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COUNCIL INVESTIGATIVE COMMITTEE MEETING
11700 SPRINGFIELD PIKE
SPRINGDALE, OHIO
AUGUST 2, 2018
BEGINNING AT 6:58 p.m.

1 MEGHAN SULLIVAN-WISECUP: I would
2 like to call to order the CIC meeting for
3 August 2nd, 2018. We will start by saying the
4 Pledge of Allegiance.

5 (Pledge of Allegiance.)

6 MEGHAN SULLIVAN-WISECUP: Thank you.
7 For the record, both Jeffrey Anderson and myself
8 are here. Because of how much has been going on,
9 we decided to move the correspondence up today in
10 the agenda. So we are going to start with
11 correspondence.

12 We did get the e-mail sent to me --
13 oops, I am sorry, I am already jumping ahead,
14 minutes from July 5th meeting. Do I have a motion
15 to either correct or accept the July 5th meeting?

16 JEFFREY ANDERSON: I honestly don't
17 know that I received them.

18 MEGHAN SULLIVAN-WISECUP: We received
19 them before our last meeting was supposed to take
20 place, the one that we cancelled.

21 JEFFREY ANDERSON: Okay, sorry.

22 MEGHAN SULLIVAN-WISECUP: You're
23 good. It's like ninety-six pages, not what it was
24 at -- condensed.

25 JEFFREY ANDERSON: Could we defer

1 that to next time?

2 MEGHAN SULLIVAN-WISECUP: Oh,
3 absolutely.

4 JEFFREY ANDERSON: I didn't get a
5 chance to review it at the time. I don't know
6 that I got a copy.

7 MEGHAN SULLIVAN-WISECUP: Absolutely,
8 and I will make sure that I e-mail it to you so
9 you will have one.

10 JEFFREY ANDERSON: Great.

11 MEGHAN SULLIVAN-WISECUP: Okay, let
12 me write it down here. Okay, we will table those
13 to the next meeting. So we are moving on to
14 correspondence. I received an e-mail dated
15 Tuesday, July 31st, 2018. It was in response to
16 other e-mails that we had received throughout the
17 week period, seven-day period. It was from
18 council person Holly McQuillian-Emerson.

19 She said Ms. Meghan Sullivan-Wisecup,
20 chairperson for the investigation committee, I
21 feel it would be in the best interests of everyone
22 involved that no records are released for public
23 review until a report is written and the case is
24 closed. No one will benefit from harsh
25 confirmation. Thank you, Holly McQuillian-Emerson.

1 At this time, would anybody else want
2 to speak? Please come to the podium. Please be
3 sure to state your name and address.

4 JULIE MATHENY: Julie Matheny, 669
5 Park Avenue. I simply want to speak on what
6 Ms. Emerson wrote. I totally agree with that. I
7 know that there is a lot of interest, a lot of
8 curiosity on what -- how everyone has answered
9 these questions and so forth.

10 But I think you don't release -- you
11 don't put the cart before the horse. And I think
12 that you need to have -- if there is any inkling
13 that there was any kind of a leak and you guys
14 determine that, then absolutely there should be
15 nothing released. And even if you are
16 questionable on whether you want to go forward and
17 spend more money and everything else calling
18 witnesses in, you know, maybe -- maybe you put
19 that back on the city council.

20 They are the ones that gave you the
21 authority to create this committee and to hire a
22 law director. So maybe you put that back on them
23 on the August 15th meeting, let them decide. Just
24 a thought. Thank you.

25 MEGHAN SULLIVAN-WISECUP: Thank you.

1 Anyone else like to speak? Second call. Third
2 and final call. We will close the correspondence
3 from the audience, and we will move to new
4 business. Our first piece of new business is the
5 status of fact-finding investigation, and I will
6 turn that over to Mr. Abes.

7 ALAN ABES: So at the last meeting,
8 the committee decided that it would proceed by
9 subpoenaing various people to answer written
10 questions in lieu of calling them in to testify,
11 at least for the time being, so we could get a
12 handle on what kind of information we would get
13 and determine what the next steps would need to
14 be.

15 We have now received all of the
16 written responses. Everybody complied with the
17 requirement to submit them and to have their
18 responses notarized. I have reviewed all of those
19 responses. At this point, the committee needs to
20 decide whether it wants to close the evidence,
21 subject to being reopened if further examination
22 would determine that we need anything else, or
23 whether the committee wants to either subpoena
24 documents or take live testimony or both.

25 So I think at this point, it probably

1 makes sense to put it back to you for some
2 discussion, and then I can answer any questions
3 that you have.

4 MEGHAN SULLIVAN-WISECUP: Thank you.
5 Mr. Anderson, do you have any?

6 JEFFREY ANDERSON: Yeah, I have a few
7 questions about that. So when we say we closed
8 the evidence gathering, is that necessary in order
9 for us to start examining from a legal perspective
10 the responses and what the implications of those
11 would be, or are we able to start or continue down
12 that path without doing that?

13 ALAN ABES: It's the latter. We can
14 certainly continue down that path. You have a
15 number of options, one of which would be to begin
16 drafting an investigative report based on the
17 evidence we have. If you determine based on that
18 draft or as we progress that you need further
19 information, you can certainly get that
20 information.

21 You could decide at that point that
22 you don't need further information, or you could
23 try to get the further information now. It's
24 really up to you as to how you want to proceed.
25 But there is nothing preventing us from going

1 ahead and relying on what we have and then seeing
2 if we get anything else.

3 JEFFREY ANDERSON: I know from my
4 perspective, I need to understand the legal
5 implications of some of the responses a little bit
6 more before I would know if I needed more from any
7 of the respondents. So I know at least from that
8 perspective, I would like to understand that side
9 of things before we get into things like
10 finalizing the report or recommendations or
11 opening those records up to the public.

12 ALAN ABES: Yes, I can prepare for
13 you my thoughts on the legal implications of what
14 we received. That would be attorney-client
15 privileged at this point, all in the nature of
16 legal advice to the committee. And you could
17 determine based on that whether you have further
18 questions, whether you need further information,
19 or whether we should proceed based on what we
20 have.

21 JEFFREY ANDERSON: And I want to be
22 clear on that. The fact that it's attorney-client
23 privileged while we work through the implications,
24 that doesn't prevent us once we have gone through
25 that and are satisfied that the feedback we have

1 gotten from counsel, we can still open those --
2 the raw data and the recommendation up to the
3 public. There is nothing that would prevent us
4 from doing that later because we are still doing
5 legal review now?

6 ALAN ABES: Absolutely.

7 JEFFREY ANDERSON: That is certainly
8 my intent.

9 MEGHAN SULLIVAN-WISECUP: So to make
10 sure I am clear on this because it was my
11 understanding that this was already closed as a
12 work product until we were doing the report. Is
13 that what you are saying is that while we are
14 working on this report, while we are doing all the
15 fact-finding that the original questionnaires
16 would still be held and not released as public
17 record, correct?

18 JEFFREY ANDERSON: That's my
19 understanding of what the feedback I just got is
20 that because there are still questions about how
21 responses could be interpreted, both on their own
22 or with -- in light of other responses, it's
23 reasonable for us to get that legal advice while
24 parsing the responses --

25 MEGHAN SULLIVAN-WISECUP: Yes.

1 JEFFREY ANDERSON: -- and building a
2 draft for review.

3 MEGHAN SULLIVAN-WISECUP: I just want
4 to make sure that we were all three saying the
5 exact same thing. That's what my understanding
6 was that it would all be held in still
7 confidential while you were working on it and not
8 released as public record until we have a report
9 to send to counsel. So we are all in the same
10 understanding on that.

11 JEFFREY ANDERSON: Well, and to be
12 clear, the things that are protected are the --
13 that we are talking about us understanding is the
14 subpoena responses.

15 MEGHAN SULLIVAN-WISECUP: Right.

16 JEFFREY ANDERSON: There is nothing
17 else that we have done that we need to talk about.

18 MEGHAN SULLIVAN-WISECUP: Right.

19 JEFFREY ANDERSON: And so e-mail
20 communications about agendas or conversations with
21 the administration, those are all already public
22 records.

23 MEGHAN SULLIVAN-WISECUP: Correct.

24 JEFFREY ANDERSON: We are only
25 talking about the work product that we are getting

1 advice on, which is the subpoena responses.

2 ALAN ABES: That's correct.

3 JEFFREY ANDERSON: Yes, I am
4 comfortable with that.

5 MEGHAN SULLIVAN-WISECUP: I am
6 comfortable with that as well. Okay. Do we have
7 anything else? Under fact-finding investigation,
8 you want us to make a determination now on which
9 way we want to go forward, if we want to --
10 because it's our understanding that we are going
11 to keep these -- keep everything sealed. And then
12 did you want to start on the report now or do you
13 think there is further investigation that needs to
14 come from either subpoenas or from live testimony?

15 JEFFREY ANDERSON: I guess I am not
16 sure what some of the responses mean yet, and I
17 need that advice before I could say for certain
18 that we have everything we need. So I don't know,
19 which is why I don't think I am comfortable making
20 a motion to close evidence or testimony.

21 I think we could -- we can if you
22 think it's appropriate because we can reopen it,
23 but I don't -- I don't know what that gets us. I
24 think we need to finish parsing the responses, get
25 the legal advice about the implications and what

1 it means. And we can do that in the context of,
2 you know, preparing for the report.

3 MEGHAN SULLIVAN-WISECUP: Okay,
4 that's fine. Let's go forward in that direction.
5 And then our next -- we have pending public
6 records requests. We have received several public
7 record requests. I think we just have covered
8 those a little bit, and I know that Alan has been
9 responding as they came in to the public records
10 requests as well.

11 In that respect, they are work
12 product as of right now, and they are still not
13 public record as of right now. But they will be
14 being released in the full context once that we
15 have a report written so that it's not just the
16 raw data out there.

17 I want the correct information going
18 out instead of pieces of it. I always tell my
19 kids the same thing I tell everybody else is that
20 if you know one percent of the deal, it doesn't
21 tell you the whole story. So I really don't want
22 to send out one percent of a story and call it a
23 fact. That's my opinion on it.

24 JEFFREY ANDERSON: Yeah. I mean, to
25 what we were talking about earlier, for me it's

1 not even a question of withholding the data. I
2 don't understand the implications of some of it,
3 and I need that legal advice as to what it means.

4 I don't have any problem releasing
5 the records once we understand what they are,
6 which is the same thing we committed to when we
7 started this, that we would do it open and
8 transparently. It's not a paternalistic kind of
9 protect the public from a set of truth.

10 MEGHAN SULLIVAN-WISECUP: No.

11 JEFFREY ANDERSON: They can draw
12 their own conclusions from the data once we
13 conduct and complete our part of the
14 investigation.

15 MEGHAN SULLIVAN-WISECUP: Yeah, I
16 don't want to release something without having all
17 of the information behind it is what my whole
18 thing is. Like you said, I really don't want to
19 release stuff that's partial. I thought we had
20 decided before that we wanted to do it as a whole
21 with -- so that people understand the whole entire
22 picture. But if it is -- if it's legally okay to
23 release, obviously, I have no problem with it. I
24 have zero problem releasing anything if it's --

25 ALAN ABES: Well, let's be clear on

1 the law just so everybody has the right
2 background. So the presumption under the Revised
3 Code is that documents are public records, and
4 there are exceptions to that presumption. And
5 there are lots of cases that discuss the limits of
6 those exceptions.

7 So there are a couple issues here.
8 Number one is the issue of whether these documents
9 are records as defined in the statute to begin
10 with. And then number two is if they are records,
11 do they fall under an exception to production
12 right now.

13 So based on the way that the records
14 have been -- or the documents have been received
15 and used, there is certainly an argument that they
16 are not yet public records because the committee
17 has not actually used them for any of the purposes
18 that are outlined in the statute.

19 But even if you assume for the sake
20 of argument that they are public records at this
21 point, they would still be protected if they are
22 part of an investigation being conducted or
23 directed by an attorney and if they are being
24 used -- and/or if they are being used to provide
25 legal advice.

1 So at this point, the records
2 certainly are a part of the investigation that is
3 ongoing, and which I am involved, and I am using
4 those records to provide legal advice to the
5 committee. So those are the bases on which the
6 records could be kept from production right now.

7 There will be a point in time when
8 that is no longer the case. And at that point,
9 the records would need to -- the documents would
10 become public records, and they would need to be
11 produced. So while I agree from a policy
12 standpoint that it would be best if we had all of
13 the evidence and could issue a report and put
14 everything in context before disclosing what would
15 then be public records, that's not necessarily the
16 legal basis for refusing to produce them right
17 now.

18 The legal basis is that we are
19 relying on them to provide legal advice to the
20 committee. So I just want to make sure that
21 distinction is clear in the record. It would be
22 nice if everybody could just wait until the
23 committee finishes its business.

24 That's not going to happen, as we
25 know. But we still have a legal basis not to

1 produce right now because they are the subject of
2 an attorney investigation and ongoing legal
3 advice.

4 JEFFREY ANDERSON: I am comfortable
5 with that.

6 MEGHAN SULLIVAN-WISECUP: I am
7 comfortable with that. Okay, so that will -- at
8 this point in time, we are waiting on our legal
9 implications before we make any decisions.

10 JEFFREY ANDERSON: So do you need us
11 to make any motions at this point in terms of the
12 records request in order for you to continue to
13 respond to them? Or back to your question of
14 closing the evidentiary portion, do you need that
15 as a formal motion at this point, or are we okay
16 to continue?

17 ALAN ABES: No, you can give me
18 direction without having to put it in a motion.
19 If you feel more comfortable putting it in a
20 motion, that's fine. But the direction is clear
21 that I should continue to evaluate the responses
22 that were received with respect to the subpoenas.
23 I should provide legal advice to you as to what
24 the responses mean and how to put them in the
25 context of the law.

1 And within the context of that
2 advice, you will decide how to proceed. And in
3 the meantime, we will preserve the privilege for
4 the records that were received pursuant to
5 subpoena. If we receive any other requests for
6 what truly are public records and they are not
7 subject to the privilege, they will be produced
8 promptly, as required by law.

9 JEFFREY ANDERSON: That summary is
10 exactly right from my perspective. Meghan, are
11 you --

12 MEGHAN SULLIVAN-WISECUP: I am
13 totally fine with that, yeah. Like I said, as
14 long as it's -- as soon as it's legally able to be
15 released, we will release it. But until we know
16 exactly what they mean, it's kind of pointless.

17 ALAN ABES: Yeah, and one thing I
18 should add is that while I believe that Supreme
19 Court precedent supports that position, and I have
20 sent the case law to you so you can confirm that
21 determination, not everybody will necessarily
22 agree with that. So the committee should be aware
23 that we have had multiple people request the
24 subpoena responses.

25 And while we are comfortable in our

1 position, that would not prevent someone from
2 challenging us. Someone could file a lawsuit.
3 Someone could contest that we are incorrect.
4 Obviously, any time you put an issue before a
5 Court, a Court could disagree with your position.
6 So there is risk in moving down this path.

7 And I just want to make sure that the
8 committee appreciates that, and I know you do.
9 But you can decide notwithstanding that risk that
10 you are comfortable with the legal position and
11 want to move forward.

12 JEFFREY ANDERSON: So as maybe a
13 suggestion or an action for this committee to
14 consider is we made our two positions clear. We
15 certainly have a city council meeting where we
16 give an update on the committee process. I would
17 recommend that as part of our update we make sure
18 that the full council is aware that we have taken
19 that position.

20 And if there is concern, that is
21 certainly their opportunity to raise it formally.
22 The timing -- I mean, that's what, actually next
23 Wednesday, and our next meeting isn't far behind
24 it. So it's really just -- we are talking about
25 days at this point between when we think we will

1 be able to produce something.

2 But I would recommend that we include
3 that in our formal update as a committee to the
4 full council. One more point on that. If out of
5 that city council meeting there is concern raised
6 about that risk, I think that would be a situation
7 where we should consider a special meeting in
8 order to then formally open the records or
9 consider that feedback.

10 MEGHAN SULLIVAN-WISECUP: Absolutely.

11 JEFFREY ANDERSON: So from that, you
12 know, we can certainly have a special meeting if
13 needed. I don't expect it to be -- I think we
14 have gotten sound legal advice, but I will just
15 put that on the table.

16 MEGHAN SULLIVAN-WISECUP: Of course.
17 So I want to make sure this is right because I
18 want your input on what I am going to say, so I am
19 saying that we move the full council to know that
20 we agree open to releasing public -- or subpoenaed
21 answers.

22 JEFFREY ANDERSON: I would say based
23 on legal advice received to the committee, the
24 committee agrees that we should continue to get
25 the legal advice inside the responses, due to the

1 responses, as we conduct our investigation. That
2 does carry some risk that we wanted to make sure
3 that city council as a whole was aware of.

4 MEGHAN SULLIVAN-WISECUP: Okay. Risk
5 of -- okay. All right, I will put that in my
6 report. Now, this kind of goes under the options
7 of the committee investigative report. I think we
8 have already covered that by our other two things.
9 I think we understand our options. At this point
10 in time, I think we have already stated our
11 options were to wait on getting legal implications
12 and going forward from there.

13 JEFFREY ANDERSON: Are you talking
14 about the report?

15 MEGHAN SULLIVAN-WISECUP: Uh-huh.

16 JEFFREY ANDERSON: Yeah, so maybe we
17 can talk for just a minute about that. So we have
18 gotten the subpoena responses. We are working
19 with counsel interpreting and understanding what
20 those mean. What are the next steps that are
21 available to us? So we have got this opportunity
22 to talk about it, right? So let's make sure it's
23 clear because I don't want to lose two more
24 weeks --

25 MEGHAN SULLIVAN-WISECUP: Absolutely.

1 JEFFREY ANDERSON: -- if there is
2 something else we can agree on today. So what are
3 our options, knowing that we are still reviewing
4 the subpoenas in terms of starting the report so
5 we can get a recommendation? Our original
6 schedule had us targeting in early September a
7 submission of our draft report to counsel. So
8 what are our options to hit that?

9 ALAN ABES: So right now we have done
10 fact-finding. And based on that fact-finding, I
11 want to provide legal advice to the committee as
12 to what the facts mean and whether there are any
13 gaps in the facts based on the city charter, based
14 on the council rules, and based on the law
15 generally.

16 So the option at this point as I
17 understand it is for me to continue to analyze the
18 responses that we have gotten pursuant to the
19 subpoena, to advise the committee how those
20 responses relate to the law because ultimately,
21 the committee is engaged in kind of a dual prong
22 process, one of which is to find as best it can
23 the facts of what happened. But second, to put
24 that in the context of the law and then decide
25 what conclusions or actions need to be taken as a

1 result of how the facts apply to the law.

2 So I would provide you with that
3 analysis. It could take the form of a draft
4 report. It could take the form of a memorandum.
5 I will decide based on -- after I take a further
6 examination of the responses what form that should
7 take.

8 But the result would be legal advice
9 to the committee as to how we should proceed based
10 on the facts gathered. That can be done within a
11 couple weeks, for sure. I will be away next week,
12 as I think I told you. But the following week, I
13 can have an analysis for you.

14 And then depending on when you decide
15 the next meeting of this committee should be -- I
16 know there is one scheduled for the 16th, but you
17 might want to postpone that based on the time it
18 will take to put the analysis together. Then the
19 committee can decide whether it has enough to
20 issue the report or whether it needs to take
21 further testimony or other kinds of evidence.

22 And if at that point you decide that
23 you have enough or there is a limited amount of
24 evidence taking you still want to do, then we
25 should still be on target for that early September

1 date to issue a report.

2 JEFFREY ANDERSON: So you mentioned a
3 memorandum or, you know, a draft report. Would it
4 be reasonable for us to assume that based on
5 that -- we would get that draft ahead of time?
6 Obviously, the committee needs to make
7 recommendations based off of that feedback.

8 Is that something where we need to
9 have that conversation at that 16th meeting or
10 whenever the draft of the report, the 23rd or
11 whenever the next meeting is and then write a
12 cover page to the report with our recommendations
13 or -- because at some point, that goes back to
14 city council as a whole and they can decide to
15 accept the report or not and then accept the
16 recommendations or not, and maybe multiple
17 recommendations.

18 So I guess I am trying to understand
19 very tactically how that can happen, just from a
20 task. Like what do we need to do when in order to
21 get a report that's actionable with
22 recommendations to counsel?

23 ALAN ABES: So you would need to
24 adopt the report in an open committee meeting. So
25 we can discuss a draft of the report in a setting

1 that's attorney-client privileged. But once you
2 decide based on my advice that there is a report
3 that is sufficient to consider in an open meeting,
4 then you would do that.

5 People would get to see that report
6 because it would be a public record, and you would
7 decide in the open meeting whether to issue your
8 report as drafted or whether to make any changes.
9 Once you adopt the report in that meeting, then
10 you would send it to the full council for
11 consideration.

12 JEFFREY ANDERSON: So can you say a
13 little bit more on the evaluating drafts outside
14 of a meeting? What kind of things would we be
15 able to talk about under the -- in that type of
16 setting as opposed to -- we are trying to -- I am
17 just trying to understand how to keep it moving
18 forward, right?

19 So we have got meetings set. We can
20 have more meetings if we need them, right? So we
21 have got the responses. We believe there is
22 enough to do some more analysis and potentially
23 write a set of draft reports or findings. We
24 would then as a committee get those, and we would
25 then in an open meeting add our recommendations

1 because that's not going to have, like,
2 recommendations for actions or results, it's just
3 going to be responses and what that means from a
4 legal perspective.

5 ALAN ABES: Well, it depends on
6 format. So I think if I were to prepare a memo,
7 then it would have a summary of the facts and a
8 summary of the law and recommended options for how
9 you can proceed.

10 If I prepare a draft report, then you
11 can look at that in a privileged setting, but you
12 would not make decisions about what's ultimately
13 going to be in the report. You would not
14 deliberate about what's going to be in the report,
15 but you could evaluate the report for
16 completeness. You could evaluate it for
17 presentation, format, et cetera.

18 And then when we are in the open
19 meeting, you can discuss ultimately what you
20 should adopt as the content of the report. So I
21 think probably the best way to do it is to prepare
22 a draft, take a look at it in a privileged
23 setting.

24 Let's determine whether it's in a
25 format where you are comfortable discussing it in

1 an open meeting. And then if we need to add
2 meetings so we can have some working sessions, for
3 example, that's fine. But really any decisions
4 about the final content of the report will be made
5 in a public meeting.

6 MEGHAN SULLIVAN-WISECUP: Okay. I
7 probably have the same concerns that Jeff does
8 because I was worried about if we are in a
9 privileged -- it wouldn't be any different than
10 you e-mailing us and us talking about it in an
11 open discussion later on, right? Because you are
12 allowed to -- if we are in a privileged meeting,
13 we can't have any say-so on it. At this point in
14 time, there is no decisions can be made about the
15 product that we received?

16 ALAN ABES: Right, right. I would
17 just be providing you with legal advice,
18 information, and options. But you would not
19 deliberate or make decisions other than in a
20 public meeting.

21 JEFFREY ANDERSON: If there was a gap
22 or a question that wasn't included or something
23 that we would want advice on --

24 ALAN ABES: You could point that out.

25 JEFFREY ANDERSON: -- we could point

1 out that this area or this question was raised in
2 an open council meeting, for example, isn't
3 addressed in the draft report, please revise the
4 draft report. That's not a decision that needs to
5 be done in open, that's just feedback on --

6 ALAN ABES: That's an exchange of
7 information.

8 MEGAN SULLIVAN-WISECUP: So we are
9 allowed to do that?

10 ALAN ABES: Yes.

11 MEGHAN SULLIVAN-WISECUP: That's what
12 I was asking, what was the difference between if
13 you just e-mail it to us and we show up to talk
14 about it.

15 ALAN ABES: If I prepare a draft and
16 you tell me I missed something, that's just an
17 exchange of information. That's not a decision
18 that needs to be made in a public meeting.

19 JEFFREY ANDERSON: But if we
20 disagreed with a conclusion or wanted it to be
21 more forceful or less forceful, that would be
22 something we should reserve for an open meeting?

23 ALAN ABES: Yes.

24 JEFFREY ANDERSON: So I guess I am
25 back to just very tactically because I don't want

1 to lose time. I want this to finish. We have a
2 set of information, we are evaluating that. What
3 do you need from us in order to draft either that
4 memorandum or report based on the evaluations that
5 you are doing? Do you need us to tell you that,
6 agree on that? What do you need to do? Because I
7 feel like that's the next step --

8 MEGHAN SULLIVAN-WISECUP: Yeah.

9 JEFFREY ANDERSON: -- right?

10 ALAN ABES: If you tell me to prepare
11 a draft, I will prepare a draft. I will provide
12 it to you in a privileged setting. We will talk
13 about it for an exchange of information and an
14 explanation of legal options only, and then you
15 can decide whether to make it an agenda item for a
16 public meeting.

17 JEFFREY ANDERSON: I am comfortable
18 with that. What timeline? What timeline could we
19 do that on, just that expectation, both for us and
20 for the public?

21 ALAN ABES: So right now -- I am just
22 looking at my calendar. Right now, there is a
23 meeting scheduled for the 16th. I think just
24 based on my personal schedule, it's ambitious to
25 have something ready for a public meeting by then.

1 So I would suggest setting or rescheduling a
2 meeting for the following week. The 23rd would be
3 fine with me, if you want to do that. I could
4 then have a draft to you either at the end of the
5 week of the 13th or the very beginning of the week
6 of the 20th, more likely the end of the week of
7 the 13th.

8 MEGHAN SULLIVAN-WISECUP: Do you have
9 the City's schedule?

10 JEFFREY ANDERSON: I have it right
11 here.

12 ALAN ABES: We could discuss it in a
13 privileged setting simply for an exchange of
14 information and explanation of what's in the
15 report. And then we would be prepared -- assuming
16 that there is nothing significant missing from the
17 draft report, we would then be prepared to discuss
18 it in an open meeting on the 23rd or whatever
19 other date works that week.

20 JEFFREY ANDERSON: The City calendar
21 is open on the 23rd. That's not to say that -- I
22 mean, I would need to confirm that.

23 MEGHAN SULLIVAN-WISECUP: Right.

24 JEFFREY ANDERSON: But I would like
25 to do that, if it's a matter of moving the regular

1 meeting back by a week so that we could have a
2 draft report that we could review and potentially
3 agree on. That would then give us the opportunity
4 to make revisions and get a report out to the full
5 council for pre-read with at least a week for them
6 to review it before the first meeting in
7 September.

8 MEGHAN SULLIVAN-WISECUP: Oh, I
9 absolutely agree. I will check with the City.
10 And if it's available, I will get us on the
11 calendar and have notice put out. So at this
12 point in time, I do want to put out there that
13 we -- I need to vote on cancelling the 16th
14 meeting or actually moving it to the 23rd.

15 JEFFREY ANDERSON: I move that we
16 reschedule the August 16th meeting for
17 August 23rd, pending availability of facilities.

18 MEGHAN SULLIVAN-WISECUP: All those
19 in favor?

20 JEFFREY ANDERSON: Aye.

21 MEGHAN SULLIVAN-WISECUP: Aye. All
22 right. I will get ahold of them tomorrow and make
23 that change, the 23rd at 7:00 o'clock in these
24 chambers.

25 JEFFREY ANDERSON: To be clear, so we

1 said a lot of ifs, if we ask you to do these
2 things. I feel like we are.

3 MEGHAN SULLIVAN-WISECUP: We are. I
4 feel like we are.

5 ALAN ABES: I am pretty sure you are,
6 yes.

7 MEGHAN SULLIVAN-WISECUP: Yes. Okay,
8 so you will let us know when the draft is ready
9 for the review in a privileged setting, and then
10 we will go from there and leave the 23rd open
11 meeting to discuss it?

12 ALAN ABES: Correct.

13 MEGHAN SULLIVAN-WISECUP: Okay, I am
14 good. Are you good?

15 JEFFREY ANDERSON: I am. I really
16 want to see the draft now.

17 MEGHAN SULLIVAN: It's not ready yet,
18 Jeff.

19 JEFFREY ANDERSON: Is it ready yet?

20 MEGHAN SULLIVAN-WISECUP: Be patient.
21 We will e-mail you daily, is it ready yet?

22 JEFFREY ANDERSON: I might be able to
23 go to law school faster than this.

24 MEGHAN SULLIVAN-WISECUP: Okay,
25 moving on to old business. Do you have any old

1 business you would like to discuss?

2 JEFFREY ANDERSON: There was just one
3 item I want to make sure gets addressed at least
4 publicly. We committed to having the agendas and
5 minutes posted the last time we talked about it.
6 There was a section of the City website that was
7 created for it. Links are still up, but the
8 documents are not yet there.

9 We have a commitment from the
10 administration that the minutes that have been
11 approved will be posted on the public website
12 tomorrow at the very latest, so I assume that's
13 tomorrow by the close of business. I am going to
14 follow up on that --

15 MEGHAN SULLIVAN-WISECUP: Absolutely,
16 that's fine.

17 JEFFREY ANDERSON: -- after,
18 tomorrow.

19 MEGHAN SULLIVAN-WISECUP: Yeah, I saw
20 your e-mail today. I actually saw that there was
21 a link. I didn't click on it, so I actually
22 assumed that they were there because the link was
23 there. I didn't click on it, though. So yes,
24 that would be awesome. Any other old business you
25 have?

1 JEFFREY ANDERSON: No.

2 MEGHAN SULLIVAN-WISECUP: Okay, then
3 I will move on to our last agenda.

4 JEFFREY ANDERSON: Move to adjourn.

5 MEGHAN SULLIVAN-WISECUP: I agree.
6 Have a great night, everybody.

7 (Thereupon, the meeting was concluded
8 at 7:33 o'clock p.m.)

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1 STATE OF OHIO)

2 COUNTY OF MONTGOMERY) SS: CERTIFICATE

3 I, Monica K. McBee, a Notary Public within
4 and for the State of Ohio, duly commissioned and
5 qualified,

6 DO HEREBY CERTIFY that the above-named
7 proceeding was reduced to writing by me
8 stenographically in the presence of the parties
9 and thereafter reduced to typewriting.

10 I FURTHER CERTIFY that I am not a relative
11 or Attorney of either party nor in any manner
12 interested in the event of this action.

13 IN WITNESS WHEREOF, I have hereunto set my
14 hand and seal of office at Dayton, Ohio, on this
15 9th day of August, 2018.

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Monica K. McBee

MONICA K. MCBEE
NOTARY PUBLIC, STATE OF OHIO
My commission expires 4-18-2020