

City of Springdale Council

November 6

2013

President of Council Marjorie Harlow called Council to order on November 6, 2013, at 7:00 p.m.

The governmental body and those in attendance recited the pledge of allegiance.

Mrs. McNear took roll call. Present were Council members Diehl, Emerson, Hawkins, Knox, Squires, Vanover and Harlow.

The minutes of October 16, 2013 were approved with five affirmative votes. Mr. Diehl and Mrs. Harlow abstained.

COMMUNICATIONS

Mrs. McNear said I have a letter from the Board of Elections confirming our jurisdiction's Charter provisions concerning nominating petitions. Before the meeting this evening I did speak with Mr. Forbes regarding the situation to see if this is something I should sign for or something he should sign as our counselor. He did tell me that he received this letter as well and I will turn this over to him for additional details.

Mr. Forbes stated the only details to give are that I did receive the same letter from the Board of Elections with a printout that they use with what the filing deadlines are for various jurisdictions asking you to confirm if their printout is correct. I did respond already and I confirmed for them that their printout was not correct. I told them what the correct date should have been and not so gently requested that they do whatever they need to do to make sure that the appropriate deadline is indicated for future elections.

Mrs. Harlow said Mayor Webster and I had a conversation about the Board of Elections and I do have that as an item under New Business that we will be discussing.

Mrs. McNear said I did ask Mr. Forbes to e-mail that letter he sent to the Board of Elections to me and I will copy that and respond to the letter I have saying that it has been answered already.

Mrs. McNear stated the second letter I have is from Daniel J. Mastrullo at 518 Lafayette dated October 26, 2013 addressed to Clerk of Council/Finance Director and it states: "At the November 6, 2013 meeting maybe you could take a few minutes to reflect on what is a veteran. A veteran is someone who at one point in his or her life wrote a blank check made payable to the United States of America for any amount up to and including his or her life. I would like to hope that every Springdale resident would take a few minutes out of their busy lives and stop by the Springdale Veteran's Memorial and say thank you. Sincerely, Daniel J. Mastrullo."

COMMUNICATIONS FROM THE AUDIENCE

Mick Higgins, 579 Observatory Drive, said a few months ago I brought to the attention of Council discrepancy between the Home Rule Charter and the requirements placed on candidates by the Board of Elections. I want to take a moment to bring you up to speed and close this issue. I attempted to resolve the matter with the Board of Elections without success. They have admitted that there is an error but the culpability for the discrepancy is disputed. In part, the Board of Elections pointed to the fact that every member of Council is aware of the change made because the date listed on petitions filed by members of Council with the Board of Elections during the last two election cycles showed ninety days and no one protested. Again, that is their opinion on the matter. However, I am happy to report that as a result of my efforts all home rule charters are being reviewed by the Board of Elections to ensure no future candidates who apply are turned away. I could not seek relief in this matter until after the elections are certified in December because I cannot prove that I was harmed in any matter until the Board certified the election. At this point, I could engage in lengthy civil battle that at best I could be awarded monetary damages at the expense of the taxpayers of Hamilton County and the citizens of Springdale. I wanted to enter civil service to serve the people of Springdale and bringing a suit against the Board of Elections would be contrary to my initial desire to serve. I refuse to harm the citizens of Springdale and the taxpayers of Hamilton County

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even if I may be legally entitled to do so. For that reason I have decided to drop the matter and not pursue it any further. Springdale has a number of great civic organizations and I am better off donating my time to one of the organizations or offering service to the Council if a position on one of the committees should open up in the future. I thank you for your time in this matter.

Mrs. Harlow said if it's okay with the Mayor can we go ahead and have the Board of Elections discussion now.

Mrs. Harlow stated I had a phone conversation with the director, Amy Searcy on a Tuesday after their board meeting on Monday. She did tell me that she accepted responsibility for this error with her board. She told me she was looking at ways to make sure that what they call their bible, which is a matrix of the communities and the requirements for the candidates for their communities' filing dates, different information that is imperative that their personnel know will be updated and she told me the process that they had used to notify the City of the Ohio Revised Code. I suggested that they also make a change to that. I said in addition to our Law Counsel, that they also send it to our City Administrator and a copy to our Mayor. That way we will be covered on all bases. Unfortunately, it was a no win situation for you, the City, for the Board. I was not very happy about it. I'm not very happy about some of the things I've seen happen with the board. Therefore, I am going to invite them to come to a meeting and the Mayor has some issues that he wants to have them explain as well. I know that we can't do that right away. They are extremely busy coming off of their elections. We also have a very busy December in which we get our budget together so it would probably be January before they would be able to come and address Council but we will reach out and ask them to do so.

Mayor Webster said there are several issues here. First off, let's talk about your issue. I would propose that we get a confirmation from the letter that Jeff sent, that they acknowledge that they are in receipt of our Charter requirement which I think earlier by phone they had admitted to Jeff that they have the Charter and know that we are 75. Let's get something in writing that they have received this latest communiqué from Mr. Forbes. I would suggest and we would only do this with the concurrence of Council – one of the first things I did when I became Mayor eighteen years ago was suggest to City Council that we, the Administration, take over the publication of the newsletter. The newsletter, in all due respect to the Council people who tried to do it on a part-time basis, it's a big job. We went for months and months and months and didn't even have a newsletter. I think the last one that Council published was thirty-eight pages and rambled on and on and on, and had all kinds of articles in there from elected officials. It was not professional. It was not very effective. One of the first things I did was have a meeting. Mrs. McNear, Mr. Osborn, Mr. Parham and other Council people were there. We agreed to find an editor to do the newsletter, make it non-political. There have been no articles in there regarding politics for eighteen years. I have been asked a couple of times to write letters, a column about certain issues and I have declined to do that. I don't think it's right. The closest thing I've ever been quoted was when the City decided to increase the earnings tax from 1 to 1.5 percent, Mr. Osborn and I submitted to an interview with the editor and he asked us various questions as to why we thought it was necessary. That's the closest I've ever been to being quoted in that newsletter. By virtue of doing that I think we have been able to produce a very professional newsletter, one that the residents enjoy. I think they look forward to it. I think they hold onto it. It's a ready reference source for what's going on in the community. I would urge Council to continue to do that. There's a cost associated with that but I think it's something we continue to do even with our financial hard times here. I hope we continue to do that. I give you that because I think this is one place we need to deviate from the non-political nature of that. I would suggest that the May 1st newsletter in the year where there is going to be a local municipal election, is that we have an article written by the City Administrator or editor, not any of us, stating here are the offices that are available. Here's the deadline that you need to file by and spell it all out, and if in bold print, if there are any questions or concerns, anybody tells you otherwise, call the City Administrator. I think this way the entire community is apprised of the fact that a municipal election is coming. I think if we wait until the August edition of the newsletter it is too late. That would be one way I suggest we do it. Now, we're only going to do that, because it is a deviation we've made to keep that non-political. If Council agrees with us, we'll make sure that happens in the May edition.

Mayor Webster said since we're talking about The Board of Elections which doesn't rank too high on my list these days, this is a prime example of a board totally out of control, that does what they damn well please regardless of the will of the people, the will of this City, said 75 days and the Board elected to do what they damn well pleased. That's wrong, totally wrong. Nothing we can do about it; nothing we can go back and rewind. But, that's just one example of this board. Another example is that we went through the redistricting. In May Mr. Knox hand delivered the ordinance and map down to the Board of Elections. All we did was realign the districts. That's all we did. To the people, anybody watching this, the residents, this body has absolutely nothing to do with precincts. We have nothing to do with where the precincts vote. That precinct issue is totally up to this out of control Hamilton County Board of Elections. I understand we have a lot of people in this City very, very upset with where they had to go to vote yesterday. We had people from Oxford Hills having to go down to Maple Knoll which has a tremendous lack of parking. There's not enough parking to support one precinct down there, let alone two. Those people before had voted at the Temple Baptist Church. They have to get in their cars. We have plenty of room at the Community Center to support however many precincts they want to put down there. If we had to, if parking becomes a problem, we could cancel every other activity on election day if that was necessary but it isn't. We've supported up to five precincts before at the Community Center. This year we had three. We've gotten a lot of feedback from residents of Oxford Hills, residents of Olde Gate condominium development. They also were assigned to Maple Knoll. They are complaining about that. They've always voted at the Community Center. They complain. They call the Board of Elections. Guess what the Board of Elections tells them? The City did it. They don't take responsibility for doing it. The City did it. I think this leads to another reason that the first of the year we need to invite somebody from the Board of Elections and vent our frustrations on those folks and tell them exactly how we feel and the blow back we are getting from our residents. Yesterday, 6:30, just ready to walk out of the house and come to the Rec Center to a Parks and Recreation meeting. One of the poll workers calls me and says, "Mayor Webster, there is someone here from the Board of Elections and he's screaming and hollering at everybody." Since the beginning of time since we've had a polling place at the Rec Center, the poll workers have always been allowed to stand out on the sidewalk in front. The flags are somewhat behind them. They are outside the flags and everyone is fat, dumb and happy. Well, not to this jerk that came out yesterday screaming at the poll workers, demanding that they go across the parking lot, dodge the traffic to hand out literature. The lady who called me asked, "Mayor Webster, what should we do?" Since this is on TV and children are here in the audience I won't tell you what I told her to tell the guy. This is absolutely ridiculous. I understand we had the same situation at Temple Baptist Church, maybe not to that degree. They've been open all day long and at 6:30 at night they want to come down and move the poll workers out in traffic. They don't care about the safety of you or the voters. The law says 100 feet from the door so get out 100 feet from the door. This is absolutely ridiculous. It's just another example of an out of control Hamilton County Board.

Mrs. Harlow said one the things we talked about today that disturbs me the most is when you talked about Mr. Burt and possibly his ability to not be able to vote if he would have had to drive himself to the polls because there is not enough handicap parking. A man who served his country and fought in a war not to be able to have access to vote is so wrong and I plan on letting the Board of Elections know.

Mayor Webster said if one of his children had not been able to drive him and his wife to poll they would not have been able to vote yesterday.

Mrs. Harlow said he could have gone and fought for his country but he can't get access to a polling place. That really upsets me.

Mayor Webster said I think the board is totally out of control. They work for us, the taxpayers of this county.

Mr. Hawkins stated I had spoken with that poll worker as well and I came in contact with that individual from the Board of Elections earlier at Temple Baptist. He was far more cordial than he was with the poll worker I spoke with later on. I don't think I would have taken kindly to that behavior toward me as she managed to hold in. She

indicated to me as we were on the eve of Veteran's Day coming up and this individual took one of the flags and threw it out in the middle of the street, and said you guys need to be out there, and just left it. He proceeded to yell at her, folks from the library as well as one voter who was trying to come in, one voter who left. The comment one voter made when she left is this is why people don't vote because they don't want to deal with this kind of stuff. In terms of the precincts, I also got a phone call from an individual from Oxford Hills who was not happy with the fact that the precincts had moved and you literally have to drive by your old voting place to go to the new one. There was one individual from Beacon Hills who walked to the polls but I'm sure there were people from Oxford Hills who would have liked to walk and that change of precincts was a difficulty for them. I also heard about folks in Olde Gate who got multiple letters about which precinct to go to so the Board of Elections has some things it needs to work through, and to boot, they put it back on the City. The person I talked to said they called the Board of Elections who told them that the City controls that. The City makes the decision on where you go to vote. That's just wrong.

Mrs. McNear said I voted at the Rec Center and I got there about 3:30 in the afternoon and I thought it was very bizarre that there wasn't one poll worker outside at all. There weren't very many people inside either but there wasn't anybody handing out literature. I worked the polls in front of the Recreation Center many times as a candidate as well as working for other people who were running for elected office. That is the first time since I was a teenager that I haven't seen any poll workers outside. Now it explains a lot.

Mr. Vanover said it's been four to six years ago that Heritage Hill had two precincts. Out of nowhere we had notification that they relocated. The audacity for them to say it's on us is just totally ridiculous and I will say that I saw the same thing. I cruised by Heritage Hill Tuesday morning and there wasn't a soul there. Of course, we did have the shortest ballot in history.

Lavonne Webster said, as most of you know, I was in charge of a lot of the Republican workers inside for years and years and years and I dealt with that Board of Elections. All of that was gratis. I didn't get paid for anything. I used to get all the workers and they would tell me when I tried to only keep one precinct at Temple Baptist, we can't have these people going past all these precincts when they want to vote. Well, the people in Oxford Hills yesterday went by the Temple Baptist Church, the Nazarene Church and then they go down to Maple Knoll. That's wrong. That is plain wrong. I have tried for years to get Mallard Lakes over at the Mallard Lakes Clubhouse. They wouldn't listen to me. Oh, no, we know what we want to do. We know what's best. Well, they don't know what's best. They send somebody out here. They never get the names right. They don't have the streets right. They have Maple Knoll people voting at the Rec Center because they don't know about the two different auditoriums. It's a zoo down there. I've said to anybody who will listen, they think they're God and I have dealt with them since 1988 so I know of what I speak. But I don't deal with them anymore because I don't like that.

Mr. Knox stated when I received a phone call about the debacle that occurred yesterday I was really crestfallen because I can remember when the committee we had, when it was all done, we looked at what had happened and said, gee, there are probably less than 100 people in the entire city who will have to vote in a different location than they did at the last election. Then a bunch of insensitive bureaucrats downtown have done this to us. They really do need to take a look at themselves. In fact, the Commissioners really ought to take a look at them

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 34-2013

ESTABLISHING A LAND REUTILIZATION PROGRAM TO ACQUIRE TAX-DELINQUENT PROPERTY WITHIN THE CITY PURSUANT TO CHAPTER 5722 OF THE OHIO REVISED CODE AND DECLARING AN EMERGENCY

Mr. Squires made a motion to adopt and Mr. Vanover seconded.

Mayor Webster said I hope you will relieve me of confidentially for a minute to make the statement that we did talk about this process in executive session some time ago and said let's wait because we had a subject property we were talking about and said we'd wait until that was resolved and then take another look at this. Mr. Diehl reminded us that it was time to take another look at this so that's why it's here tonight. I think the important thing I want to emphasize is this only applies to tax delinquent real estate. This is not mortgage foreclosure. This is a piece of property that the County is foreclosing on. It's on sheriff sale because it is tax delinquent. If it's gone through two sheriff's sales, with this in place, we could go down and purchase this. We would only do this with guidance of Council. I had a question asked of me today, does this give Administration the authority to just go buy property? It does not. All this ordinance does is put the process in place. The prosecutor, county auditor, and treasurer all know that we are now a qualified buyer. This would give us the ability to come before Council, get your authority to take a property after it goes through two sheriff's sales.

Mr. Parham said I wanted to add that if Council adopts this legislation, we will then notify the Hamilton County Prosecutor, Treasurer and Auditor by forwarding them a copy of the ordinance. Once they are notified, the Prosecutor is required to forward to us a list of any properties in the City of Springdale that are determined to be delinquent land. At that point, we will decide which if any properties from the list we have an interest in acquiring. Prior to making any final decisions, we would have a discussion with Council about these properties, get direction to move forward and then notify the County of our interest. For example, if there are ten (10) properties on the list from the Prosecutor, and there are four (4) which we are interested, we would notify the County we intend to acquire those four (4) properties. If no one bids on the properties identified by the City following a second sheriff's sale, the City is deemed to have the lowest bid. At that time, we are responsible for paying a nominal fee to acquire the property. The City must notify the County of our interest in any properties prior to the sale and/or advertisement for a sale of the subject property. It also sets in place, from any point in the future when property in Springdale is going through a pending foreclosure process, the prosecutor must notify the City of this fact. With this in place, the City would have the ability to take the necessary actions to notify the County of our interest in future delinquent properties in Springdale.

Ordinance 34, 2013 passed with seven affirmative votes.

ORDINANCE NO. 35-2013

AUTHORIZING THE TRADE-IN OF TWO MOWERS DECLARED TO BE SURPLUS PROPERTY AND DECLARING AN EMERGENCY

Mr. Vanover made a motion to adopt and Mr. Knox seconded.

Mr. Parham said in the Pending Legislation Report I identified two mowers that we are in the process of purchasing. Both were included in the 2013 Annual Budget. One is an Exmark Lazer Z, X-series and was in the budget to purchase for \$12,000 for the Public Works Department. The second mower is a 72 inch Gropundsmaster 3280D riding mower in the Parks Department. It was scheduled to be purchased at a cost of \$29,000. In each case, the department was able to negotiate or receive an offer for a trade-in for the older existing mowers. For the Public Works older Exmark mower which has over 2600 hours on it, Bud Herbert Motors is selling us the new mower and is offering us an \$850 trade-in. With the addition of the trade-in, the purchase price drops from \$10,800 to \$9,950. In the Parks Department, Century Equipment's purchase price for the 72 inch Groundsmaster is \$31,055. The trade-in for our older model is \$1,000; therefore, our purchase price for the new mower is now \$30,055. The reason for the ordinance this evening is because we are planning to dispose of public property. Since the values of our older units exceed the \$500 threshold, we are required to seek Council's authorization to dispose of them. In past years, our threshold requiring the City to hold a competitive bidding process and subsequent Council approval to purchase items was \$25,000. Because our new threshold is now \$50,000, no legislative action of Council is required. Unfortunately, the price of the larger mower increased since we put together the 2013 Budget. You may recall, this mower was one of the items put on hold as we were watching the performance of our revenues and expenditures throughout the year. It may seem odd to purchase a lawn mower during this time of the year. However, the reason

we are buying this mower at this time is because this bigger unit is also used for snow plowing of our City parking lots.

Ordinance 35-2013 passed with seven affirmative votes.

ORDINANCE NO. 36-2013

AUTHORIZING THE MAYOR AND CLERK OF COUNCIL/FINANCE DIRECTOR TO ENTER INTO A CONTRACT WITH MARK E. PIEPMEIER FOR PROSECUTING SERVICES FOR THE CITY OF SPRINGDALE, OHIO, AND DECLARING AN EMERGENCY

Mr. Vanover made a motion to adopt and Mr. Squires seconded.

Mrs. Harlow stated the compensation remains the same.

Mayor Webster said the next three ordinances are for the people who make our Mayor's Court run. They've all been with us for quite a well and there is no adjustment in the compensation and hasn't been for several years now. Mr. Piepmeier is widely know as a prosecutor, is an assistant prosecutor in Hamilton County and does a great job prosecuting cases in our Mayor's Court. Jonathan Smith is an attorney in private practice and serves very capably as our public defender and Don White, our magistrate was a prosecutor in Clermont County. He's now in private practice in Batavia and once again, does a wonderful job for us. We get nothing but positive vibes from other attorneys who come in contact with them. I urge your support for this ordinance and ordinances 37 and 38.

Ordinance 36-2013 passed with seven affirmative votes.

ORDINANCE NO. 37-2013

AUTHORIZING THE MAYOR AND CLERK OF COUNCIL/FINANCE DIRECTOR TO ENTER INTO A CONTRACT WITH JONATHAN SMITH FOR PUBLIC DEFENDER SERVICES FOR THE CITY OF SPRINGDALE, OHIO, AND DECLARING AN EMERGENCY

Mr. Vanover made a motion to adopt and Mr. Squires seconded.

Ordinance 37-2013 passed with seven affirmative votes.

ORDINANCE NO. 38-2013

AUTHORIZING THE MAYOR AND CLERK OF COUNCIL/FINANCE DIRECTOR TO ENTER INTO A CONTRACT WITH DONALD W. WHITE TO SERVE AS MAYOR'S COURT MAGISTRATE FOR THE CITY OF SPRINGDALE, OHIO, AND DECLARING AN EMERGENCY

Mr. Vanover made a motion to adopt and Mr. Squires seconded.

Ordinance 38-2013 passed with seven affirmative votes.

OLD BUSINESS - none

NEW BUSINESS

Mrs. Harlow said there are some board members with terms expiring: Mr. Nienaber on Board of Zoning Appeals on November 30, 2013; James Bush on Charter Revision on December 31, 2013; Thomas Goines on Civil Service on December 31, 2013. Also, Mayor appointments for Scott Garrison, Lynn Jones and George Kellner expire December 31, 2013.

Mrs. Harlow continued, I sent everyone an e-mail and let you know that Tony Potts has resigned from our Civil Service Commission. He and his family have relocated outside the City and his resignation was effective the end of October. We're going to open the floor tonight if you have people you would like to bring forward. I think this evening we might just talk about who might be interested and be prepared at our next

meeting to select someone to replace Mr. Potts and complete his term. The first person who contacted me is Kathy Nienaber, 12000 Elkrigde Drive, and I asked her to send me a little bio. She states that she and her husband moved to Springdale thirty-five years ago. She raised three daughters in what she considers a wonderful community. "In 1996 I completed my bachelor's degree in business administration as a human resource major magna cum laude at Xavier University. I did this while a full-time mom and part-time sales clerk at McAlpin's at Tri-County Mall. My human resource background includes recruiting for a financial services employer for five years in the city, northern Kentucky and Dayton areas. For eight years I worked on workforce development as a consultant and contractor for two county human services departments. My duties consisted of assisting unemployed clients in securing employment. During my last year of employment as a contractor I was a business service consultant assisting employers with all aspects of their recruiting process. During the course of my employment and workforce development I also provided services to employers downsizing and those businesses being forced to close. I conducted workshops to assist downsized workers. The last few months of my career I conducted a job fair at the Springdale Recreation Center helping neighbors find work in a difficult economy. I continued this club after I was laid off due to reduction in the government contracts. I am currently retired. However, I work seasonally for the Data Recognition Corporation grading essays for standardized tests and am a volunteer for St. Vincent De Paul in the church conference. I thank you for considering me for a position on the Civil Service Commission in Springdale and want you to know I would take the responsibilities of this position seriously.

Mrs. Harlow stated I also had a phone call from Mr. Bob Coleman who also sits on the Civil Service Commission. He told me he knew of someone who might be interested in this board as well. Her name is Carmen Sanders and she is a resident of Springdale at the Knolls Condominiums. I did ask him to contact her and request a bio but as of this evening I did not have one. Maybe she will present one before our next Council meeting. Do other Council people have candidates they would like to bring forth? (There was no other requests.) Mrs. Harlow said we will address this at our next November meeting. We would like to have the person seated and ready to start with the commission for the first meeting in December. They are in the testing process for a couple of jobs and we don't want any lag time. Mr. Nienaber is serving out a term on BZA and I do not feel there is any conflict with Mrs. Nienaber if she is selected for Civil Service Commission.

Mrs. Harlow asked for a blank resolution for a Civil Service appointment and also a resolution commending Tony Potts for his service on Civil Service Commission.

Mrs. Harlow stated we have a letter from Wood and Lamping addressed to Mr. Parham. It reads: "As we briefly discussed this letter is to respectfully propose consideration of a compensation increase for legal services starting January 1, 2014. As I mentioned Wood and Lamping has not asked for an increase in fees since a change that went into effect January 1, 2009. We would ask that you consider a modest increase of the annual retainer from \$27,000 to \$28,000 per year. This amounts to just under a four percent increase. We would further request consideration of an hourly rate increase from \$183 an hour to \$187 should be hour for the time spent by Wood and Lamping partners, associates, paralegals and law clerks for all matters other than litigation and labor negotiation matters. For litigation and labor negotiation matters we would request an increase in compensation from \$200 per hour to \$204 per hour. This amounts to an increase of two percent in the hourly rates. If you have any questions or would like to further discuss this proposal please do not hesitate to contact me at your convenience. Thank you in advance for your consideration of this matter. Jeffrey Forbes"

Mrs. Harlow said they are asking for just under four percent on their retainer, two percent compensation in their hourly rate and a two percent compensation for litigation and labor negotiations. I need direction from Council on how you'd like to proceed with this.

Mr. Diehl said I would recommend Finance Committee discuss it and make a recommendation.

Mrs. McNear said Finance Committee will be meeting November 25, 2013.

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Mrs. Harlow said my next item is the web site and I was wondering if Mr. Parham could give us an update.

Mr. Parham said we began the process to update our City website in 2011. We entered into an agreement with a consultant and they have been working with us to do just that. Over the past few months, we have been entering all of the necessary information for the site. This week the consultants have released the product to us internally for our review and testing the site. We are going to schedule two or three of our employees to visit their facility and train on how to input and organize our information on the site. Once those employees are knowledgeable on how to enter and adjust the information, each department will have a representative that will go through a very similar training. Once we get everyone up to speed, we will get each department's information updated and hopefully, release the site to the public in the very near future. Based upon the design of the new site, I think everyone will be pleased with what they see. The hold up thus far on progressing with its development is probably on my plate, as I have been trying to find time to review items requested for the site.

Mrs. Harlow said congratulations to my fellow Council people who ran and are now scheduled to serve another four years. We need to schedule a swearing in for December 1 and we need to decide which judge we would like to ask to swear us in. In the past it has been Judge Marsh and we need to decide a location for the unity dinner.

Mr. Vanover said I heartedly would like to see us bring Judge Marsh back. Since it is a Sunday maybe we could bump up the time a little bit so we're not running into the evening as much. We've done Pappadeaux in the past. I have no problem with that. I threw out to Mrs. Harlow a while back to maybe think about BJ's as another option. That would be the two best able to handle the dinner.

Mrs. McNear stated I like the food at both of those places but I might suggest Pappadeaux over BJ's because BJ's being a sports pub will be really crowded due to football games. We can get a private room at Pappadeaux and perhaps some other restaurants in town.

Council agreed to have Mr. Forbes ask Judge Marsh to come for the swearing in. Mrs. Harlow asked that each Council person be sworn in individually.

Mrs. McNear said I want everyone who may be watching on TV to know that Pappadeaux's dinner is not paid for by the City. Each person pays for his/her own dinner.

Council agreed to go to Pappadeaux at 5:00 p.m. .

Mr. Thamann said the City Administration is in negotiations with both FOP unions, the supervisors and the patrol units. Typically the union asks for an extension agreement which is considered a G-11 waiver which follows the Ohio Revised Code. That waiver allows, if we go to conciliation which is binding arbitration, the conciliator to make an award that could be retroactive back to January 1, 2014. Typically Council has approved this by a floor vote, as was done the last time for the firefighter's union. This time we ask that Council make that consideration for the FOP for both the supervisors and sergeants as we are in the process of negotiating with them.

Mr. Vanover made a motion that Council approves an extension agreement with the FOP. Mr. Hawkins seconded. The motion passed with seven affirmative votes.

Mr. Parham said On Tuesday, November 5, we opened bids for the Ashmore Court/Woodvale Court reconstruction project. There were eight (8) bidders for the project. The base project is comprised of the reconstruction of Ashmore Court and Woodvale Court. We also included in the base bid resurfacing of Elm Alley as well as resurfacing the parking lot off Osborn Way. As an alternate, there was a bid opportunity for repairing the Municipal Building parking lot. The City of Springdale Charter provides a bit of flexibility for the City in that we are not simply tied to the lowest bid submitted, but we have can choose what we believe to be the best bid. The lowest bid for the project at the bid opening was by Welsh Excavation at \$296,467. Of that amount \$253,231 covers the cost for the improvements on Ashmore Court and Woodvale Court. The remaining

\$43,236 is for improvements on Elm Alley and the parking lot. The second lowest bid was supplied by Adleta, Inc. at \$301,537. The portion of Adleta's bid that covers Ashmore/Woodvale Courts is \$268,933. The remaining \$32,604 is for Elm Alley and the parking lot. I separate the elements of the bid because as you well know earlier this year the City was approved for OPWC funding. The OPWC funding covers only the improvements on Ashmore Court and Woodvale Court. From the overall bid we would have to separate the Elm Alley and parking lot work from the Courts to determine what amount we would receive in OPWC funding. Our budget number reflects OPWC funding of 49 percent for each of the two streets. We have identified in the budget as part of that project, a grant for Ashmore at \$82,223 and for Woodvale at \$82,810 for a total of \$165,033. The budget reflects the City's component of that is 51 percent. For Ashmore, our share is budgeted at \$85,580 and for Woodvale it was \$86,190 for a total of \$171,770. As a result of the bids, when we break them down, based on the Welsh bid, the City would receive \$124,083 in OPWC funds. If we accept the Adleta bid we would receive \$131,777. The City's share under the Welsh bid would be \$172,384 and with the Adleta bid it will cost us \$169,759. When you look at the results based on the bid results found on the document you have before you, Welch appears to be the low bidder. However, when you begin to identify the costs associated with the improvements on Ashmore Court and Woodvale Court, for which we are eligible to receive funding, the better bid is Adleta. Again, we have budgeted \$171,770 for the reconstruction of those two streets. If we were to accept the Welsh bid our cost would be \$172,384. With Adleta the number would be \$169,759. In a meeting earlier today with the Housing Committee, there were discussions about the bids and a question came up as to whether we would want to eliminate the improvements to Elm Alley and the parking lot. If we decided to do so, what would be our cost? If we decided to only improve Ashmore and Woodvale Courts, the number under the Welsh bid would be \$129,148 and under Adleta it would be \$137,155. We have thirty days to accept the bid results. Our hope is to have legislation at the meeting on November 20 so we need some direction as to what is your pleasure. Looking at the alternate bid, Adleta's number was \$46,000 and the Welsh was \$67,000. At this time, I'd say we not entertain the improvement for the Municipal Building main parking lot. However, I suggest we take advantage of the opportunity to improve Elm Alley and the Osborn Way parking lot. The reason we placed that work into this bid was the fear that we could not get a contractor to give us a favorable bid just to do that small and little project. When we spoke with the Capital Improvements committee earlier this year, we estimated those costs to be around \$8,000 each. It's been hard to get contractors out for a project that is going to generate under \$17,000. We started off listing these two as alternates but I felt even if we list those as alternates, contractors may not offer a bid on them.

Mayor Webster said we will be presenting the budget at the meeting on the 25th to the Finance Committee but we can't wait until we've done the budget to make a decision on this. I certainly concur with Derrick's recommendation that we give the contract to Adleta and spend the \$32,000 to do the two small projects and get them out of the way.

Mr. Vanover asked is there anything negative about Welsh? Have we worked with them before?

Mr. Parham replied we have not worked with them before. In fact, one of the owners of Adleta told Mr. Thamann that Welsh is a very good outfit and can more than perform this work. I don't believe CDS has ever worked with them but you have the opposition stating they can clearly handle it even when he thought Welsh was going to be awarded the contract. Apparently in the past, Welsh primary focus had been performing construction work in the private market when subdivisions were being constructed. Therefore, they appear to have done a lot of this work in the past. As the housing industry began to dry up, it seems they began to look in other areas so here they are in the public sector.

Mr. Knox said one of the many benefits of being a member of the Springdale Senior Citizens is a twice-monthly briefing by Officer Joe Ture who is our Community Service Officer. He briefs us on the police activity in the city of Springdale. Very often he talks about scams and other things that seniors would be interested in but two weeks ago he told us that some of the sewer grates on Glensprings Drive east of SR 4 had been stolen. The Public Works Department has replaced those because it is a hazard but it

points out the fact that we only have X amount of police officers. They can't all be out there 24/7. Some of the thieves are taking advantage of the middle of the night in places that aren't normally covered that heavily. If you as a citizen see something strange please call the Police Department. They are more than willing to go see what the problem is.

MEETINGS AND ANNOUNCEMENTS

- Veteran's Day Ceremony - Nov 11
- Planning Commission - Nov 12
- Board of Health - Nov 14
- Board of Zoning Appeals - Nov 19
- Finance Committee - Nov 25
- Christmas Tree Lighting - Dec 2

Mayor Webster said the Christmas tree lighting is usually on Sunday. Due to the fact that we have other plans on Sunday we moved that ceremony to Monday night at 7:30 p.m.

Mr. Hawkins said I think Princeton High School is going to have their veteran's program on Monday where they award honorary diplomas to veterans who did not receive theirs in high school.

- COMMUNICATIONS FROM THE AUDIENCE - none

UPDATE ON LEGISLATION STILL IN DEVELOPMENT

- Bicycles donated to Vineyard Church - Nov 20
- Ashmore/Woodvale Court - Nov 20
- Final appropriation and transfer ordinance - Dec 18
- Temporary appropriation - Dec 18
- Employee pay rates - Dec 18
- Adopting the annual appropriation/estimated receipts - Jan 8
- Investment of municipal funds - Jan 8
- Requesting advance payment for county auditor - Jan 8

RECAP OF LEGISLATIVE ITEMS REQUESTED

- Civil Service appointment - Nov 20
- Resolution for Tony Potts - Nov 20
- BZA appointment - Nov 20

Council adjourned at 8:25 p.m.

Respectfully submitted,

Kathy McNear
Clerk of Council/Finance Director

Minutes Approved:

Marjorie Harlow, President of Council

_____, 2013