

# City of Springdale Council

June 7, 2023

President of Council Vanover called Council to order on June 7, 2023.

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

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

President Vanover: Mr. Hawkins advised us, actually a couple of weeks ago, that he would be out of town for the meeting this evening. So, we're good to go.

The minutes of the May 17, 2023 meeting were considered. Mrs. Ghantous made a motion to accept the minutes; Mrs. Sullivan-Wisecup seconded. The minutes were approved with six affirmative votes.

## Presentation – Springdale Offering Support (S.O.S.) Scholarships

Mayor Webster: We're very proud to have with us this evening the two recipients of our 2023 scholarship awards from Princeton High School. Julie Matheny and Michelle Miller are our screening committee for these scholarships, and so I'd like to turn it over to those two to make their presentations. This is sort of an reenactment of what we did over what they did at the High School on Awards Night.

Ms. Matheny: I'm Julie Matheny. I'm the Treasurer of Springdale Offering Support. You guys hear about SOS all the time; at Christmas time, and when we're accepting donations, when we're helping needy families. Well, last year, we decided to take it up a little bit and we decided to award scholarships to students of our community. So, last year, we gave one \$1,000 scholarship, and the requirements are very easy; just have to be a Springdale senior, 3.0 or higher grade point average, and committed to either going to either a trade school, or a college. So, this year, we were fortunate enough through all the donations we've received through the year, that we decided we were going to award two \$1,500 scholarships. So, we have our recipients here this evening. First recipient is Nhu Le, and she is going to be attending the University of Cincinnati in the fall. (applause). Our second Springdale senior that was awarded the \$1,500 scholarship is Steven Higgins, and he's also attending the University of Cincinnati. (applause). Thank you very much.

Mayor Webster: Thank you ladies for your work that you do on that program. I'm not sure whether she made this clear or not, but, last year we had one. We gave one scholarship for \$1,000. This year we were able to kick that up to \$1,500 and then double it and have two of them. So, right now, the plans are to duplicate that for the 2024 awards also. So, anyway, but, I thank all of you that have contributed to the SOS cause over the years, and, the viewing audience the same way, especially some of our corporate sponsors. We've got employees that have it set up on payroll deduction, and then we've got some people on the dais that it might as well be payroll deduction, because they're that regular with their contributions. So, anyway, we do more than just help needy families at Christmastime. This is just an expansion of our activities. So, congratulations to both of you youngsters. Good luck to you. Thanks.

Communications

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None

## Communications from the Audience

Ms. Wells: Hello. My name is Katie Wells, and I live on Bernhart Court. Good evening. I'm here tonight to ask the Mayor to publicly apologize for his behavior and remarks after the BZA (Board of Zoning Appeals) meeting that occurred Tuesday, May 23<sup>rd</sup>. I specifically believe that Mayor Webster owes an apology to Councilmember Jeff Anderson, myself, and Kevin Haugh. You can pause my time. I'll wait.

Mayor Webster: Are you finished?

Ms. Wells: I have more. I'm just waiting for the apology.

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Mayor Webster: No. There will be no apology coming. I do not apologize for my actions. And, I think that the last night's actions by the Board substantiated what my objection was to it. I called it an illegal meeting. I called the leadership to task for allowing it to happen, and I make no apologies for that. None whatsoever.

Ms. Wells: You can start my time back up. It was mainly for calling people pieces of shit. Mr. Mayor, you're a grown adult, and that evening you essentially threw an adult-sized temper tantrum because you did not get your way. I'm not entirely sure why you're going out of your way to make the lives of the residents who requested the variance more difficult. So far, these residents have taken time to file a variance. They've attended two meetings, and now they have to do it all over again. Now, they have to start the process. So far, I've not seen any good faith-based efforts from the City Administration in resolving this matter. Mr. Braun, can you please explain why the approval for the amended variance was rescinded? What about the hearing proceedings caused this? Was the point of all this to find a middle ground where the homeowner can use their property without undue burden?

Mr. Braun: I'm assuming you're referring to last night's BZA meeting. For the benefit of Council, BZA made a determination in an open meeting, that there were certain procedural deficiencies which occurred in consideration of a variance request. And, that was at their May 23, 2023 meeting. As a result, at that special meeting, which again, was last night, the BZA did rescind the grant of a variance that they had voted on at the prior meeting and set the matter for a new hearing at a future date. Ms. Wells is correct that they also gave the applicant, again, trying to work with the applicant, an opportunity to follow the correct procedure and submit an amended application. I think, if you were at the meeting last night, the BZA felt that it owed the applicant a decision which was not procedurally deficient. So, that's why they're holding a new hearing, and it will follow due process. In following that, I don't know what the decision will be, but, hopefully the BZA will be able to issue a final determination for the applicant.

Ms. Wells: Thank you Joe Braun; so, procedural. Okay. That's all I have. I really wish that everyone could not condone that behavior that was experienced by numerous people. It's unacceptable from our elected officials.

Mr. Haugh: Good evening. My name is Kevin Haugh. I live on Elkridge Drive. The first of my questions tonight is about the presentation given by Mr. Agricola last week. Unfortunately, Mr. Riggs isn't here and he might know this better, but I was putting this to Council to see. My understanding is the primary reason for the project is to repair a substrate of the road. There's some water damage to that? Is that correct?

Mr. Jones: Which road?

Mr. Haugh: Northland Boulevard/Kemper Road intersection.

Mr. Jones: I had trouble hearing. What's your question again?

Mr. Haugh: First off, I understand the primary reason for the project is to repair water damage to the substrate of the road?

Mr. Jones: That's a part of it. That whole road; the underlying surface of it is what they call (inaudible), and there's some major problems and they're worried about collapse of it.

Mr. Haugh: Does that require the whole thing to be dug up and redone? Or, the whole road to be torn up?

Mr. Jones: That would be a question for our engineer. It's a large project.

Mr. Haugh: Do you have any idea how much of the \$1.5 million is just the repairs versus the redesign and expansion?

Mr. Jones: I'm not really in the position, Mr. President to answer those questions. That's a better question for our Engineer.

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Mr. Haugh: Okay. Part of my question was he had, or Mr. Agricola had mentioned truck traffic turning on to Kemper to get back to Route 4 to the highway. Do we have any kind of data on how many trucks go that way because of the GPS? I'm just curious about the data we have on that, if any.

Mr. Jones: I think those are questions for our Engineer and you're asking questions that we're not going to speculate on.

Mr. Haugh: Well, my next question is more for Council. Would there be a possibility of us to change the traffic laws to restrict truck traffic for making that turn in an effort to prevent them from making that turn. I know that's a legislation enforcement issue. I don't know if that's something we can do as a City is make that road restricted to truck traffic to prevent that turn being made and mitigating a little bit of the issue.

Mr. Anderson: I would just add, I know the City Engineer is not here tonight. He does issue, at least monthly I believe, an Engineer's Report. That might be a document that might have some of the answers that you're looking for. So, I'd encourage you to read that. In the Northland Project, I know because I looked at it when I saw questions about it on Facebook group, I think the number was closer to \$3 million plus dollars, and I think the intent that he talked about in the last meeting, if I recall correctly, was the problem was trucks continuing on Kemper, not to restrict them. We wanted to encourage them to make the turn that most of the time their route would want them to is Northland, so, part of that redesign is to encourage the trucks to maintain the flow that they should be on. It's not a question of restricting. There's been more trucks going down Kemper. That's how I remember the discussion, but, I would encourage you to, I think the best way to get the answers you're looking for would be to put them in an email so we can make sure we answer them directly and get them to the Engineer. If you're interested in that, I think that's the best way to get the right answer.

Mr. Haugh: Then, with the shared use path as part of that project, is there any data on how much projected use of that shared use path would be, or how much the sidewalks are used now?

Mrs. Sullivan-Wisecup: I believe that that was all just kind of projected stuff that they were thinking about and it was when we were doing our Connectivity Plan. It is based off of our Connectivity Plan, and the things that everyone in Springdale said that they wanted, and so we're just trying to make that happen so that people will be happier with the shared paths that are available.

Mr. Haugh: Okay. My next question is about the BZA meeting. It's about the BZA meeting itself and not any extracurricular activities that occurred. My question is why did this complaint garner so much special attention from the Administration? Previous meetings, members of Council, and Administration were adamant that they had no time for anonymous letters. This was an anonymous letter that had action taken on it right away. I'm curious what was different about this anonymous letter than any other anonymous letter that has been received and thrown away?

Mayor Webster: I feel no obligation to explain my motives to you.

Mr. Haugh: Okay. Is there a reason the letter came to the Mayor's personal email rather than City email in violation of Resolution R15-2022?

Mr. Braun: For the record, I guess, I'm not sure what I can say. You asked about the special attention. The only thing I can say is I don't know anything about a special letter, and I'm not sure that any review of the decision by the variance was in any way affected by an anonymous letter. Just for the record, I want to say I've never even heard about that so I don't think that influenced anything that the BZA did. I heard no references to it. Mr. Anderson might be able to comment if he was aware of it as a Chair, but, I know nothing about an anonymous letter until you just mentioned it tonight.

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Mr. Anderson: As a rule, just as a general process, not a rule, as a process, BZA applications don't include the way that a violation would have come to the Building Department. So, in this case, you're saying there was a letter that was submitted. I know Mayor Webster had spoken about a letter. It wasn't, and it isn't typically expected to be part of a BZA packet where the Board would look at and review. So, Mr. Braun is correct that that's not something that was, as part of the meeting, anything that we would consider. The only part that I'm aware of that that would come into play with the Board itself, and this is speaking for myself, is if a member of the public would come forward and say, "I'm the one that who wrote the violation", or "This is the issue and how this affects me in the community" because that's one of the conditions that we evaluate as part of BZA is the community impact, the "fit" is one of the criteria. So, there were public speakers at the meeting, and I believe one of them did comment on the letter coming in, or a complaint coming in, or that might have been at a Council meeting. I'd have to look at the record. I guess it's best to go back and review the minutes. But, I'm not aware of a letter; anonymous or otherwise, being a part of the packet.

Mr. Haugh. No, the letter came directly to the Mayor and was the start of the entire process that brought the driveway to the attention of the Building Department, which then brought it to the attention of BZA.

Mr. Anderson: The way that the application, what starts an application is a part of the BZA process. So, that's something that Administration will have to address for how the Building Department would have initiated the initial complaint if that's what you're asking about, but, you started to question saying it's about the BZA meeting. I can tell you the origin of the complaint isn't a part of the BZA process that I'm aware of. I don't know if Mrs. Ghantous has a different view on that, but that's not part of the consideration or the packets that we get.

Mr. Haugh: I was looking for background as to how it got to BZA to start with. How this whole process got started.

Mr. Anderson: So, a BZA process starts with the point that an applicant submits an application either for a Variance or an Administrative Appeal, and they do that with the Building Department.

Mr. Haugh: Which comes after a notice of violation, correct?

Mr. Anderson: It doesn't have to. So, typically, the preferred process, what we'd like to have happen, which is something that I think our Building Department has done a really good job over the past few years, is reduce the number of variance requests that BZA has had to review. If you look at how it was done in the past, there were more. Mr. (Carl) Lamping and his team, typically before somebody wants to do something, they come in and talk to the Building Department to get permits, or to get advice on how to conform with the Code, and that's what we advise people to do generally if somebody comes to me as a Council member and says, "Hey, I'm looking to do this, how do I stay on the right side with the City?" My first answer is always, "Go talk to the Building Department. They will try to walk you through it." In this case, I think a violation order was a part of it because the violation order was part of the packet, but that violation order doesn't say the origin of the violation. It just says that there was a violation, and this is their response to it. Does that make sense?

Mr. Haugh: Yeah, it was just kind of a special case because the driveway was there for ten years, how it came to the attention of the City, and then was... I know it's more for Administration than BZA.

Mr. Anderson: And, I just want to be careful at this point because now we're getting into specifics of a case that maybe open or continued, and I wouldn't want to comment on that without having more of the facts. But, if Administration wants to share how violations occur, I mean, that would be something they would have to answer.

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Mr. Haugh: A comment was made that the resident was afraid to come to BZA, and I'm not sure where that came from. I'd kind of like to hear where that came from. I don't think that Mr. Anderson and his group is a very intimidating group. I'm curious to what makes a resident afraid to come to a Council or to a Board meeting and speak when they've written a letter multiple times to the City about it.

Mr. Jacobs: Do you know who made the comment that you're referring to? I don't mean to put you off. It sounds like a question for them. I don't know how we can answer.

Mr. Haugh: It was Mayor Webster.

Mr. Jacobs: Okay.

### Ordinances and Resolutions

#### Ordinance No. 27-2023

AN ORDINANCE CONFIRMING THE DESIGNATION OF DEPOSITORIES BY THE FINANCE COMMITTEE OF COUNCIL FOR THE ACTIVE AND/OR INTERIM DEPOSITS OF THE CITY OF SPRINGDALE, OHIO; ALSO DECLARING ALL PUBLIC MONIES COLLECTED OR TO BE COLLECTED DURING THE PERIOD OF DESIGNATION TO BE ACTIVE OR INTERIM DEPOSITS; AND ESTIMATING THE PROBABLE MAXIMUM AMOUNT OF MONIES SUBJECT TO DEPOSIT THEREIN AT ANY TIME DURING SAID PERIOD AND DECLARING AN EMERGENCY

Mrs. Sullivan-Wisecup made a motion to adopt Ordinance No. 27-2023; Mrs. Ghantous seconded.

Mr. Jones: Very briefly, from Jeffrey Williams, from our Finance Department, he just wanted me to say that past ordinances for depositories were three years based on the RFP procedure, which now has been eliminated, and the current ordinance is based on declaring depositories every five years per the Ohio Revised Code, the operating and payroll accounts, as indicated, will stay with Key Bank. Thank you.

Ordinance No. 27-2023 passes with six affirmative votes. (Hawkins absent)

### Old Business

Mayor Webster: I'm not sure whether this falls under old or new, but, we were asked at the last Council meeting if we wanted to go on a summer schedule as usual, and the answer is a resounding "yes". We would like to do that. We'd like to cancel the July 5<sup>th</sup> and the August 2<sup>nd</sup> Council meeting, but still meet on the third Wednesday of July, which is the 19<sup>th</sup>, and the third Wednesday in August is the 16<sup>th</sup>. And, we would pick up on the regular schedule again on September 6<sup>th</sup>.

### New Business

Mrs. McNear: I just wanted to give an update on what I did this evening before I got to the Council meeting. I decided to have a nice ride by MetroNow! this evening. So, I had a chauffeured ride. About ten minutes before I wanted to come up here, I opened up my phone, and used the app and I told them I wanted to come up to the Municipal Building. The first time I put in my address, they said, I'll pick you up at the house next door, and I said, "No thank you". So, I cancelled that, and I then I tried it again, and they said, "Okay, we'll pick you up at your house. We'll be there in nine minutes." I said, "I'll pay by cash". Then, for the next nine minutes, they said, "We'll be there in eight minutes, seven minutes, six minutes..." and so on and so forth. The next thing you know, the lady pulled up at the end of my driveway. She said, "I'm going to drive to the end of your street and turn around." She came back around, and I got into the car, or into the bus, and she said, "Put your money in there." I said, "Can you tell me why, initially you wanted to pick me up at the house next door?" And, she said, "Well, because of the way the GPS grid works, your house may have been right on the corner, so they went to the next house." So, if you get that, you might want to try doing it more than once. The ride was great. It was very smooth. The buses are very clean. It was a very nice

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Mrs. McNear (continued): ride. I also got these little pamphlets. I have enough up here if anybody wants them. Actually, there are quite a few. I can leave them at the back of the desk if anybody would like to have those, but, it was a very lovely ride. Like I said, it took a couple of minutes. The driver was very friendly and she said, "Where would you like me to drop you when I get up here to the campus?" So, I highly recommend it. It was very enjoyable, and I'll probably do it again. Thank you.

Mr. Ramirez: I also have some kudos. I went up to the event at the Community Center where law enforcement had all the gear out there. Every agency, I believe, was there. I saw Mr. Vanover, I think, Mrs. Sullivan-Wisecup was there, but, I think we're missing out on that. I happened to catch it at the last minute that on the news. So, I told my wife, I said, "I need to go up there and see what's going on." Kids would totally enjoy that, and I think Tom (Vanover) had his grandson up there, but, all the different gear they have up there, it's just nice to see. Some of those agencies I've never seen before. So, some of the federal agencies, and anyway, I just hope next year, if we're going to do that again next year, I don't know how we get the word out, but, in a bulletin or whatever, but we need to let more people know that that's happening. That's all I have.

Mayor Webster: I just wanted to report on Mrs. McNear's bus experience. This is the first report I've had of anyone using the bus. So, I've heard no negative, no positive. And, I was thinking today I had not seen one of those buses around town. Maybe some of you people have seen them. I have not seen them yet.

President Vanover: I saw one Tuesday morning.

Mayor Webster: Oh, did you?

President Vanover: Yes. Over in front of Tri-County.

Mayor Webster: Oh. Okay.

Mr. Anderson: I was going to comment, actually, before that that I've seen a lot of them, especially going in and out of the Woodlawn Kroger. I've been spending a lot of time going down Route 4, and it seems like they're almost using it as a depot. I've seen two or three there, like, regularly, they're coming in and out. And, I thought the first few times I saw them, I was like, "Well maybe they're just staging there." But, it seems like they're always people coming in and out of them too, so, it feels like there might be a need there that we didn't think about as some of those are getting residents to the grocery store back and forth without using Uber. So, I've seen quite a few there. I think it's great the experience you had. I thank you for sharing that. I think it's wonderful.

Mrs. McNear: They are using the Kroger Woodlawn as a staging area. They also are over on Kemper Road. She didn't specify where they're hanging out on Kemper Road, but she said they do have the two items, and I did give her an indication that, you know, we've got the new apartments on Sheraton Lane that they're starting to rent those, and then the apartments or the townhouses and apartments over off of Northland. It's unfortunate that Tri County mall apartments aren't open for business because that would really be a great draw there. But, I think, you know once we get the word out more that people use it, and I said it's unfortunate that you know the car seat issue isn't a little bit easier, because I said my grandkids would love it, but, I don't want to haul a car seat, and a booster seat, even though they have the ability, they have hook ups in the bus, but, you know, if I go myself with two of those contraptions, and two kids, it would just be impossible to do that, but, those are available. The kids would love it. I mean, it would be great. If you do one, it would be fine. If you have a child that's a little bit bigger that doesn't need a booster or a car seat, it would be great. I mean, it's free. I think it's children up to ten. I think that's on this. There are some FAQ's (frequently asked questions) on the back of this little flyer, but, it would be very enjoyable to do. It would be great doing down to Kroger, pick up a couple of things, run over to LaRosa's, grab a pizza, and then they can take you home on the way. Check it out. It's very, very clean. Now, will they be like that in three years, I don't know, but, for now, they still have that new smell. But, it was a very nice ride. Thank you.

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Mr. Jones: Mrs. McNear, will you share again what the cost of that ride was for the public's benefit.

Mrs. McNear: Yes, it was two dollars.

Mr. Jones: Thank you.

Mrs. McNear: Oh, and you can pay by cash, which I did, I put two dollars in the little bucket as I went in there, but, you can also pay with your credit card when you book your ride, so there are multiple options.

### Meetings and Announcements

Mrs. Sullivan-Wisecup: Planning Commission will meet next Tuesday at 7:00 p.m. in these chambers.

Mrs. Ghantous: Board of Zoning Appeals will meet on Tuesday, June 27<sup>th</sup> at 7:00 p.m.

Mr. Jones: Real quick, from the Parks Department; Parks and Rec are taking registrations for swim lessons, fall soccer, and volleyball. We have a Concert In The Park coming up, June 15<sup>th</sup> 7:30. They will be playing 90's music. I think it's Buzz Bin Band. Does that sound right Meghan (Sullivan-Wisecup), you usually help me on those. There will be beverages and food for sale, and, Mr. Wilson wanted me to let folks know that the old arcade games were old and archaic, and they had to go. So, we have new ones and they have such things as Pac-Man, Space Invaders, Frogger, Donkey Kong, and things like that. If that means something to you, great. It doesn't mean a whole lot to me. Anyhow, he wanted folks to know that there's new machines in there that offer a whole variety of games and I thought I'd share that. Thanks.

### Communications from the Audience

Ms. Wells: Hello, my name is Katie Wells and I live on Bernhart Court, and I just wanted to piggyback on some information. I know it was brought up that for BZA, you do not receive the initial complaint. Which totally makes sense. You only get from the Building Department forward. I'm just kind of curious on why that is, and if any information at all is shared, because I had an opportunity to review the initial complaint on January 22<sup>nd</sup>, and numerous other sheets of back and forth, and it seems that the original complaint person kept bringing up not liking them as an individual, and the number of cars is what they were complaining about, but the violation itself was about the pavement. But, they even said, in a back and forth, this was in March, that the variance wasn't even required. So, that means they wouldn't even need to go to the BZA because they should be grandfathered in, so, I'm just not understanding why some of this information isn't shared. Maybe it was and you can clarify for me? And, why that's just the process in general. It feels like it would be very valid to the conversation. It would come from Administration, correct? Because, BZA doesn't get it.

Mr. Braun: I think anything that relates to the process in the initiation of the process probably needs to be directed to Mr. Lamping.

Ms. Wells: Okay.

Mr. Braun: And I know that he's not here tonight. I'm looking at my notes. My notes can't answer your question.

Ms. Wells: Okay.

Mr. Braun: They just indicate that a complaint was received, and then that a zoning violation was issued.

Ms. Wells: Right.

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Mr. Braun: So, I would, I hate to put it to someone that's not here, but, he's probably the best person to answer that question.

Ms. Wells: I was supposed to get a call from him in the past, but I just received an email from a consultant instead. So, should I be asking the consultant? Or, should I be asking him?

Mr. Braun: Who's the consultant?

Ms. Wells: I could look it up in my email. I don't know her name. It was a female consultant. She sent me the information about grandfathering.

Mr. Anderson: Maybe Anne McBride?

Ms. Wells: That sounds familiar, Anne McBride.

Mr. Braun: I think Anne (McBride) would answer a general question about like zoning in general, but it sounds to me like your question really is more about this specific complaint.

Ms. Wells: It's a general too I guess. Some of the information seems like BZA should probably know like how this variance wasn't even required, and they had it before that.

Mr. Braun: I don't know anything about that.

Ms. Wells: Okay.

Mr. Braun: I can just tell you in the limited history that I know, I would probably defer to Mr. Lamping on that. But, I will tell you that Anne McBride is kind of the guru of zoning when it comes to generalities, but, why don't we have Mr. Lamping, if he can, respond to your question. I'll ask him to review the minutes tonight, and see if he can give you a response.

Ms. Wells: That's fine. Yep. I think he should have my contact information. Thank you.

Mr. Braun: I'll make sure I forward that to him.

Ms. Wells: Yep. Thank you.

Mr. Haugh: Kevin Haugh. I had some follow up questions. Who called the special meeting of the BZA last night?

Mr. Anderson: In the meeting, I called the meeting to order.

Mr. Haugh: Well, who called the meeting to be had? Who called for the special meeting to occur?

Mr. Jones: That would be Mr. Lamping, Mr. President.

President Vanover: Right.

Mr. Haugh: What rules govern how the BZA is run? Is it Robert's Rules, or is there a separate process that governs how the BZA does business? If we're having procedural issues, I'd like to be able to read the procedures myself.

Mr. Braun: I can answer that question. So, I would argue that Robert's Rules is a guide, just as it is for our Council, in the absence of a specific rule relating to a specific matter, but, I would argue that the procedure in the application of the decisions that are made by the BZA are really guided by Ohio law, meaning Case Law. So, there is extensive Ohio case law that talks about things like due process, notice, it even goes into factors that you're allowed to consider in both conditional use permits and variances, and I will, not to give you a long lecture about Ohio law, but, since I've recently looked at it, I know that, under Ohio law, variances and conditional use permits have strict compliance requirements when it comes to them versus a general zoning



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Mr. Braun (continued): decision, where you're allowed to have substantial compliance. So, I think that's a long way of saying Case Law.

Mr. Haugh: Would you be able to provide me the case law that was used to overturn the ruling last night?

Mr. Braun: No.

Mr. Haugh: So, we have Mr. Lamping called a meeting to overturn a decision by the BZA for laws we can't talk about?

Mr. Braun: I can't provide you with case law, because I don't represent you. I represent the City, which means I provide legal guidance to the members of the BZA. I would also point out that you stated that case law overturned that decision. Case law did not overturn that decision. The members of the BZA made a motion, in an open meeting and voted on it to rescind that decision. I have a feeling that when the amended hearing is heard, you'll probably see more of why they made that decision, but, from the motion they made last night, they cited procedural deficiencies. So, if I was looking to find out why that occurred, I might look at what they do different in the next meeting, versus the last meeting to see what those were.

Mr. Haugh: But, the procedures are based in case law, not actual procedures.

Mr. Braun: I think it would be unfair to say it's only based in case law, but, I would say case law definitely guides what's permitted and not permitted by BZA.

Mr. Anderson: This is an open case, so, I want to be careful how much we do outside of that process. But, I do want to recognize that that the next meeting for BZA is in two weeks. We had a special meeting because there was some issues, some challenges that we're dealing with, and we've been working through that in good faith. I will call out the fact that in that open meeting it was a 6-0 unanimous vote to take that motion and proceed with that. I would encourage people to be patient with that process. There will be time in the meeting on the 27<sup>th</sup>, and it is my intent, and as Mr. Braun indicated to share as much as we can in that meeting. I voted yes in that meeting because I believe it's important for the residents, as much as the City to make sure we address the procedural deficiencies that the BZA is working through. And, we can't get into those details tonight. I don't think that's appropriate and might not even be permitted, but, I am asking for people to be patient with that process. I know the way that that happened, there was some tension certainly in the meeting, and then after the meeting. I want to make sure that we try to separate those things as much as possible to be fair to the resident as well as the City. I believe the Board acts in good faith and has been acting in good faith and I think the actions we took last night were appropriate. Thank you.

Mr. Haugh: Would it not be better for the resident to address the problems afterward, rather than making them go through the process again and wait and spend time again here, multiple meetings, multiple hearings, and wasting their time when we have identified the problem, let's go forward and fix it? Well, let's not go back and punish them for the mistakes of our City. Further punish them given they've already been punished for a ten year old driveway that they didn't put in.

Mr. Braun: I just would defer again to Mr. Anderson that we can't comment about that case specifically. But, what I would say is we always want to do it right; the right way. And, if we have the opportunity to do it the right way, we owe it to any applicant or any citizen that comes in here and asks us for a permit, a variance, or a zoning change.

Mr. Haugh: Has the applicant reapplied yet? Because if not, then is it still an open case, or is it now terminated pending a reapplication?

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Mr. Anderson: So I can respond to that if that's alright Mr. Vanover. So, from the Board's perspective, when we took action last night, it was under Old Business, and it's still an open application. So, there was an opportunity for an amended application is my understanding. So, from my perspective, and I would certainly defer to Mr. Braun to correct me on this, but, I've been treating it as an open case because we have not disposed of it from our agenda. So, it was an open case in Old Business, we took action, and made a motion to have it on the schedule for the next meeting. In the meeting last night, we identified the next meeting. Now, certainly because the Littles, the applicant wasn't there, the City would work with them in good faith to find a good time to make that happen. But, we did put it on our schedule for the next meeting because we want to make sure that it is an open case so we can address it. I believe we owe that to the applicant because of the procedural deficiencies that was mentioned in the meeting, it is in their interest too to make sure this is addressed. So, again, I'm asking for patience in that space. I know it was heated, but I'd like to try to bring that down, and let's work through the process. There's limits because of case law that Mr. Braun mentioned. There's certain ways we have to do things. And, if we made mistakes in the process, we'll do our best to correct them.

Mr. Haugh: I guess I don't see how that benefits the resident to go through this again, and, my next question is what happens if the resident does not reapply? If they take action on their own to remediate the problem, and it's no longer an issue? How does that get closed out, or how does that resident get any kind of reprieve from this?

Mr. Braun: Again, I don't want to speculate and we can't provide advice to an applicant for anything for the City. Again, the only thing I can tell you is the City is acting in good faith, and I can confirm that we have communicated with the applicant.

Mr. Haugh: That doesn't answer any of my questions. But, I'll move on. My last set of questions clarified that there's no communication; that the complainant was afraid, however, the Mayor cited his oath of office to "Uphold the rules and laws of the City as it pertains to the residents of the City. If I need to stand up and defend your rights, I would. I would do the same damn thing." But the complaint wasn't even about the driveway. The complaint was about the cars in the driveway. So, Mayor (Webster), you did a great job of advocating for the complainant, but not so much to the Littles. You took sides in this argument, and you urged the Board to deny the variance on the side of the complainant; not on the side of the rights of the Littles, who were fighting for the variance. Why did you take sides? Why did the variance mean so much to you that you potentially violated your oath of office by taking sides?

Mayor Webster: As I told you earlier, I will not sit here and justify what I've done to you. Pure and simple.

Mr. Haugh: Will you justify it to the rest of your constituents? The rest of the electorate in the City of Springdale?

Mayor Webster: No comment.

Mr. Haugh: My last question is for Council. The Charter of the City of Springdale grants us Council in Article II Section B, paragraph 8. The Council may inquire into the conduct of any municipal officer/employee in the performance of their duties. The inaction of this Council, at a minimum, to investigate the conduct of that night symbolizes the blanket approval of the events that occurred that night. So do you all approve of the events that happened the night of the BZA meeting after the meeting?

Mrs. Sullivan-Wisecup: Thank you for asking. I had surgery on the 22<sup>nd</sup>. I was incapacitated. I had no idea what was going on. I'm not on BZA; no one asked me to come to the BZA meeting to represent them. I am friends with Ms. Little. She never asked me to come on her behalf. I can personally tell you that anything that was posted on social media or anything that was posted anywhere else is partial, and so I was not here, so I'm not going to take a side in it. Because, to be honest, if I wasn't here, and I didn't witness it, I shouldn't say anything about it. So, I just wanted to explain to you why I'm not saying anything about it. I was in bed. I was in pain, I was in bed. And, everything that came afterwards, I had to trust that the right thing was being done. That the legal thing was being done. I'm not on BZA. I trust that

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Mrs. Sullivan-Wisecup (continued): our people that are on BZA do what they're supposed to do. And, if any event something gets through the cracks and isn't done correctly, for any reason in the entire world, I've got to trust that it's going to be made right. And, I believe that last night that's what was done was that you voted that procedurally there might have been something was not right, for one reason or the other, so, what you wanted to do was be fair to the Littles, and to the City, and to the process. Am I correct in saying that? I just want to make sure that I understand exactly what was happening. Because I was not here.

Mr. Haugh: I'm sorry, what I was speaking on was the events after the meeting.

Mrs. Sullivan-Wisecup: Correct. And, I wasn't here. I don't think that a lot of these people were here, so, asking Council to explain how we feel about something if we weren't here. Those people that were here, I'm pretty sure have made comments about stuff, if they wanted to. And, if not, I just assumed that they don't have any comment.

Mr. Haugh: Would you like me to email you a copy of the video for transparency clarification?

Mrs. Sullivan-Wisecup: I saw two different versions of the video, on three different things of social media. And, I'm actually in the process of asking for the minutes, because I do want to understand what happened, and how it got to where it was because I've never seen anything like this in my life. And, I want to better understand because if people are going to come and complain about something that was a procedural deficiency that's being fixed, I'm not understanding why you're mad that the City is fixing something to make it right. I thought that that's what everybody wanted was for things to be done correctly and right.

Mr. Haugh: Right, but...

Mrs. Sullivan-Wisecup: That's what we're doing. That is what we're doing. No, that is what we're doing. We're making it right. Because the Littles do not deserve to go through it again, just like you said. They don't. So, we're making it right. Is that understood.

Mr. Haugh: Yes.

Mrs. Sullivan-Wisecup: Thank you.

Mr. Ramirez: Just so you have an answer from me, I was not privy to that video. Nor, do I want to see it. I'm not a member of the BZA any longer. You have two very capable people from Council here that are on that BZA board. We trust them to do the right thing, and that's what they're doing right now, so I have full faith in what they're doing. Thank you.

Mr. Haugh: Mr. Anderson is doing the right thing by not commenting on it because he was the subject of the backlash.

Mr. Ramirez: Again, we're trying to avoid running this case through the mud when it's coming back up before the board. And, you keep on asking about the case.

Mr. Haugh: I'm asking the events after the case.

Mr. Ramirez: They're politely telling you they don't want to give you information about it.

Mr. Haugh: I'm not asking about the case. I'm asking about the events after the case. After the meeting was closed, I'm asking about the events after the meeting was closed and the conduct that occurred after the meeting was closed.

President Vanover: Your time expired before this last exchange.

Mr. Haugh: Okay. Thank you for your time.

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Ms. Wells: My name is Katie Wells and I live on Bernhart Court, and I'd like to piggy back off of Kevin (Haugh). I trust the BZA, and I trust Joe Braun is going to help them make sure that they do everything correctly. And what Kevin is talking about is something that was past the BZA. We had an elected official, the Mayor of our City screaming at people calling people pieces of shit. I highly doubt that everyone in this room has not seen that on camera. We are not talking about what happened at the BZA meeting. We are talking about what our elected officials chose to do. It was a choice. That was a choice that they made. It's unacceptable. No one deserves to be talked to like that, no matter how upset you are. No matter how upset you are, you can always be polite and professional because the world needs kindness. Kindness. Calling someone a piece of shit and you are the Mayor of this City is unacceptable. Unacceptable, and I'm disappointed that people want to skirt around the problem. We're not talking about the BZA meeting. The BZA is doing what they need to do. They're making it right. It's not fair to the Littles. That's not what we're talking about. Everyone up here knows that's not what we're talking about. I'm tired of hearing everyone make excuses for the behavior. I'm tired of it. There are people that are tired of it.

Update on legislation still in development

Mrs. Sullivan-Wisecup: If you look at your Internal Memorandum, Item Number I; An Ordinance Confirming the Designation of Depositories for the City of Springdale and Declaring an Emergency. That passed with a 6-0 vote. That is all that we have on here at this time unless there's anything from Administration. That's all that I have.

Recap of legislative items requested for next Council meeting

Mrs. Sullivan-Wisecup: There's nothing in upcoming.

Adjournment

Mrs. Sullivan-Wisecup made a motion to adjourn; Mr. Anderson seconded. Meeting adjourned at 7:53 p.m.

Respectfully submitted,

Kathy McNear  
Clerk of Council/Finance Director

Minutes Approved:  
Tom Vanover, President of Council

\_\_\_\_\_, 2023