past at those meetings. So, I'm comfortable moving forward with that. I would ask that we add an agenda item to the C.I.C. meeting at the start of it to explain to anyone who is present and for the record and C.I.C. that discussion was done in open session about a number of the attorneys. That there was substantial deliberation and feedback from both the Administration and Council people and that it will be whatever decision it is going to be. But, if we decide to move forward, I ask that we do start the meeting after the normal business that we give a reasonable summary of the discussions that happened here tonight and let people know where we're at and how we got here. Thank you.

Mrs. Sullivan-Wisecup: Oh, absolutely. Like I said, I had no intentions of doing things in the dark. That's not what my intentions were at all about that. I did submit my agenda, I think it was Monday, was it that I submitted it to you? (Addressing Mrs. Zimmerlin) She asked me to submit the agenda, so I did. You didn't get the agenda?

Mr. Anderson: So, I need to see those going forward. To be clear. Like when they're sent out. I think it's not a violation of open meetings to have discussions about the agenda; both sending it ahead of time or even discussing what would be on it. I think it's appropriate that I get those ahead of time. I think if not, it causes frustration.

Mrs. Sullivan-Wisecup: Okay, that's fine. I do want you to know I did not mean to add that. She (Mrs. Zimmerlin) had just sent the thing asking me for it. So, I sent it. I did not mean to frustrate you, I promise. That was the number one thing was the legal counsel and that will absolutely be a part of it when we do have the discussion tomorrow.

Mr. Parham: I think, as Mrs. Sullivan-Wisecup is referring to, she is the Assistant City Administrator, Mrs. Zimmerlin. The reason that Mrs. Zimmerlin needed the agenda is as we're trying to secure a court reporter to handle the minutes and because they had a timeline in order for us to get that information to them. Unfortunately, even after we got that to them, during their

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Mr. Parham (continued): timeline, that particular firm, I'll simply say, had some challenges. So, we're not using them, but, we were able to secure another group and so that's the reason that she needed that information.

President Vanover: Any last discussion?

Mr. Anderson: Sorry, this is to add Mr. Abes' name, right?

President Vanover: Right.

The motion to add Mr. Abes' name to Ordinance No. 36-2018 passes with six affirmative votes.

Mr. Forbes: I was just going to say at this point it is exactly, you have amended it to add the emergency clause; you've amended it to add the name. At this point, it would be appropriate to entertain a motion to adopt.

Mr. Anderson made a motion to adopt Ordinance No. 36-2018; Mrs. Sullivan-Wisecup seconded.

Ordinance No. 36-2018 passes 5-1 (Hawkins)

Mrs. McNear: I just want to tell Mr. Forbes, please don't ever use the word "investigatory" in any future legislation.

Resolution No. R9-2018

ADOPTING THE TAX BUDGET OF THE CITY OF SPRINGDALE FOR THE YEAR JANUARY 1, 2019 THROUGH DECEMBER 31, 2019

Mrs. Emerson made a motion to adopt; Mrs. Sullivan-Wisecup seconded.

Resolution No. R9-2018 passes with six affirmative votes.

Old Business

Mr. Parham: Council, at a previous meeting, a resident by the name of, I think, William Cassidy came before us with concerns. He lives on Dimmick. His concerns were relative to speeding on his street. At that time and even at the last meeting, the question was raised whether or not we had received the data from our speed sign. We had not at the last meeting. We have now received the data. The sign was in effect or posted from May 9th until June 7th. It shows, of course, the street has a speed limit of 25 miles per hour. It showed an average speed of 19 miles an hour. The eighty-fifth percentile speed was 22 miles an hour. There was a vehicle at a high speed of 36 miles an hour. The low speed being five miles an hour. There was average volume of traffic per day of 132 vehicles. Very similar as the data that was reported from, I believe, two years earlier where there's an average of 143 cars per day. The low speed at that time was, again, five miles per hour; the high speed at that time was 42 miles an hour. The average speed was 18 miles an hour. The eighty-fifth percentile was 21 miles an hour. Again, I think the tool that we use is a very useful tool. It provides actual data of vehicles travelling on the road. An average speed of 19 miles an hour of 132 cars per day does not suggest to me, my interpretation only, that there is a speeding problem on the street. It clearly would not suggest to me, again only my own opinion, that it would warrant putting speed humps or speed bumps on that small street. I did make an attempt to contact the Cassidy's yesterday. I'll just say I didn't get an answer. I wanted to provide you with that information. I am willing to address or answer any questions that you may have.

Mr. Hawkins: How long did you say that device was out there for?

Mr. Parham: From May 9th until June 7th.

Mr. Hawkins: Thank you.

Mayor Webster: You know we had a lengthy discussion at the last meeting about the feasibility of speed humps, and bumps, and so on and so on. Just for your information, since

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Mayor Webster (continued): we had that conversation, in an open Council meeting, which is where we should have it, we've had two other residents call. One on Yorkhaven and one on Chesterdale. Both wanting speed humps or bumps on their street. Complaining about speeding. Now, on the one on Yorkhaven, I believe we were able to get the speed sign up there and I think, do you have the results handy there? (asking Mr. Parham)

Mr. Parham: I don't know if I have it. Oh, I do have it with me. That's why you have a trusty Assistant. In that instance, again, speed limit being 25 miles per hour, the sign was posted on March 9th of this year. It was removed or at least read through April 10th. It showed an average speed of 15 miles an hour, with the eighty-fifth percentile at 19 miles an hour. In that case, we did have a vehicle going 46 miles an hour. But, again, lowest speed was five. There was an average volume of traffic on Yorkhaven of 407 vehicles.

Mayor Webster: So, the point being, we do have a tool here that gives us some very valuable, factual information and I don't think anybody lies about it, but it's their perception that people are speeding. I think this tells us what the reality of the situation is. I think, in either case, I certainly would have a hard time recommending that we put speed humps or bumps on Yorkhaven with 407 cars there. Or on Chesterdale for that matter, even if we could because we'd have to put it on just one side of the street. Anyway, I think we've certainly do not ignore people when they call in with a speeding complaint, but here I think we've got a very useful tool to try and ascertain whether it's real or just perception.

President Vanover: Well, I can speak on a fairly reasonable, frequency that either Springdale or Sharonville is watching Chesterdale.

Mayor Webster: Especially with the school there and everything.

President Vanover: As a matter of fact, a lot of times they're tucked into a position in the school. And, you're right it's a dual municipality street because the boundary runs right down the middle of the road. The other caveat on that is you've got Kroger, Symco and well, some of those warehouses and that development that you've got trucks coming in, dropping loads, picking up loads and leaving. That adds another caveat that I'm not sure that I'm ready or willing to jump on that.

Mr. Hawkins: I just wanted to, under Old Business, address we had talked about the Autism Center trailers at the last meeting. There was some discussion about Council having voted for allowing those trailers to come on to that property. I'd questioned that had the Administrative Staff check for me. I just wanted to note that Council didn't vote on that. That was a discussion that we had on the floor of Council, but it was Planning Commission that passed that, authorizing it. So, I know there are a lot of residents that have had questions and concerns about that. That was not something that Council voted on. That was something that Planning Commission voted on and passed 6-1 I believe.

President Vanover: Before we leave Old Business, just something that I have been thinking about. I'm guilty of it myself. But, in the current state of affairs in D.C. and Columbus, I think it would be very pertinent and it would be applicable with ourselves that we make a concerted effort to use the Municipal email address for all City business. As I said, I had been using my own for a while, but, as we can see on a world stage, that opens a whole "Pandora's Box" of investigation if it would come through there. So, I myself, am going to re-institute my City mailbox and would ask that I think the bulk of everybody else does, but give that some due consideration.

Mrs. Sullivan-Wisecup: Who do we contact about that if that's something that we choose to do? How do we start that process?

Mr. Parham: If, for those of you who may not have one or may have forgotten yours, you can speak to Debbie Dunfee here in the Administrative Wing or we can probably set one up for you and then send you an email and share that with you. How about we try it that way.

President Vanover: There we go.

Mr. Anderson: I have one item of New Business. I'm hoping we can either take up as a Council or refer back to the Rules Committee. It's come to my attention over the past few

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Mr. Anderson (continued): months, and this might be one of those observations you get as a new person on Council, that some of our meeting announcements, especially for Council; specific for Council, but for sub-committees, is not always consistent or easy to find. This came to my attention at the last C.I.C. Special Meeting where an announcement was made and it was posted to Cincinnati.com as opposed to other C.I.C. meetings that were posted to the Facebook page and the City event calendar. I had a hard time finding both that meeting and a Public Safety meeting prior that was presented the same way. So, my request, and I'll take feedback on it too, if other people have gotten this feedback, is it possible for us to update our Committee rules for, at least City Council meetings and sub-committees to always post on the City Facebook page and the Citywide event so it's on the front page of the City page so that we can tell residents reliably all meetings will always go there as opposed to, it feels, I'm not sure how it's decided now.

Mr. Parham: Relative to that issue, we've already taken steps to make sure that we will have Committee meetings posted. The challenge for us sometimes, are those Committee meetings that are called just at the 24th hour. So, if it's a standing Committee, those are pretty much on the City-wide newsletter, I'm sorry, City-wide calendar on our web page. We can also post notices on Facebook. The problem with the Facebook is that it just kind of scrolls through. I'm sorry, if you're looking at our website, it scrolls through. If you go to the Facebook page, you may still have to go and find it depending on how many things get posted. We've decided we're going to make sure we post things on those calendars so that individuals can find them. Relative to our practice, it has been when there are standing Committees, then we are able to send those to the Enquirer, for the most part, because we don't have the local one it appears. We send the information to them and they are able to post those because they are all pretty far out. When we are challenged with a couple of days; not even 24 hours all the time, but a couple of days, we send the information to the same individual and they make a decision that they will, if they get it in there print, they get it in their print. But, they try to make sure they get it online. If you want to guarantee that it's going to be in print, then you have to pay to have that added in print. These days, it's not necessarily cheap to advertise with the Enquirer, but in any event, that's typically the practice. That's the reason that last meeting did not necessarily appear in print, but, it did appear on Cincinnati.com and we were able to find it on Cincinnati.com to confirm that it was out there.

Mr. Anderson: Thanks for that information. I'm not looking for it in print, I guess I just want it to be consistent and if there's the variables with outside parties, I understand that we are required by State Law to have some publication. I'm fine with that. I'm asking for the assets that we control. Our Facebook feed and also our City event calendar that's on our hosted page. That, as a minimum, we make as a commitment that Council and Council meetings will be on those within that 24 hour period or we don't have the meeting. I think that's a fair expectation. It's a commitment we can make to the public. If they're checking that, they should know what's going on. If we're telling people to check this, unless it's not, and then it could be over here, I don't think that that gets the engagement that I'm looking for. I'm hoping we can, at least, instill a Council rule that for Council meetings and Council sub-committee meetings that we always do, as a rule, in our ordinances, that we'll post it on those two places at least 24 hours in advance.

President Vanover: Well, I don't have an issue with that. Mr. Forbes, would this be that we formally amend our rules of Council on this?

Mr. Forbes: Council is always free to formally amend their rules of Council. If that's how Council wants to handle it, you're perfectly able to do that. I think what you've heard from Mr. Parham is that's going to be the practice. They intend to do that. If Council wants to take the step to amend your rules to put it in there, that's Council's prerogative.

President Vanover: Council; what say you?

Mrs. McNear: I just have a question that if we can't get the information out there that we're holding a meeting within 24 hours, and we would cancel it because we didn't get that 24 hour notice. How do we notify people that the meeting is cancelled?

Mr. Parham: Right now, we try to post information as soon as we can find out one of our meetings are cancelled. We try to post that on to the website so individuals will know. I think, in some instances, we may have sent or post on Facebook that that particular meeting was

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Mr. Parham (continued): cancelled and then for those individuals who are participants at those meetings, particularly the Board Members, I can think of the Board of Zoning Appeals primarily, because from time to time they have not had meetings. We've tried to send an email to those Board Members and the Administrative Staff to let them know as soon as the deadline passes, that no one has submitted for that particular meeting, we try to send that email out so that gives them plenty of time for the Board Members to know that there's nothing on the agenda.

Mrs. McNear: My comment about that was if we don't have enough time to tell people that the meeting is being held, we don't have time to tell people it's been cancelled. It's a timing thing. I don't think there's any intention to hide the fact that we're having a meeting or not having a meeting. It's a timing issue. Especially when we have to depend on third parties. I think we do the best that we can with the short information.

President Vanover: Mrs. Ghantous, your comments?

Mrs. Ghantous: Nothing else, on that.

President Vanover: Council, I guess we need to make a call.

Mr. Anderson: I mean if it's Administration policy, that's fine. I'd just like for it to be consistent. I'm glad that action is being taken. I do have concern because with Mr. Parham leaving, those practices can change. It's Council rules that I'm talking about, not Administration rules. So, I would prefer that we somehow, codify it. But, if we want to just try it like this for a while, that's fine too. I wanted to say I'm concerned about it. We need to make sure that we're consistent.

Mrs. Sullivan-Wisecup: This was something that was brought up. It was more than one person that has said this on different occasions. I've heard it from somebody on my street even; just that they didn't know when things were happening. I do agree that if it's part of it right now, go for it, and if it ends up not working, then go with it and make it. Is that what you're saying like go with this for a while and then if it's not working, then we need to take a step? Is that fair?

Mr. Anderson: I'm fine with that. If we have a commitment that the Administration will post on the event calendar and the Facebook page, that that's the assumed, that's fine. Otherwise we could just constantly ask and check. That's fine too. Thank you.

Mrs. Ghantous: I was wanting to ask Administration about what steps had been taken about the dumping at Ross Park?

Mr. Parham: So, we received an email I believe on Saturday.

Mrs. Ghantous: Sunday.

Mr. Parham: ... on Sunday from a resident who walks the neighborhood and indicated that they had walked the neighborhood on Friday morning; did not see the material. But, on Saturday morning, they did see the material. They did not see it on Friday, they saw it on Saturday. Which would lead us to believe that it had to happen sometime, more than likely, at night, Friday night. On Monday, our staff went over to take a look at the material on early (Monday) morning. Monday, late morning, I joined Mr. Karle down to take a look at it. There are extremely large concrete blocks that were dumped into the stream. Right now, we do not have our new backhoe in place. So, we don't currently possess a tool that can probably move them. But, I have told Staff to get pricing on renting a backhoe. Even when we rent a backhoe, the challenge we will have is that these are extremely large blocks. The ones that are further down in the creek, we doubt that we'll be able to get down there and get those. The ones up by the top of the creek, we should be able to remove those using a backhoe. Our plan right now is once we secure the equipment, remove those that are accessible. Those that are not accessible, we're still trying to figure out whether we can take advantage of an opportunity. If you're down at Ross Park and you're at the bridge and you look on either side, you will see that, in the past, the bank was being secured, and it looks like also, maybe part of even the bridge, being secured with concrete bags. Those bags over the years have begun to come loose and they're sort of in the creek. Part of what we'd like to do is take a look at the area and see if

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Mr. Parham (continued): those concrete blocks could be used, in some way, for helping to stabilize the bank since they're already down there. The problem and the challenge would be moving them. We can't get something down in the creek to move them that we can think of at this point. So, that's where we are relative to the material. The Police Department did give me a report the other day. The Police Department did contact some of the neighbors to see whether or not they may have seen something, heard something. One of the residents indicated that they heard a truck, but they didn't see a truck. One of the others, there was no one home when, I recall, when they went by and then a third person, they did not hear or see anything. At this point, we don't have an idea of who may have left the material and then even more so, the challenge is what are we able to do with that material as far as trying to remove it out of the site. Again, at the top of the bank we think we can remove, once we get the piece of equipment to remove it. What's further down, we even talked about trying to jackhammer it, but, I'm not sure that's going to be safe for our personnel trying to get down on those banks with a jackhammer and at the same time, we don't know whether the cord will be long enough to get further down in order to do that as well.

Mrs. Ghantous: Well, the other question I have is I was fairly certain we weren't going to be able to figure out who did it, but doesn't it seem kind of likely that they're going to do it again? It's a pretty easy way for them to save a lot of money.

Mr. Parham: Well, unfortunately, we've had dumping in our parks before.

Mrs. Ghantous: Stuff like that?

Mr. Parham: Earlier this year, we had people at Chamberlain Park who dumped as if they had moved and did a renovation or something. They dumped old carpet, they dumped old furniture. People, unfortunately, are not doing the right thing and they choose just to simply do the wrong thing. It's been happening for years. They dump things into our parks under the cloak of darkness. Our staff is then finding out either on the weekend or first thing Monday and they're in there retrieving the items and then we have to dispose of them.

Mayor Webster: We are going to put some additional signs up. "No Dumping or \$1,000 fine" or whatever we can put up there to try to make sure they're aware that they're committing a crime when they do that.

Mrs. Ghantous: Because this was a business. This was somebody who does concrete or something. This wasn't just somebody who had a new driveway poured. That was a lot of stuff. That was a business who found a really cheap way to haul off for free and dump so I'm a little bit concerned that they got away with it and I know that we can't help that. I get all that, but it was excessive and if they just found it a great way to save some money in disposing of that kind of material, I'm kind of concerned that it's going to happen again.

Mr. Parham: I wouldn't necessarily disagree with you that there's a possibility that someone may try it again or this outfit may try it again. But, what I would ask of the residents of the community is that, especially those who live close to or adjacent to one of our parks, if you see something unusual. If you hear a large truck in the park; call the Police; have them come and take a look. Outside of that, it's going to be difficult for us to track them, but, I never say impossible. I've seen our folks do some pretty amazing things.

Mrs. Sullivan-Wisecup: What side of the creek was it on? Because my backyard is that creek. I'm two houses down from the park. My parents live on the other side of the crossing. I cross that little bridge numerous times. Was it more towards the big bridge when you first come in to Ross?

Mr. Parham: When you come in to Ross, off of Lawnview. As soon as you cross over, it's to the right of you. So, it's behind the houses on Lawnview?

Mrs. Ghantous: Yes.

Mr. Parham: Yes.

Mrs. Sullivan-Wisecup: Okay. Thank you.

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Meetings and Announcements

Mrs. Zimmerlin: I have a couple of announcements for you. Civil Service will meet on July 5th in the Administrative Conference Room at 6:00pm City office will be closed on July 4th as well as the Recreation Center, but the pool will be open from 1:00 p.m. until 6:00 p.m. I would like to remind everyone that our next City Council meeting will be on July 11th at 7:00 p.m. in these chambers. Also, the Cardboard Regatta is coming up at the Recreation Center. That is Sunday, July 8th at 2:00 p.m. and participants can build a boat made of cardboard and tape with handmade oars and you must be a Community Center member to enter and be registered by July 1st. The Club Rec pool party will be on July 13th from 8:00 p.m. to 10:00 p.m. That is for youth fifth through eighth grade. You can contact the Community Center for information and to register.

Mrs. Sullivan-Wisecup: We have a C.I.C. meeting tomorrow at 7:00 p.m. in these chambers. We also have a C.I.C. meeting on Thursday, July 5th in these chambers. Planning Commission is Tuesday, July 10th in these chambers at 7:00 p.m. All of them are at 7:00 p.m. Thank you.

Communications from the Audience - None

Update on legislation still in development

Mr. Hawkins: Item Number I, Ordinance No. 34-2018; An Ordinance Approving a Major Modification to the Princeton Plaza (Tri-County Towne Center) Planned Unit Development (PUD) and Approving the Preliminary Development Plan to Redevelop the Former Princeton Bowl into Flex Office-Warehouse Space was tabled with a 6-0 vote. Item Number II, Ordinance No. 33-2018; An Ordinance Amending the Zoning Map for the Property at 11100 Springfield Pike (Maple Knoll Communities, Inc.) Consisting of 1.42 Acres and Changing the Zoning District from Residential Single Household-Low Density (RSH-L) to Public Facilities (PF) passed with a 6-0 vote. Item Number III, Resolution No. R9-2018; A Resolution Adopting the 2019 Tax Budget of the City of Springdale for the Year January 1, 2019 through December 31, 2019 passed with a 6-0 vote. Item Number IV, Resolution No. R10-2018; A Resolution Appointing Special Legal Counsel for the Council Investigatory Committee and Authorizing Compensation was removed from the agenda with a 6-0 vote. Item Number V; An Ordinance Declaring to be a Public Purpose Certain Public Improvements Which are Necessary for the Further Development of Certain Parcels of Real Property Within the City, Exempting such Improvements from Real Property Taxation, Authorizing Such Documents as May be Necessary, Establishing a Tax Increment Equivalent Fund or TIF, and Declaring an Emergency passed with a 6-0 vote. Item Number VI is forthcoming which is An Ordinance Authorizing a Contract with the Vendor Submitting the Best Bid for the Purchase of Rock Salt and Declaring an Emergency. Item Number VII is also forthcoming; An Ordinance Authorizing the City to Fund the Employees' Health Savings Accounts in 2018 and Declaring an Emergency. The items with regard to Item Number VIII; Proclamations, Resolutions, swearing ins were all addressed previously this evening. We also had Ordinance No. 36-2018; An Ordinance Appointing Alan Abes to the Council Investigatory Committee as Counsel and that passed with a 5-1 vote.

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Recap of legislative items requested for next Council meeting

Mr. Hawkins: There's a request for an ordinance approving the major modification of the Princeton Plaza Tri County Center Planned Unit Development and approving the preliminary development plan to redevelop the former Princeton Bowl into flex warehouse-space. There's also a request for an ordinance authorizing a contract with the vendor submitting the best bid for the purchase of rock salt and declaring an emergency. I believe that's it.

Adjournment

Mr. Hawkins made a motion to adjourn; Mrs. Emerson seconded the motion and Council adjourned at 10:11 p.m.

Respectfully submitted,

Kathy McNear
Clerk of Council/Finance Director

Minutes Approved:
Tom Vanover, President of Council

_____, 2018