

City of Springdale Council

June 4, 2014

President of Council Tom Vanover called Council to order on June 4, 2014 at 7:00 p.m.

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

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

The minutes of May 21, 2014 were considered. Mr. Squires made a motion to adopt; Mrs. Emerson seconded. Mrs. Harlow noted that the date of the OKI luncheon discussed on page 3 will be June 17th instead of June 19th. Mrs. McNear noted that this is a date correction for the luncheon but not a correction to the minutes. The minutes were approved as published with seven affirmative votes.

Communications - none

Communications From The Audience - none

Ordinances and Resolutions

ORDINANCE 18-2014

AUTHORIZING THE MAYOR AND CLERK OF COUNCIL/FINANCE DIRECTOR TO ENTER INTO A CONTRACT WITH MORTON SALT, INC. FOR THE PURCHASE OF HIGHWAY ROCK SALT AND DECLARING AN EMERGENCY

Mr. Squires made a motion to adopt; Mrs. Harlow seconded.

Mr. Squires: Mr. Parham, this called for 2,000 tons. What is our capacity? Isn't it around 2,300 - 2,400 tons?

Mr. Parham: The capacity of the dome is about 2,700 tons.

Mr. Squires: 2,700? This will bring us up to full capacity then?

Mr. Parham: We will not purchase it all this year; it will overlap into 2015 but I think with the amount remaining in this year's budget, that should get us roughly to that number, 2,700.

Mr. Squires: That's quite an increase; that's 39%.

Mr. Parham: The cost?

Mr. Squires: Yes.

Mr. Parham: Yes, it's the market.

Mr. Squires: I'm not saying that we didn't expect it; I just didn't expect it to be that much.

Ordinance 18-2014 passed with seven affirmative votes.

ORDINANCE 19-2014

AUTHORIZING THE PURCHASE OF REAL PROPERTY THROUGH THE CITY OF SPRINGDALE LAND REUTILIZATION PROGRAM AND DECLARING AN EMERGENCY

Mr. Knox made a motion to adopt; Mr. Squires seconded.

Ordinance 19-2014 passed with seven affirmative votes.

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Old Business

Mr. Knox: At our last meeting, Mr. Forbes spoke on the question of abstentions and talked about Robert's Rules of Order. So I looked up Robert's Rules of Order and the revised Fourth Edition Article VIII, paragraph 46, states "that while it is the duty of every member who has an opinion on the question to express it by his vote, yet he cannot be compelled to do so; he may prefer to abstain from voting though he knows the effect is the same as if he voted on the prevailing side." That's what Robert's says. Thank you.

Mr. Parham: Council, we have talked previously about the assessments to the property owners or residents, as a part of the 2012 and 2013 Street Program where the city went in and made the improvements to the drive aprons as part of the programs during those years. We have given our residents the opportunity to pay for the drive apron improvements. We have roughly 16 residents to date who have not made their total payment for the improvements. In order that we may have this scheduled so the assessments occur this year, we would ask that the assessment legislation be brought in at the July 16th meeting. Prior to the legislation being passed, we intend to send a letter to each of those residents reminding them of the process. In two instances, we found a bank has unfortunately taken over those properties. We will send correspondence to give the residents one final chance to make payment. If they do not make payment at that time, (which some have indicated to us they prefer that we just have it placed on their tax record), the cost will be added to their taxes. I think it's important to let the two banks know what is going on. What we do not want to occur is the banks engage in the sale of the property, but the new buyer isn't aware that this potential issue is looming. So we want to get that information out to them as quickly as possible to give them one final chance to make the payment before the July 16th meeting.

Mr. Vanover: And we'll need an emergency clause on that?

Mr. Parham: Yes, sir.

Mayor Webster: This is really none of my business I guess, but I'm not shy about asking questions. Mr. Knox, your comments about the abstention, Robert's Rules; I think the issue is, I recall from Mr. Forbes last meeting, was that you can't participate in the discussion and then when it comes time to vote say I abstain. Wasn't that the message or did I miss something?

Mr. Forbes: Yes, there were two basic messages that I had. One was, if you feel like you need to abstain because of a conflict, I wanted to remind you that I was always available to answer questions on whether you, if you felt like you had a conflict. My other point was, and you're absolutely right, Robert's Rules does say you can not be compelled to vote, but if you're not going to vote, you probably should not participate in the deliberations or discussion.

Mr. Knox: Well therein lays the problem. I could not find that in Robert's.

Mr. Forbes: That's not in Robert's. It's not in Robert's Rules; it's not in your Council Rules; it's not in the Charter. It goes to the question of conflict. When you are not going to vote because you have a conflict, Ohio Ethics Law says you should not participate in the discussion. If you're going to abstain for some other reason, whatever that may be, I was only basically extending sort of the rule of not participating if you have a conflict by saying if you're not going to vote for whatever reason, it probably just makes sense that you would not participate in the discussion and try to state your opinion or how people should vote if you're not going to vote yourself.

Mr. Knox: So it's an unwritten rule?

Mr. Forbes: It is a written rule when it comes to conflicts of interest. If you have a conflict of interest and can not vote, then you can not participate in the discussion.

Mr. Knox: But I had no conflict of interest in that situation.

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Mr. Forbes: Right, then there is no other rule that would compel you to vote. My only point was if you look at the rules for having a conflict of interest that say, if you have a conflict and are not going to vote, you should not participate. I just logically extended that to any other reason why you may not vote.

Mr. Diehl: I now have a question for you. Suppose you participate and you go in open-minded, not yes or no, but through the discussion, you figure out you don't want to vote, you want to abstain; then what?

Mr. Forbes: Robert's Rules say you have a duty to vote but you can not be compelled to vote. If for some reason you've decided through the course of the discussion that you're not going to vote, you can't be compelled to. But with respect to a conflict, as soon as you recognize that there's a conflict, and you may not recognize that there's a conflict of interest until you're into the discussion, but as soon as a conflict of interest is identified, you should stop participating.

Mr. Knox: To explain myself fully, what I was thinking at that time; I found an excellent definition in the dictionary. It said an abstention may be used to indicate the voting individual's ambivalence toward the measure or mild disapproval that does not rise to the level of active opposition and that's exactly how I felt at that time and that's why I voted the way I did, which Robert's allows me to do. Thank you.

Mrs. Harlow: I've thought about the conversation at our last Council meeting as well and I have abstained on a couple of issues that always had to deal with the First Baptist Church of Springdale because I was a member and I didn't want to cast a vote, being a member of that organization. I know that other people have abstained when it comes to banking business and things like that because they have worked for that company or whatever. What I had been thinking about was that we are elected by our residents to be up here to vote, to make a decision and unless we have a definite conflict of being involved with a company that we're voting on or like church selling the parking lot, then we have an obligation to vote.

Mr. Vanover: I'm going to put my two cents in. I feel the same way and historically I've abstained on, the first thing that comes to mind is the IBI contract even though they're the only body I can deal with because they have control of it; whether it's a true conflict or perceived, I always err on the more conservative side. It's better to pull yourself out and the understanding has always been, both in this body and also in Planning Commission, that if you were abstaining, then you took yourself completely out of the discussion. It's a grey area; depending on what the situation is, it could end up putting us in a legal situation, that we have a piece of legislation before us or specifically, that one thing I can think of, is Planning Commission; you could open the door for legal action. Always shoot to err on the conservative side and that historically the way I've always done it.

Mr. Knox: At the time I abstained, there were already five votes in favor of the motion; therefore, whatever I did wasn't going to make any difference but I did have mild disapproval so that is why I abstained, which I am allowed to do. That's about the last thing I need to say about it. Thank you.

### New Business

Mr. Parham: Council, I have two items. We were contacted earlier this week by Hamilton County Development Department. It is again time to begin planning for the Community Development Block Grant Program. These are funds we have received over the years to assist with various projects. They (the County) have requested that we enter into the Cooperation Agreement with the County Commissioners. If Council would be willing to adopt legislation at the June 18th meeting, we could meet their deadline and have it back to the County by June 30th. Just to give you some idea of the amounts the City has received over the last three funding cycles of this program which is always a three-year period. This upcoming period would run from March 1st, 2015 until February 28th, 2017. The current program runs from March 1st, 2012 to February 2014. During the cycle of 2006 through 2008, the City received \$100,000 to assist with of the modifications for creating the senior room at the Community Center. In the 2009 to 2011 period, we began our Home Improvement Program. During the 2009 year, we received \$20,000 for the Home Improvement Program; the same

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amount in 2010, and in 2011, we received an additional \$10,000 to take us to \$30,000. In addition, in 2011, we received \$30,300 for the new playground equipment at Chamberlin Park. In 2012 through 2014, our current cycle, we have received \$20,000 each year for the Home Improvement Program. Over the last couple of years, of course the federal government has not adopted a budget and HUD has reduced the amount of dollars that have come to Hamilton County and other counties. So the amounts we have been able to receive continue to shrink. I am not certain what the numbers will be for the 2015 through 2017 timeframe, but I think there are some projects that we can attempt to take advantage of. As you all may recall from the last process, after we signed the Cooperation Agreement, later on in the fall we will need to hold two public hearings where we identify potential projects. At the public hearings, we give the public the opportunity to suggest other projects. Again, the focus of the projects is on low to moderate income homeowners and projects. If they fall within certain census tracts or blocks and after we finalize those two public hearings, we then submit our projects to the County. Our projects then go online with the other projects in Hamilton County.

The other item that I'd like to share with you is, as you all know, the City has a Facebook page. We have chosen to use Facebook as a vehicle in which we can get information out to our residents. During one of sessions I attended at my last conference, they were talking about social media. It dawned on me we are using this as one of our opportunities and there are a lot of people who are not familiar with Facebook. So upon my return, I charged the Parks Department with coming up with a program in which we can teach individuals how to use Facebook for when you post items. It is a more instantaneous way of them receiving our messages. We use Facebook not to receive information but simply to get data and information out to the residents to inform them of things that are going on in the community. For three sessions, the first being on June 13, from 3:30 p.m. to 4:30 p.m., the second session available will be on June 27, Friday, at the same times, and then July 11<sup>th</sup>, participants will be taught how to use Facebook. For this first time we are going to have one of our part-time customer service employees, Brooke Singleton, teach the class. She has a job opportunity elsewhere so we're trying to work within her schedule, but also to see how this is going to turn out. We have very limited space. It's going to be in the lab at the Community Center. Right now we have six computers; however, only five I understand are working at this point. The hope is to get residents in and begin to teach them and hopefully it will be a popular enough program that we can begin to extend it to more than just the 3:30 - 4:30 period and more often than this. But again, we are trying to find as many ways as possible to get information to our residents as fast as possible.

### Meetings and Announcements

Mrs. Harlow: Planning Commission will meet on June 10th at 7:00 p.m. in these chambers.

Mr. Hawkins: The Board of Zoning Appeals will meet on June 17th at 7:00 p.m. in these chambers.

Communications from the Audience - none

### Update on Legislation still in Development

Mr. Hawkins: As you review your memos, Item number I was dispensed with Ordinance number 18-2014; which passed with a 7-0 vote. Item II was dispensed with regard to Ordinance number 19-2014, which passed with a 7-0 vote. Items III, IV, and V are forthcoming.

### Recap of Legislative Items Requested

Mr. Hawkins: There's a request for an ordinance confirming the designation of depositories for the City of Springdale and declaring it an Emergency. Also a Resolution adopting a tax budget for the City of Springdale for the year January 1, 2015 through December 31, 2015 and a Resolution authorizing the Mayor and Clerk of Council/Finance Director to enter into an Agreement of Cooperation with Hamilton County, Ohio, pursuant to

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provisions of the Housing and Community Development Act of 1974, specifically talking about the Block Grant Program.

Council adjourned at 7:25 p.m.

Respectfully submitted,

Kathy McNear  
Clerk of Council/Finance Director

Minutes Approved:

Tom Vanover, President of Council

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