

SPECIAL MEETING

SEPTEMBER 20,

07

PRESENT: Mayor Gilman, Councilmembers Jim Bowers, Angie Fryman, Jody Jones, Linda Lotspaih, Harold Robinson, and Jeff Sanner; City Manager G. Tracy Williams; Law Director Lori Kirkwood; and Assistant Clerk of Council Alicia Waymire.

The meeting was called to order by Mayor Gilman. The Pledge of Allegiance followed.

PUBLIC HEARING

IN ACCORDANCE WITH SECTION 9.04 OF THE WEST CARROLLTON CITY CHARTER THE CITY COUNCIL WILL HOLD A PUBLIC HEARING ON THE REMOVAL OF BARBARA BENNETT FROM THE WEST CARROLLTON PLANNING COMMISSION.

Mayor Gilman opened the public hearing by reading the section of the charter pertaining to attendance on the boards and commissions and then asked for comments from council.

Mrs. Lotspaih stated that she knew the absences were excused, she stated that she felt Ms. Bennett was very personable and had good intentions for wanting to serve on the Planning Commission but she felt that attendance was vital. She stated that they should consider setting attendance rules so this won't happen again and she understands that Ms. Bennett's heart is with the city.

Mr. Sanner stated that it was a difficult time and he had never had an experience like this. He stated that this is truly an attendance factor and that he hated that it had reached this point.

Mr. Robinson stated that since January of 2006 there had been 14 meetings and she had missed 10 of those meetings, missing the last 6 in a row. He said that no one was questioning her desire or her commitment but the Planning Commission barely has a quorum and this commission is vital to the city. He stated that he felt it was important that she be replaced so this commission would have a full commission to serve the city.

Mayor Gilman asked what documentation Mr. Robinson was looking at because her figures were different. Mr. Williams stated that Carrie had e-mailed out the most recent attendance list a few days ago.

Mayor Gilman asked if any meetings had been cancelled due to lack of quorum and Mr. Robinson stated that a few had started late in order to get enough people there to have the meeting. Mayor Gilman stated that she understood the concern of attendance but she felt that they needed to take into consideration Ms. Bennett's illness.

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OPPOSING

Ms. Bennett stated that her attendance bothered her greatly and that she had worked with David and Greg to make sure Planning Commission had a quorum. She indicated what her health problems had been, stating that it had all started a couple of years ago when she had some stints put in her heart. She stated that six months after that she started having problems with poor circulation in her legs and had surgery to scrape out her femoral artery in her legs. One of the clogged pieces of her artery broke off and went down the artery into her foot causing gangrene. She ended up spending a lot of time in the hospital and ended up with pneumonia. She then contracted Clostridium Difficile Colitis, or C-Diff, which is an infection of the intestines. She was told she couldn't be around anyone old or young or with weakened immune systems because she was highly contagious and people could die from this. She felt that she shouldn't come to meetings and expose other people to this. She stated that she had finally been cleared of this infection about 4 weeks ago and the doctors had advised her to wait and make sure it was completely gone. She stated that she could understand this procedure if it had happened 4-5 months ago but now she's better and she can begin attending meetings again. She stated that she felt this wasn't an attendance issue that it was something else, and she asked if anyone had a problem with her that they talk to her about it. She stated that she felt that she could commit to being an active member of Planning Commission again. She stated that she felt that Council didn't have just cause now since she's better and can start attending meetings again. She asked if anyone on Council had any questions and stated that she felt her heart was in the right place and stated that she's on the Planning Commission because she cares about the people.

Mayor Gilman stated that Ms. Bennett is a dedicated member and her absences were excused. She asked if Council had any questions for Ms. Bennett.

Mrs. Lotspaih asked when her term was up and Mr. Robinson stated that she had two years left.

Mr. Clark asked if this would be the first in a series that will be held for all the boards. He asked if it was communicated to the people that are approached to be on these boards and commissions about the commitment that is required. He stated that the Recreation Board has people who don't show up all the time.

Mrs. Fryman stated that the membership in the Recreation Board had been changed to try and get the members there.

Mr. Clark stated that at the last board meeting the school board members were not at the meeting.

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Mrs. Fryman stated that they would look into it again and try to stress the importance of attendance when they interview for board positions.

Mayor Gilman read the attendance policies and stated that each board is supposed to regulate their own attendance and then come to Council when attendance is a problem.

Stephanie liams stated that she had heard the attendance policy and asked what would constitute and unexcused absence. Mayor Gilman responded that illness would be excused and if they asked to be excused it would be an excused absence.

Mrs. Bennett asked if the Planning Commission came to Council regarding this issue. She was told they did not.

Mayor Gilman stated that she had talked to legal counsel to make sure this was handled properly.

Ms. Kirkwood stated that there is no language to determine what is considered excessive absences. The attendance policy states that it takes just 3 meetings without the commission approval and they would be dismissed with no discussion. She stated this is a case by case situation and it is certainly up to Council to determine if she is effective in her position.

Mayor Gilman read the Webster dictionary definition of "just".

Mrs. Fryman stated that she didn't know if the Mayor had prior knowledge of Ms. Bennett's illness but Council didn't know anything about her health issues until she wrote a letter to the city manager. She stated again that this isn't about her health; it's about her effectiveness in her position on Planning Commission.

Mayor Gilman stated that she did not have any prior knowledge of Ms. Bennett's illness until after the letter was received from Ms. Bennett.

Mr. Bowers stated that this is an issue he's struggled with and attendance was a key factor. If it was an employee, they would have been let go, as an employer you can't let your employees problems become your own problems. He stated that he felt this has to be handled in the same way. He stated that they would have no way to be certain she won't continue to miss meetings and he concluded by stating that he hoped the health would continue to get better.

Mrs. Fryman asked Ms. Bennett when this all started and Ms. Bennett stated it all started about 2 years ago.

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Mrs. Jones stated that she agreed with all the other Council statements and that she believes that attendance is a key factor. She stated that the Planning Commission is important to the growth of the city and that it needs to operate with full attendance.

Mr. Robinson stated that he was sorry for all the health problems she was having but he felt their responsibility was to see that the boards and commissions function as well as they can. He stated that the Planning Commission is a vital commission and he felt it wasn't fair to the Planning Commission and to the city that the board operates without a full board in attendance. He stated that other members on other boards who weren't able to meet their obligations had resigned from their position.

Mayor Gilman stated that they had excused other's absences and that she felt the most important factor was the amount of dedication the person had.

Mayor Gilman made a motion to not dismiss Ms. Bennett from the Planning Commission. Ms. Kirkwood stated that since the purpose of the meeting was to dismiss Ms. Bennett, she felt that the motion should be made to follow the intent of the meeting. Mayor Gilman withdrew her motion.

Mr. Robinson motioned, seconded by Mr. Bowers to dismiss Ms. Bennett from the Planning Commission. A roll call vote followed: Mrs. Lotspaih – no, she felt that Ms. Bennett should be given another chance and that they should look into amending the attendance policy so it was more clear, Mrs. Fryman –yes, Mr. Sanner –no, Mr. Bowers –yes, Mrs. Jones –yes, Mr. Robinson –yes, Mayor Gilman –no. The motion carried.

Mayor Gilman thanked Ms. Bennett for all her years of dedication and service.

ADJOURNMENT

The motion was made by Councilmember Harold Robinson and seconded by Councilmember Jody Jones to adjourn the Public Hearing. A unanimous roll call carried the motion.

MAYOR

CLERK OF COUNCIL