

LAW AND SAFETY COMMITTEE
Meeting Summary
September 1, 2020

DRAFT

Attendance:

Tom Henning, Chair
Chris Hilberg, Vice-Mayor
Brian Mueller, City Council
Tom Moeller, City Manager
Lori Thompson, Assistant City Manager
Chief David Schaefer

The meeting was held via Zoom Teleconference in accordance with the laws and regulations of the City of Madeira.

- 1. Police Cruiser Design Package.** Mr. Henning recapped the discussion from the previous meeting. The committee reviewed the legal opinion from Law Director Brian Fox addressing any first amendment issues related to the City having the “Thin Blue Line” flag on the Police vehicles. Mr. Mueller requested the opinion so that City Council is informed on Public Forum Laws and whether there would be a requirement that other forms of “speech” would need to be placed on the vehicles. Mr. Fox’s opinion is attached. Mr. Mueller noted he was satisfied with the legal opinion that the City would not be required to display multiple citizen messages on the vehicles even if the outcome is that the current emblems remain on the vehicles. He also stated he would like the City have a government neutrality policy to reflect the same policy for not allowing signs on public properties as he believes that city vehicles are the same as public properties. He stated that the Thin Blue Line emblem is not an official symbol for the City of Madeira. He noted that when the Administration approved this emblem on the vehicles several years ago, it did not present the same message as it does today; as messages change, the City should take the long view and react accordingly. Mr. Hilberg stated he takes the Thin Blue Line Flag to heart as he once wore a police uniform and the emblem means much to him. He stated the line stands for the difference between order and chaos, the officer’s duty to protect and the courage it takes to protect the public. He stated he has no issue with retaining the emblem on the cruisers. He also stated he would support a neutrality policy as it should also include the Fire Dept. and Service Dept. vehicles. He stated that the meaning of the flag, to him, is not “Blue Lives Matter”. Mr. Henning stated he appreciates the respectful tone of the discussion and acknowledged the significant feedback we received from the community and the importance of listening to the community on this matter. He stated he wants to continue to show his appreciation and respect for the work of the Police Officers. As well, he supports a consistent policy for matters such as this. **After further discussion, the committee directed Mr. Moeller to draft a policy to be reviewed by the Law Director. The committee will review the policy prior to making a formal recommendation to City Council.**
- 2. City Council Agenda – Communications Received.** Mayor Spencer introduced this topic at the previous council meeting and the matter was referred to committee for further

review and recommendation. Per Madeira Code Section 30.03 (F)(1)(i), the City Council agenda is required to have a place holder for any communications (also referred to as “Correspondence”) received by City Council members or administrative officials. The discussion centered upon whether this was necessary as communication between officials has changed and is now more expedient via email and other sources other than by regular mail. Mr. Mueller noted that the code was drafted in 1985 when email did not exist and communications received were always by regular mail service. As communication and responses are now easier than ever, he does not think we need to have this on the council agenda in the future. He also noted City Council’s change in policy when there appeared to be individuals writing to City Council, not necessarily to ask council to address an issue, but rather to use the City’s communications with the public to get a message to the community. City Council no longer includes the letter in the council packets, but rather simply referenced and acknowledged the letter was received with the topic identified on the council agenda. Mr. Moeller stated that it has been recent policy to include only those communications which asked City Council to address a matter. He noted in most circumstances, a matter is resolved by the administration’s actions, although City Council would receive the communications via email so they are aware of the issue. After further discussion, the committee agreed to recommend removing (i) from Section 30.03(F)(1) of the Madeira Code. Mr. Moeller stated he will draft legislation for the September 14th Council meeting. The ordinance will require three readings as it does amend the Madeira Code and therefore, has force and effect of law.

3. **Madeira NICE – Neighborhood Inclusion Committee for Equity.** This was referred to committee at the August 24th council meeting. Mr. Hilberg stated he likes the purpose of the committee but disagrees with the proposed composition of the committee. He stated he believes this should be the role of City Council and not an advisory board of residents. He noted this in the context of the proposal to have NICE review city policies related to inclusivity and diversity. He also noted that the City of Montgomery’s commission does not review city’s policies and procedures as part of their duties. He would prefer that the matter be referred to one of the City Council standing committees and invite the public to participate as with any public meeting. Mr. Henning stated the role of council is to review policy from time to time to make certain it meets the goals of the community. He noted this could be a matter to be prioritized at the next City Council goal setting session. He would support making it a goal for council and work it into a committee to operationalize it. Mr. Mueller asked if there could be some middle ground such as stating the limitations of the NICE as well as placing a time limit (i.e. 6-12 months) on their duties. He noted that the City organization’s composition of elected and appointed officials, as well as staff, does not necessarily reflect the demographics of the City and that the City could benefit from getting advice from “new eyes” so we can do better. Mr. Hilberg stated that a time limit would not necessarily do justice to the process in his opinion. He supports promoting diversity and inclusivity but not necessarily forcing the issue. After further discussion, the committee agreed to allow Mr. Mueller to redraft the proposal to reflect the issues discussed and they will reconvene the discussion at the next meeting.

4. **Native Meadow Discussion.** Mr. Moeller noted that he does not yet have a proposed ordinance prepared. While there is a definitive list of prohibited vegetation as prescribed by the Ohio Revised Code, we do not yet have a list of approved vegetation. He will work with Anne Horne from the Madeira Parks Board and the Law Director to have a proposal by the next committee meeting. The committee agreed the legislation should have a limited area based on square footage and not on a percentage of the property. Chief Schaefer noted in his conversations with Ms. Horne the legislation should have a clearly defined square footage area and there also needs to be some kind of physical border around the meadow area.

5. **HAWK Signal Update.** Mr. Moeller reported that the timing of the signal has been changed to reduce the wait time between cycles from 80 seconds to 60 seconds. The length of time for the pedestrian to cross was also increased to give more “walk” time between signals. Limited observations indicate there has been no impact on vehicular traffic. Mr. Mueller asked about modifying the activation buttons. Mr. Moeller noted that Capital Electric is working on this. He stated the system will not support an audible (“wait, wait...”) voice alert, but it should support a modified button which shows via a light that the signal is activated for the pedestrian. Mr. Moeller noted that this is an inexpensive modification and will be done as soon as the contractor forwards the purchase order information.

Motion by Mr. Hilberg, second by Mr. Mueller to adjourn the meeting at 3:45 PM. Motion approved by voice vote.

Tom Henning, Chair