

City of Springdale Council

March 4, 2020

President of Council Vanover called Council to order on March 4, 2020.

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

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

The minutes of the February 19, 2020 meeting were considered. Mrs. Ghantous made a motion to accept the minutes; Mrs. Emerson seconded. The minutes of the February 19, 2020 meeting were approved with six affirmative votes and one abstention (Mrs. Sullivan-Wisecup).

Introduction of New Employee

Mr. Jones: Actually, I'm going to turn things over to our Building Official, Carl Lamping to make the introduction.

Mr. Lamping: Good evening.

Mr. Hawkins: Good evening.

Mr. Lamping: I want to thank you for the opportunity to introduce a new employee. A full-time Property Maintenance employee, Daniel Blaylock. Daniel joined the City of Springdale in January 2020. And, to my knowledge, he's the first full-time property maintenance inspector on our staff since Brian Ward left, I think, close to two years ago. We've had part-time contract people. Dan brings to the City staff a wide range of experiences ranging from quality control to security. He has experience in naval aviation, where his primary duties included the maintenance of large aircraft. He's been recognized by his fleet commanders and he voluntarily separated after 14 years to focus on his family. After separating, Daniel earned his Bachelor Degree in Workforce Education Development where he specialized in Instructional Systems Design. He has worked with large organizations during lean process improvements as a financial advisor, professional career counselor, and, more recently, as a food production manager for a large locally food manufacturer. Dan was born in his parent's home on Ruskin Avenue. He is part of a select group that have the honor to claim the City of Springdale on his birth certificate. His father, who also served in the Navy as a corpsman during the Vietnam War and an EMT for the City was the person who delivered him. Daniel graduated from Princeton High School in 1992 and still lives here in the City of Springdale with his wife, Brandy, and they are here today. Why don't you come up (addressing Daniel Blaylock). I'd like to introduce Daniel Blaylock.

Mr. Blaylock: Thanks.

Mr. Lamping: You're welcome.

Mr. Blaylock: Thanks for having me. I just wanted to keep it short and thank you for the opportunity to serve the City.

Council: Welcome.

President Vanover: Thank you. (applause)

Communications	-	None
Communications from the Audience	-	None
Ordinances and Resolutions	-	None
Old Business	-	None

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New Business

Mrs. McNear: Council, you have in your packets a liquor license request from Streetscape Holdings LLC at 11711 Princeton Pike. It is coming from LTL Ventures LLC & Patio Suite L 4200 Aero Drive, Mason, Ohio. This is the Blue Ash Chili facility. This is a transfer. It is a D5. A D5 is "spirituous liquor for on-premises consumption. Only beer and wine and mixed beverages for on-premises or off-premises in the original sealed containers until 2:30 a.m. Are there any concerns or issues with approving this item?

Mayor Webster: A couple of three meetings ago, I think we were requested to write a letter to the liquor board saying we had no objections to these folks transferring the liquor permit from their Mason store down to the Springdale store. This is just the official request now from the liquor control board to approve it, or see if we had any objections. (no objections)

Mrs. McNear: Okay. I'll take care of filing the paperwork. Thank you.

Mr. Hawkins: Question for Mr. Jones. I saw an email that went out today. I think everybody on Council was cc'd, from Matt Shroyer regarding a question with regard to the rental inspection. I don't know if you got the chance to see that yet or not. I'm assuming since it was today, you may not have addressed it or responded, but, I just wanted to check and see if anything had taken place and if you had any comments with regard to the interpretation that Mr. Shroyer had versus some of the discussion he listed in the email.

Mr. Jones: I appreciate that and, Mr. President, I'll actually turn this over to our attorney (Mr. Braun). We've had some discussion with the Building Department and we will be getting back with Mr. Shroyer on the letter, but, I'll turn things over to Joe (Braun) at that point.

Mr. Braun: I wanted to let Council know that I did meet with Mr. Lamping before the meeting tonight. We looked over the legislation together and we're going to go back and look at the history of that legislation, because it was passed and there were some revisions. I've advised Mr. Lamping to send an initial letter back to the individual who wrote that indicating to him that we're reviewing it and then I'll report back to Council if we need to make any revisions to that policy. Primarily, to make sure that it is written to effectuate the intent that Council intended. I've just tonight looked at it and it's probably my preliminary review that we will want to make some kind of a revision to the language, but I'll bring that back to you at your next meeting.

Mr. Hawkins: Thank you.

Mayor Webster: Something has fallen through the cracks here because I know for a fact that we changed that to say that we would only do inspections when they had a change in the tenancy. But, Carl, in researching the thing, gets a letter that the legislation doesn't reflect that. My recollection is that it was like June of 2017 that we passed that; passed that revision. I haven't had a chance to share that with Carl, but he brought that to my attention this afternoon. Mr. Shroyer is right. We changed the law. We do not inspect. You still have to pay your fee. We inspect the outside of the house, but, we do not go inside the house unless there is a change of tenancy.

Mr. Braun: Just to add, I think that maybe correct. That's why I was cautious about saying exactly what we need to do. It's possible you did pass a change that's not reflected in our ordinance book. That happens on occasion, but, because it pre-dates me, I can't even rely on my memory. I'm going to have to go and historically look at it. But, I'll definitely get you some kind of timeline about what happened. Like I said, if it does need to be revised, it's possible you gave instruction to revise it, and it never happened. I know that's about the time you were changing legal counsel as well, so, it's possible that that was something that just didn't happen, but I'll definitely get back to you and we're going to let that individual know we're reviewing it.

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Mr. Hawkins: I just wanted to make sure, because that was a big issue that we went through and we want to make sure that's right. There was some constitutionality that was in question in terms of fourth amendment rights, so we want to make sure that's correct. I do have one other issue unless someone else does. I want to make sure with regard to Mayor Webster and Administration that anytime that there is a circumstance where there may be potential litigation, that Council is made aware of that and that the Law Director is made aware of that. I just want to make sure everybody is on the same page. That's it.

Mayor Webster: Let me respond to that. So, in my discretion, if I think it's going to lead to legislation, or litigation, yes, I would pick up the phone and call the Law Director. But, in my estimation, I think the topic you're talking about did not rise to that level, and so, the Law Director was not called, and he would not be called in the future.

Mr. Hawkins: Mayor Webster, I appreciate your opinion on that, but, that's concerning to me that you would find that that's not something that you would need to at least explore that with our Law Director.

Mayor Webster: So, every situation that comes up, I should call the Law Director?

Mr. Hawkins: If there's a situation, that I think, leads to potential obvious litigation; yes, you should check with the Law Director.

Mayor Webster: Okay. Thank you for your opinion.

Mr. Hawkins: You disagree with my opinion is what you're saying.

Mayor Webster: I think there's a fine line there. I'm not a lawyer. I think that most of the time you're going to have someone sitting in the Mayor's office that's not a lawyer. I think you have to use your best judgement. I think we're going to talk about this subject that you're talking about in Executive Session tonight and I think after we talk about it, I think you'll understand why the Law Director wasn't involved in that, and I'll share some other instances with you where the situation has been handled without the Law Director, or without Council's knowledge. Let me rephrase that; that we've sought legal counsel, either with our in-house legal counsel or labor counsel and handled the situation without it coming to Council. I'm not sure if you're asking, if you're wanting to make sure we're seeking legal advice, or if you want to make sure we come to Council with it.

Mr. Hawkins: I think if there's a situation where it is, and I think this is something that has the obvious potential, and, so, we may disagree on that, and neither of us are employment attorneys. I'm not an employment attorney either. But, anything where there's obvious potential litigation, I think it's important to check with the Law Director. And, it's important to let Council know. Because, everybody on Council would be named on that complaint, as you know, and so, I'm just saying for us to be aware of what's going on, I think is important. That's what my point is.

Mayor Webster: I agree with half of your statement. I think we should definitely seek the advice of the Law Director, but, whether we bring it to Council or not, I think, is at our discretion.

Mr. Hawkins: I'll respectfully disagree with you.

Mr. Anderson: I'm not aware of the circumstances being discussed that you mentioned that we will get into later. I just want to make sure I understand, from a policy standpoint for the City. We have a policy handbook. Is there anything in our policy handbook that has administrative procedures that we can rely on for what circumstances, at a minimum, would require some consultation with (the) Law Director or referring back to Council to make us aware of, or is everything that is potentially litigious completely within Administration's purview to decide whether we should be notified or not. Is there anything in the policy handbook that we should be aware of? Or, is that something that we will end up looking at?

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Mayor Webster: I'm not aware of any policy handbook that guides the Administration on what they say and don't say to City Council.

Mr. Anderson: From an HR (Human Resource) standpoint. You mentioned HR issues, if there's those types of issues. There's nothing in the policy handbook that we would expect that you would do that, so what's being asked about now may be a new request. Is that what we're saying? To notify Council? There's nothing in the policy handbook today that talks about notification?

Mayor Webster: I'm not aware that there's even a policy handbook that guides what the Mayor says to City Council.

Mr. Anderson: And that's what I'm trying to understand, and HR functions inside the administrative branch. Is there an HR Manager that you rely on that has policy handbooks? Or, is this entirely within your discretion?

Mayor Webster: You're asking the same question, if I understand what you're saying.

Mr. Anderson: My question is do we have HR policies that have notifications?

Mayor Webster: There is no HR manual that guides when Administration should go to City Council.

Mr. Anderson: And, that's what I'm asking. Is there? And, you're saying, there's not.

Mayor Webster: Right.

Mr. Anderson: Great. Thank you.

Mayor Webster: You're welcome.

President Vanover: Each of you should have a copy of a letter that I received this week from Mr. Coleman and he is requesting an increase on the Civil Service Commission. I think, before we deal specifically with this, that we also need to go back and take a look at all the Boards and Commissions because I don't think that we want to do a "hodge-podge" and I think that we need to keep everybody on an even plane, so to speak. So, I'm going to, at this point, request from the Administration that we get that data and then at a time in the not too distant future then that we delve into it and look at that.

Executive Session

Mrs. Emerson made a motion that Council go into Executive Session pursuant to the Revised Code, Section 121.22 (G)(1) to consider the investigation of charges or complaints against a public employee and Section 121.22 (G)(4) for reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms of employment. Mr. Ramirez seconded the motion. The motion passed with a 7-0 vote to go into Executive Session. Council departed chambers at 7:15 p.m. Council returned to chambers at 10:12 p.m.

Meetings and Announcements

Mrs. Sullivan-Wisecup: The Planning Commission will be meeting next Tuesday, the 10th at 7:00 p.m. in these chambers.

Mrs. Emerson: The Board of Health will meet on March 12th at 7:00 in the conference room adjacent to here.

Mrs. Ghantous: Board of Zoning Appeals will meet on Tuesday, March 24th at 7:00 in the chambers.

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Mr. Jones: I have four things. The Community Reinvestment Area Housing Council will meet on March 10th at 5:00 p.m. in the Council Conference Room. This meeting has been advertised through our normal channels. From the Recreation Center, youth spring sports registration is underway including baseball, t-ball, girls softball, spring soccer, and spring volleyball. The co-ed softball league registration is going on. The games will be played on Tuesday evenings at the Community Center mid-April through June. Contact the Community Center for details if you want more information on that. Also, for employment opportunities at the Park and Rec facility, part-time custodian, and seasonal employment for lifeguard position. Detailed information and application forms are available on the City website or visit the Community Center in person. Thank you.

Mrs. Sullivan-Wisecup: I did forget to mention that we had the Cinema Horse Races for Springdale Youth Boosters last Saturday. It was very successful. I don't have the numbers on it, but, it was very, very well attended. I wanted to thank everybody who did sponsor any horse races or anything like that. We had a great time and lots of money was raised, I can tell you right now from the betting booth and from looking at blackjack and stuff, lots of money was raised for youth sports.

President Vanover: And no horses were injured.

Mrs. Sullivan-Wisecup: No horses were injured in 1985 when those horses first ran.

Communications from the Audience - None

Update on Legislation Still in Development

Mr. Hawkins: We had no legislation passed this evening. All other matters are forthcoming.

Recap of legislative items requested for next Council meeting

Mr. Hawkins: There is a request for an Ordinance Authorizing the Execution of a Collective Bargaining Agreement with the Fraternal Order of Police, Ohio Labor Council for the Full-Time Patrol Officers in the Springdale Police Department and Declaring an Emergency. There is also a request for an Ordinance Authorizing the Mayor and Clerk of Council/Finance Director to Enter Into a Contract with Motorola Solutions for the Purchase of Eighteen Replacement Portable Radios and Accessories and Declaring an Emergency. There is a request for a Resolution Authorizing the City of Springdale's Participation in Financing Public Improvements in Cooperation with the Port Authority and Authorizing the Execution of Documents to Effectuate Such Financing, and Declaring an Emergency. There is a first reading for an Ordinance Amending Various Sections of the Codified Ordinances of the City of Springdale. That concludes requests for legislation, unless there's anything from Council or from Administration (none).

Adjournment

Mr. Hawkins made a motion to adjourn; Mrs. Sullivan-Wisecup seconded the motion and Council adjourned at 10:12 p.m.

Respectfully submitted,

Kathy McNear
Clerk of Council/Finance Director

Minutes Approved
Tom Vanover, President of Council

_____, 2020