

City of Springdale

Council Investigative Committee

June 7, 2018

Mrs. Sullivan-Wisecup called the Committee to order at on June 7, 2018.

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

Mrs. Sullivan-Wisecup took roll call. Committee members Sullivan-Wisecup and Anderson were present.

The meetings of the May 24, 2018 meeting were considered. Mr. Anderson made a motion to accept the minutes; Mrs. Sullivan-Wisecup seconded. The minutes were adopted with two affirmative votes.

Old Business - None

New Business

Mrs. Sullivan-Wisecup: Our new business is discussion about retaining legal counsel. We were given three names by the City's legal representation. We have Terry Donnellon and Doug Miller from Donnellon Donnellon and Miller. Tim Burke from Manley Burke. I did call them and told them that we were looking to retain special counsel for our Committee. I did not get a hold of any of them. I left messages and we were wanting to go ahead with this. I was wanting to put on the radar that we need to discuss when we will be able to interview these people. I'd like to do it within the next week so that we could have something to submit to Council on the 20th. If that's okay with you (referring to Mr. Anderson).

Mr. Anderson: My only question is, just to be clear, in the last session we talked about doing a general RFP. We said, in that meeting, that we would review with the Administration what the procedure was to post that RFP or if there was a more expeditious process for the benefit of everyone here that advice from the Administration after the review was that it is possible that we can bypass. It wasn't necessary to do a full bid process. That we could communicate directly with them. Which, I believe, I'm comfortable with. It sounds like you are as well. My question is if you contacted those two offices, the City Administration had offered up nine additional offices that received the legal RFP previously. Was there any intention to speak with any of those? Five of them responded to the last RFP for our Council. One of them, obviously had recused themselves from this so it wouldn't be eligible. I didn't know if those other four or other eight should be contacted as well.

Mrs. Sullivan-Wisecup: I can contact those as well. I have no problem with that. I had only received these three. Was the other one on something that you received from Derrick Parham?

Mr. Anderson: It was in an email from Derrick to both of us.

Mrs. Sullivan-Wisecup: I have to look back because at time I was not receiving all the emails, so I will go back and make sure I received that one. I will absolutely reach out to them. Is next week a possibility? Do you have limitations at all next week?

Mr. Anderson: I'm not sure. Maybe you can describe the process that you see happening. I wasn't expecting to have . . . we established in the last meeting a number of criteria that we said were important. I wouldn't want to slow the process down trying to work on my schedule. If there's a candidate that you screened, I don't have any problem with that.

Mrs. Sullivan-Wisecup: We weren't screening any of them. It was that we were opening these up to see if they were interested in being interview for this and then I thought from the emails that I had received that the process was then you and I would sit down with them and interview them and we would then make our recommendations to Council.

Mr. Anderson: I don't know that we agreed on the process. I know there was discussion that we could do it directly. You had mentioned that you would want to do a joint phone call. I assumed we would talk about that tonight as opposed to over email. I'm open to whatever process is most expeditious. If you want to schedule the meetings after screening them around your availability, I'm happy to attend if I'm able. But, I would encourage you just to keep them. If they meet the criteria, I don't have a strong opinion as to which one it is.

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Mrs. Sullivan-Wisecup: Okay. That's fine with me. I will make those phone calls for the remaining ones and then I will start the screening process and then after we get the proposals, we'll make the final recommendation to Council.

Mr. Anderson: If it's narrowed down to one or two, if you could share that.

Mrs. Sullivan-Wisecup: Oh absolutely. I'll share everything.

Mr. Anderson: I just want to know who it is. I know a number of the legal groups in the area, so I'd be curious what your take on them is. Having not screened or talked to as many of them. I've a long history with attorneys of all sorts. I think it will be interesting to hear your take on it as a fresh set of eyes. Whatever I can do to help with that interview process, just let me know.

Mrs. Sullivan-Wisecup: Okay. That would be wonderful. I will get on that and then I will let you know as soon as we have it narrowed down and we'll go forward with that. Was there any other discussion about the retaining of legal counsel that you wanted to discuss today? Do we have to do any procedurally on that? Do we necessarily need to vote on that since we had already decided on that?

Mr. Anderson: I'm not aware of any motion that's required in order for you to make phone calls. I believe we already have a motion. We have direction already from the City Council meeting that enabled us to retain counsel. We spoke with the Administration with our RFP criteria and they advised us that it wasn't necessarily posted as a sealed bid. In our last session, we voted to retain counsel as a committee. So, I'm not aware of anything else.

Mrs. Sullivan-Wisecup: Okay, cool. Just wanted to make sure that we crossed all t's.

Communications - None

Communications from the Audience

Mr. Hawkins: Good Evening. For the record, Lawrence Hawkins III, 340 Glensford Court, Springdale, Ohio 45246. I just had a couple of questions trying to understand and confirm the process. The Committee met yesterday, June 6th.

Mrs. Sullivan-Wisecup: For a special meeting; yes.

Mr. Hawkins: Okay. When was that special meeting decided to take place or call?

Mrs. Sullivan-Wisecup: Tom Vanover (President of Council) requested it. He called it. I don't remember the exact date to be honest. It was about a week ago.

Mr. Anderson: Are you asking me?

Mrs. Sullivan-Wisecup: Because I honestly don't recall exactly what date it was. I didn't know if you did.

Mr. Anderson: I think it's worth talking about to be clear. I can answer this specific question. There was a request from Tom Vanover that we consider having a special meeting yesterday in order to address topics of committee procedure. That request for a special committee meeting was sent to both Meghan and I. We'd agreed that it had made sense to have that meeting and we advertised it through the City Administration. I believe it was three days prior, but I can confirm that for you if you want. I can do it now. I just need to open up my laptop if you're interested. I did verify. I was concerned about the timing of it at the time and I'd sent request for confirmation of the notification. Yesterday morning, I went and checked because I know that there's a great deal of interest in this Committee. I went and checked the sites that the City usually uses for communication, specifically the Facebook page and the City FrontPage and I wasn't able to find notification there. At that point, I reached back out to Mrs. Zimmerlin, Assistant City Administrator who was responsible for advertising it. At the same time, asked Mr. Forbes since he was trying to schedule if he was aware of the notification. Mr. Forbes got back to me and confirmed that it was advertised beyond the 24-hour requirement. He sent a link to Cincinnati.com that had the

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Mr. Anderson (continued): posting it described and said that we were fine to meet. So then we had the meeting yesterday which is where you see some of the changes here. We wanted to confirm after the last meeting and those minutes will be available after the next session. We wanted to confirm that we had established the Committee correctly in terms of officer positions and that there wasn't anything that would prohibit us from taking action today if there was anything to do.

Mr. Hawkins: You guys say you filed notice. I trust that you guys did. I don't question that. There was no other means of communication or publicizing the meeting beyond just what was done in terms of putting it in those periodicals, so to speak online or otherwise?

Mrs. Sullivan-Wisecup: When it was first brought up, we were asked if we were available and we said yes and then when he, Jeff Forbes had said yes because he was also invited. I said yes and then when Mr. Anderson said yes he asked, "Who was advertising it? What was the

Mrs. Sullivan-Wisecup (continued): agenda?" Then, Tom Vanover said that he was taking care of it and then he sent an email to Mrs. Zimmerlin and she said that she was taking care of it from there and she said she sent it to the appropriate staff to have it advertised. That was all. We were just told it was advertised through the staff.

Mr. Hawkins: There wasn't any notification for elected officials or emails or anything like that.

Mrs. Sullivan-Wisecup: Not that I know of; no.

Mr. Hawkins: Okay.

Mr. Anderson: If I could just add to that. I think that the process that I'm aware of for it is no different as for any residents for notification of meetings. That's something that I'm personally concerned about. I raised that issue as well and it's something that I think requires more conversation outside of this Committee. I think, and if you look back at other Council meetings, I've raised concern about communication as well which is why I went to lengths to verify that it was communicated. I'm not aware, to answer your question, of any additional communications that went out beyond the notification from the City to the public site aside from notifications to the Committee members, which is also required for a special meeting. Both of us received that; both requested and received that. To be clear, the Committee called the special meeting. The fact that a member, albeit Tom Vanover, City Council President or not, doesn't call those meetings. We did.

Mrs. Sullivan-Wisecup: The original request had come from him.

Mr. Hawkins: I'm not, by any way, saying that elected officials have to get some type of special notice. I understand that the purviews for that are what they are in terms of notification. I was just surprised that that meeting was taking place. I sort of walked through the building earlier before the City Council meeting and had noticed that it appeared to be a C.I.C. meeting. I walked in toward the tail end of it. I wasn't sure what the mechanism was in terms of notice. I wanted to make sure if there was an email, I didn't see an email. I know sometimes there are emails that are sent out to elected officials beyond just the normal notice that's taken place and I wanted to make sure that I didn't miss anything. I was just curious if there was any other means or process of people being given notice of that. I wanted to make sure I hadn't missed something that had taken place.

Mr. Anderson: If there was, I'm not aware of it. It's certainly possible. I had to request through the City how it was notified. I had to ask how it happened because I didn't receive notification/verification either. Which is a concern. But, yes, I'm not aware of any. It's certainly something that we could follow up with if you'd like with the City or if you'd like to, we'd be happy to do it to see if there's anything else. It's also available for public records request at any point in time. You can request emails from Mrs. Zimmerlin or Tom (Vanover) as to advertisement around it. I'm sure they could provide those if any were done.

Mr. Hawkins: I was just making sure if there was anything special that was going on in terms of notification. Thank you.

Mrs. Sullivan-Wisecup: Thank you. Anyone else like to address?

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Mr. Roberts: My name is Bill Roberts. I live at 104 Harter. My only question is you had this special meeting yesterday, June 6th. We had this meeting tonight, June 7th. What happened yesterday that you couldn't have done it in front of everybody here so we would have known what was going on? That's the reason why people think things get hidden. I think, you know, if you're going to have this thing, have it out in the open and have it where it was. Don't do it and somebody has a special meeting and nobody knows of it. I'd been reading the paper every day about special ordinances that you put in the paper for people to follow up on. I haven't seen anything from Springdale. Now, I guess they got them posted on these little plaques in the street out here; special ordinances. You know, you make it very difficult for us to understand when you have a meeting it should be out in the open so we know what's going on.

Mrs. Sullivan-Wisecup: Yesterday's meeting was an open meeting. It was advertised like we had just discussed. It was advertised. The staff had sent it. It was on Cincinnati.com. I don't know if it was in the newspapers or not, but I know it was on Cincinnati.com. Even though it was a special meeting, it wasn't a secret meeting. It was open to the public and the reason why we didn't have it in here because it was immediately before the City Council meeting. Sometimes people show up early for the City Council meeting and so we didn't want to interrupt if anybody was coming in or we didn't want it to be chaotic.

Mr. Roberts: I still think, you know, I asked last week when I was here, I asked a gentleman if all these meetings were going to be out in the open so we could understand them. He said that mostly that he wanted them to be and they would be unless it was a special occasion. There was no secretive stuff in that meeting that you had yesterday; right?

Mrs. Sullivan-Wisecup: No. There was no secretive stuff. Mr. Anderson?

Mr. Anderson: Thank you. I share your concern sir. I raised that concern before the meeting. I felt comfortable having it for one reason. It was purely a procedural issue that we were trying to address. It was, frankly, partly my fault and I wanted to address it as quickly as possible so we could get on with the business of the Committee and that problem was at the beginning of the first meeting when we did the motions. The parliamentary demotions for Chair and Co-chair. I don't believe it was as clear as it should have been. We wanted to address that so that we could have the regular meeting and conduct the business that we needed to conduct without holding that up. It would have been very difficult to do all of that procedural work separate from that. I will tell you though, there was not C.I.C. investigatory conduct or work product that was discussed in that meeting. It was very specific around Committee procedures. I know that's probably not a great answer, but I wanted to share with you that I know I said that last meeting. I still believe that we should have all of the meetings here. I personally was concerned about having it, but, obviously I was comfortable enough to do it, so I still have that commitment that we will do as much in the open as possible. You'll see in the Council meetings in the future, I'm going to take some action to see if we can improve our notification process. I don't believe that we're doing everything we can to reach people that are interested. The fact that you're interested and didn't know when we say just notify, that's an issue that we need to address separately, not part of

Mr. Anderson (continued): C.I.C., but that's something we need to address. I hear that and I want to let you know I'm going to work on it.

Mr. Roberts: I'm a resident 29 years. I've concerned about the City and things that happen. But, then on the other hand, if you don't know anything is happening and nobody you have these special meetings and nobody tells you about it, it gets disheartening. Thank you.

Mrs. Sullivan-Wisecup: Thank you. Would anyone else like to address the Committee? None.

Adjournment

Mr. Anderson made a motion to adjourn; Mrs. Sullivan-Wisecup seconded.

Meeting adjourned at 7:18 p.m.