

**COMMITTEE OF THE WHOLE MINUTES
FEBRUARY 21, 2023**

The Committee of the Whole meeting was held on February 21, 2023 at North Royalton City Hall, 14600 State Road. The meeting was called to order at 6:00 p.m.

PRESENT: **Council Members:** Paul Marnecheck, Linda Barath, John Nickell, Mike Vos; Jeremy Dietrich, Joanne Krejci; **Administration:** Mayor Larry Antoskiewicz, Fire Chief Robert Chegan, Police Chief Keith Tarase, Law Director Tom Kelly, Finance Director Jenny Esarey; **Other:** Ken Krejci, John Higgins, Lexie Jezior, Vince Weimer, Marilyn Borzy, Courtney Scheff, Nicole Judson, Heidi Michalske, Ray Michalske, Jessica Fenos, Chris May, Cathy Miller, Joel Spatz.

The following minutes are transcribed verbatim.

UNFINISHED BUSINESS

1. Inquiry and discussion regarding the announcement of intended resignation by Councilwoman Carbone-McDonald

Council President Paul Marnecheck –

I just want to say the resignation of Councilwoman Carbone-McDonald has been received and has been confirmed. The Ward 5 seat is currently vacant. While we wish former Councilwoman Carbone-McDonald and her husband the best as they begin this next chapter of their lives, there are still some questions, some comments that members of the public would like to make about some recent items. The only new item of business we have is the inquiry and discussion regarding the announcement of the intended resignation of Councilwoman Carbone-McDonald. I feel it is kind of moot at this point, since she has resigned. I would like to make a motion to add the following item to the Committee of the Whole Agenda under New Business.

Mr. Marnecheck moved to add the item of inquiry and discussion regarding complaints received on the subject, cease-and-desist letter from Dawn Carbone-McDonald, seconded by Ms. Krejci. Vote: Yeas: 6; Nays: 0. **Motion carried.**

2. Inquiry discussion regarding complaints received on the subject Cease and Desist letter from Dawn Carbone-McDonald

Resident John Higgins –

10501 Queensway, North Royalton, was not planning on attending this meeting tonight until this week, I received a letter from the former Council person. I saw it coming, because I get the USPS in form delivery, and I had no idea why a Ward 5 Council person would be sending me a letter. When I got the letter, I was a little bit shocked to see that I was being sent a cease-and-desist from a personal, not an attorney, from an individual saying that they wanted me to, I'll actually read the letter for you because I think many of us have received the same letter.

Council President Paul Marnecheck –

Can we make a copy of it before you leave?

Mr. Higgins –

Yes, I sent it to Council and the Mayor yesterday as well, and Tom Kelly. It is dated February 15, 2023, sent via USPS certified mail, return receipt requested, and regular USPS. Cease and desist all harassment, stalking, and defamatory statements. *See attached letter.*

I think this sets a terrible precedent by our elected officials to be sending personal letters to people telling them they cannot speak their mind. Trust me, I have reviewed this correspondence with my attorney. I have reviewed it with many other members of the community who I respect and that I look up to, and

there has not been a single thing that falls under this horribly typed letter. There is not a single thing that we or anybody in the community has said besides, "Is my Council person still living in Ohio. Are they still my Council person? Can I go to them if I have any questions?" I do not know that that's unfair to ask. I do believe that somebody posted a public record of the home that her and her husband bought in Florida, which appears to be a beautiful home. Congratulations to them on that. But I do not think that is harassment, stalking, or defamatory statements. Nobody has said a single thing about her and her family. And I think we are on a slippery slope if we allow people to send these types of correspondences and get away with it. Speaking of sending things, there has been a lot of letters circulating around this community, they are sent anonymously by cowards who are saying unspeakable things about members of our community, former Council members, current Council members, and it is disgusting and I think there needs to be resources dedicated both publicly and privately, to figure out who this is and how we can stop this stuff from happening. I know a certain element of this is to be expected when you use the word "politics", but I think we need to bring a little class back with our interactions and I think that is what we are all here to talk about tonight. Thank you, guys.

Council President Paul Marnecheck –
Thank you, John.

Resident Vince Weimer –
19191 Tanglewood Drive, North Royalton. I am not going to reiterate the letter. Mr. Higgins did a wonderful job of reading it.

Council President Paul Marnecheck –
Did you receive the same letter?

Mr. Weimer –
I received the exact same letter. Not only did I receive it once, I received it twice. I received it once at my house and once at my place of employment. Not only that, I have a unique situation in the fact that at the time that I received this letter, I also had an open public record for an information request on the City Council representative still being fulfilled. Not only was my Councilwoman, who has been elected to serve me, telling me that I'm not allowed to question her or ask why she is not here, or ask why her Land Rover has been parked in the same spot for a week and a half. I know that because I drive Bennett every day to go to work. I'm being told that essentially, she is attacking me for doing a public records request on her. That is how I feel about it. I agree with Mr. Higgins, it is extremely dangerous for elected officials here in North Royalton to feel like they have the right to send a constituent, a cease-and-desist letter. When you get elected to this bench, you are elected to serve, and that means sometimes you take the bad and sometimes you take the good. Believe me, when I was elected, sitting up there, I took a lot of bad. But there were good things and I certainly never issued a cease-and-desist letter. I don't know what ramifications or options you have as Council, to make it clear that this should never happen again, but she needs to hear some way from this group that that is not appropriate behavior. It needs to be on record that she is forever tarnished in this City for the way that she acted on her way out of this office. And the reason she is not here tonight, is because she is too afraid to come and admit to what she did. That is all I have to say.

Council President Paul Marnecheck –
While the next person is coming up, if you do not know, the gentleman to the far right is our Law Director Tom Kelly. At some point, I am going to ask him to speak. Hopefully we will hear from our Law Director tonight.

Councilman John Nickell –
I assumed the public knows, but she did send her resignation letter in yesterday about 4:30 p.m.

Council President Paul Marnecheck –

I think it was about 3:45 p.m., but yes. Thank you, Councilman Nickell. Councilwoman did submit her letter of resignation addressed to me at about 3:45 p.m. yesterday.

Resident Jessica Fenos –

10013 Delsy Drive, North Royalton. I also received the same exact cease-and-desist letter. I received it two times at home and one time this morning at my place of employment. I think it is absolutely horrific. Just as Mr. Weimer mentioned, I also served on Council as well, during a very, very controversial heavy time to be here; took hits left and right, all over the place. I never once even considered sending anyone such a letter because it is in fact a violation of my First Amendment rights. I will admit to being probably, the person to call her out on her political Facebook page about her moving. There was nothing illegal about anything that I said, everything was factual. There may have been some opinions thrown in there as well, but there was nothing that should be considered harassment, defamatory, or anything like that. I also have been, prior to that, but in the same sort of short time frame, have received a very disgusting letter sent to my employer. That happened shortly after calling her out on her Facebook page. I don't know that there is any direct correlation but the point is, that there is a lot of bad letters going around and I know that some of you have experienced that yourself. I think that someone really should do something more to make that stop and nobody should have to be going through this. It has nothing to do with my employment and that certainly should not have been sent there; the cease-and-desist, or the other one. If you want to send it to my home, it was something that I was expecting. I'm surprised I did not get one sooner. It's very unfortunate and I just want to have it on the record that I received three copies now. The disgusting letter was sent to my Board Chair, not my direct boss, but their boss, and the County Inspector General. So, now I am under investigation. They are going through those procedures now and it is terrible. On top of that having the cease-and-desist letter from Ms. Carbone-McDonald sent, now that is public record, as you know I am a public employee.

Councilman Jeremy Dietrich –

Mr. Higgins provided a copy to Council the cease-and-desist letter, is the disgusting letter something we are going to see. Did you submit that or are you going to?

Ms. Fenos –

I am not allowed to have a copy of it yet.

Council President Paul Marnecheck –

But your employer is working through a procedure?

Ms. Fenos –

We are working through a procedure, yes.

Resident Cathy Miller –

10669 Devonshire Drive, North Royalton. I received the same letter. I will be the first to state, I deny absolutely, the meritless, faceless claims that were made in the letter. The one post on, the one board, I was actually thinking of you guys. Because if you do one for one; you have to do for all. What if you can't get a hold of your person, then what do you do? You call the next person and you work your way up. How is it fair to everybody else if you guys are fielding questions, how is it fair, what if everybody is gone at the same time? Obviously, the odds of that happening are very slim but still, I have had nothing to do directly with her. The only time I have ever attempted to engage, I've never met her, was when she posted from her City Council page on to a group page, if you will, about the tasers and about the marijuana facility. I had asked her some very specific questions with regard of the marijuana facility. I was kind of irritated that she never replied back because it was this big call to action. She put it on Twitter, she also tagged news outlets on Twitter and did all of this, but could not respond to my questions. I was being sincere and said why I was being sincere. I have no idea why I got the letter.

Resident Chris May –

46005 Jessica Lane, North Royalton. Surprisingly, I too, got the same two letters; one sent certified, one in the mail. I really have no idea what I ever did or said to her. I've never met the woman. I deny any of the claims and I've heard some people claim that she sent it from herself, so it is not really the City, however mine was addressed to my Facebook name. I do not use my maiden name, it is not my legal name, I use it nowhere else, except on Facebook, and that is what mine was addressed to. It clearly came from Facebook. And I would not be able to stalk or harass her on Facebook because she has me blocked, so I could not communicate with her if I wanted to. I too, also received an anonymous letter that was not very pleasant sent to the North Royalton Board of Education, and the Superintendent about me. It required pulling our School Resource Officer out of the school building to come pay me a home visit. It was all false information. I cannot say that the two are connected. However, as a City we need to do something to protect us residents from these blatant lies and letters being sent out. It is just, it is not fair, we are putting people's employment in jeopardy and we should not have to put up with this. Thank you.

Resident Nicole Judson –

8960 Edwood Drive, North Royalton. I just wanted it on the record that my husband Tommy and I also received a letter addressed to the both of us through USPS and certified mail, I had to sign for that. Also, I have that informed delivery from the post office. So, I knew it was coming, I was prepared for that. We also have been the recipient of other disgusting letters about Council members and other members of our community. I don't know what relation that has to me at all. I don't work for the City, I have no position to deal with that. Also, coincidental on timing. I just want it on record that I have been involved in both things and also deny all of the stalking and harassment charges because, like the last resident Ms. May, I have been blocked for two plus years and have had no direct interaction with Ms. Carbone at all so, while I am very vocal and open about that, I have not done anything that would be considered stalking or harassment. That is all I have to say.

Councilwoman Joanne Krejci –

The letter that you got at your home, not the cease-and-desist; the other letter about somebody on Council. Did you do anything with that letter? Did you take it to the Police Department or anything.

Ms. Judson –

Not yet. I have the letter. That was the next plan of action, but then I saw the other cease-and-desist letters were coming so I held on it to see where do I go with all of this. All of these have come to our house within the last two weeks. Again, I don't know who sent it, but again the timing is coincidental. There are a lot of ragmatical similarities.

Councilman Mike Wos –

Mr. Wos wanted to say a few things because there has been a lot of stuff that has happened the last couple of weeks. I feel like there are some things I need to say as well, about all of this. Going back to the whole beginning of this thing, we all know that since it is a public record now, that Dawn had informed all of us of her resignation and relocation to Florida back in December, stating that there was a great opportunity. She had even shared with us news of finding a new home with me personally. She had contacted me via text message that they bought a house in December. She expressed sadness about leaving all of us. This all indicated her intent to leave. Later on, she accused all of the Council members for some reason, I don't know why, of leaking information, including that we were leaking Executive Committee information to members of the public and suggested with, sort of a threat, that she might find a way to stay and serve out the remainder of her term. This accusation bothered me because I am truthfully saying that I never shared any information with anybody. What I do know is that some people have heard rumors as far back as November, that this was going to happen. I had heard it back then. I never said anything. As well, she has told the media of her resignation, before making it public. The residents attend these meetings, they can draw their own conclusions. You can put two and two together and figure it out, it is not fair to blame any of us on this body for leaking anything, and I find it completely offensive that she accused any of us of leaking any information.

Number three, within a month and a half, she missed three meetings and failed to notify us in advance. She informed us of her absence within just a few minutes before the last meeting, which is unusual, because normally when we are not going to be here, we all let somebody know that far in advance. She claimed to the members of Council here that she was stuck at work. I'm sorry if this is going to sound rude but I know that is not true because she does not have a job that requires her to be stuck anywhere. She does not have a job like I do, like some of us do where we might get called in to the office and have to stay there late. Since then, we already knew about her plan to resign. One can only assume that, I assumed when I thought about it, something did not seem right and I figured it was more likely that she may have been out of town; possibly experiencing some kind of travel delay. Then we are getting to the public record request that was requested, so Monday, she was requested to produce public records by a resident; given a Friday deadline. She stated that she needed to consult a family attorney, which is ridiculous. It is a public request; it is not a private matter. It does not require personal counsel. All of us here in this body have been through this type of a thing many times. In my last term, we got hit with these public record requests and we all complied and turned them over in a timely fashion. We did not wait until Friday to suddenly say, "I don't have them, I delete my messages." Which by the way is an admission of potential crime under the public records request. Why would you need a week to consult your lawyer and then turn around and claim you do not have the records; it does not make any sense to me.

Number five, she sent a case letter to all of these people in this room, probably some other people as well, threatening them with legal action for questioning her absence and resignation. Again, in my opinion this is behavior unbecoming of a public official. Residents have a right to question their elected officials. No one in this room here, on this Dias has ever sent such a letter to residents. I think we all understand the importance of transparency, accountability, and in fact, those actions she did have potentially put the City and herself in legally compromising situations. I just want to point out for the record, I got an accidental text message from her that she sent me on January 27th, at the time I did not know what it was about. But it says, "Hey Dan, (no last name) send the cease-and-desist letter." So that is in the record here. That was sent to me. At the time, again, I was not sure what that was all about. I could have assumed, I ignored it, I did not reply. I didn't say anything. She texted the wrong person basically. Obviously, she was asking somebody named Dan to help her send letters to residents; I wonder who that was.

In closing my statement, I find this whole thing to be really disappointing and unprofessional. It is really disheartening that what should have been a simple resignation, which I was genuinely happy for her, was turned into this needless mess that focused on making all of us up here look like bad guys. I don't get that. This kind of drama is really fitting for a high school, not local government. Then there was this ridiculous resignation letter, trying to take credit for certain things that she was not even involved in; like the jail closing, she was not on this Council at the time. We all had to deal with that. She threw us all under the bus, accusing us of being rubber stampers when many of us on this thing have voted against the majority on certain things. I have voted against the majority, none of us are rubber stampers. We debate things, we argue in committee all the time, and we do not always agree. But in the end, when we vote on Council, we end up doing that, so that is a ridiculous accusation to throw around about any of us. This is a shame that it had to end on such a negative note; talk about self-immolating yourself, I don't get it. That is all I have to say. *The residents in the audience clapped.*

Councilman Jeremy Dietrich –

I was not going to speak, but I guess I will. I cannot top what Mr. Wos did, I am not going to try. But I do just want to comment, although I'm not responsible for any of the things that Ms. Carbone-McDonald did, nor was I aware of the magnitude of everything that had happened. I was aware of a couple situations and saw the people continue to pour into this room and again, although I was not responsible for any of those things in any way, shape, or form, connected to them, I want to apologize; as a Councilman. I think we all feel the same way, we apologize to you as the rest of the elected body

up here, sincerely, especially for me, I think it is terrible. I think it is an embarrassment to the City. I think she should have left as Mr. Wos pointed out, with grace and just enjoy your life; you did duly get elected, the people spoke. As much as I enjoyed working with Councilman Weimer, and I did, and we fought and we were back and forth. But at the end of the day, we always found common ground and we did what was best for North Royalton. I felt that I tried very hard to the same thing with Ms. Carbone-McDonald. I invited her to work on some stuff that was very meaningful to me, with the veterans, and I included her, we all did. We all embraced and tried to do the right thing, and try to move forward with what was right for the City. Nobody attacked her. As much as she tries to say that we attacked her and we are all rubber stampers, she voted 99% of the time; we all voted together. That is crazy, that is a crazy accusation. We did try and for her to go out like this, and to attack you, I am sorry. We have to appoint someone now to fill that position. She made some major mistakes on her exit, of course. It is a shame because everything was fine, we all congratulated her. I don't understand how we got to this point, I really don't.

As far as all the things that she said about the Mayor and bringing marijuana into the City, that also was false. It is the Mayor's job to bring to Council any sort of business that might potentially bring revenue to the City. We know we have a lot of banks, we know we want Starbucks, we know we want leaf pick up, and none of that happens without more revenue. As our Financial Director sits over there and says absolutely, yes, we need more money. So, that is the Mayor's job, to entertain those things and bring it before Council, and we entertain it, we looked into it, and I personally feel at the end of the day, I didn't want it; I think that was like a lot of people. That it wasn't worth it. I personally don't want it here but, I think she already knew that and it was already resolved, so to put it out there like we are doing this or that, none of it is true. I almost feel like the letters that you got and the accusation that were made in the letters, I'm questioning, not accusing, I'm questioning whether or not it is reversed. I'm questioning if that is not harassment from a public official that really is in the spot light, volunteered to be in the spot light, and is subject to records requests like all of us. I have had my cell phone records turned in, I've had my e-mails turned in; I have been through that. I didn't squirm, I knew that was what I signed up for. I almost feel, I'm going to let the Law Director take it over eventually and comment on this and correct me if I'm wrong. Again, I'm not saying that, I'm questioning whether it is the reverse, because I see a lot of people sitting in the room that got letters. Some of them, although I don't know what they said, and I'll quote "disgusting" from Ms. Fenos; disgusting letters. So, I can only imagine, in my opinion I question whether or not it's reversed. And I am sorry. That's terrible.

Councilwoman Joanne Krejci –

I think like everybody, Mike and Jeremy have already said so much, that the same that we feel this whole thing has been totally unnecessary. It was somebody who volunteered to resign and somehow from that, and many of us feeling sorry for her, because we know she worked hard to get this position, it turned into this big thing that just really did not need to be. It is taking up Council's time, it upset a bunch of people who live here. It was just totally, totally unnecessary. It all started because she said she was leaving. It did not start because any of us were trying to do anything. My co-Council people have already said so many things so I don't want to reiterate that. I do want to clarify something because this word comes around a lot or it has, and probably through a lot of what Ms. Carbone-McDonald would say about the rubber stamping. If you go back and look at voting records, the majority of the time, we do vote yes on stuff when it is at Council. But I want to make sure that everybody understands that we discuss the topic that eventually becomes legislation in Committee Meetings. We have them at 6 o'clock before our Council meetings. If you come and you sit through them, you would know that we have already argued everything, we have talked about it, we've discussed it, we have been back and forth; sometimes months on end. As the Flock Cameras kept going on and on for month, until we were done, so by the time it finally got to a vote, we had already discussed it in committee. I don't want anybody to think that just because we all say yes, that when we're here and we're actually voting, that does not mean that we've already had the conversations and the discussions, and the disagreement; and we do disagree. Paul and I did at the last meeting, and we said fine and we both went our way; that is the way it is supposed to be. I am very sorry, because a lot of the residents are people that I know who

received this. I'm very sorry that you would get something like that from an elected official in this City. I just think that none of this is necessary. I did not take this job because I wanted to do any of this stuff, I took the job just because I wanted to serve this City, and have a say in how the City builds itself, going forward. I'm very sorry for anybody that received that. It is not a reflection of the entire Council, it is definitely a reflection of an individual or individuals and I will leave it at that. Thank you very much.

Councilwoman Linda Barath –

What more can I say? I took the job to help people, I think that is what my job is. I also though, over time learned what I could do to help people; there is a limit sitting here. I can't be a charity, I have to do things based on what I'm allowed to do. I watched unfortunately, the Councilwoman struggle with that. There is a fine line in that area and the other thing that scares me about the job, is there is no parameters. You could pretty much do anything as a Council person. You all have experienced what happens. You start sending this stuff out and I would like to see parameters, I really would; because this is what happens when you don't have parameters of what you can and can't do unfortunately. I'm sorry that you got these letters.

Councilman John Nickell –

I agree with what my colleagues said. Mr. Vos laid it out pretty good. She won the race; we were excited for her. In the end, it's not about the personalities. For me, we are here to do a job and hold meetings and vote on legislation. If there's not enough of us here, that could hold something back another month or so. So, we do have an obligation to be here. Everyone has vacation or gets sick, so we all miss once in a while; we understand that. However, we had a person that told us she is going to resign the 19th and then did not. Then all this happened, unfortunately. So, we apologize. What I want to do is, probably have a Committee of the Whole, or R & O, and figure it out. But maybe we'll define a residency by more than just, 'you have a home'. Because that could mean, okay I have a home, I go to Florida, Canada or wherever for three months. Well, can you still be on Council because you do have a home here? So technically...

Council President Paul Marnecheck –

...I think the Law Director is going to speak to that.

Councilman John Nickell –

For me, that's where I want this to go, to the Committee of the Whole. This is bigger than all of us. I've been on Council a long time, the Mayor has, and this is really the first, well maybe not the first time; with somebody else... So, you don't understand the pattern, but before that, we really didn't have that. You didn't quite have that, so this is a whole new model that I hope dies. Again, as residents of North Royalton, it was not represented of what this Council does; it was an individual's actions. Thank you.

Law Director Mr. Tom Kelly –

Mr. President, members of the City Council, do you wish to hear anything regarding residency or are we just talking about the cease-and-desist letter?

Councilman John Nickell –

Before Ms. Carbone-McDonald resigned officially, yesterday at 2:45 p.m., I had asked Council to give us a definition of residency because we did not know what this was going to go in to. People's spouses get jobs and people have to make decisions and move all the time; it's hard. You leave our family back here, you go somewhere else, however, Council is a job that says you are in North Royalton. I don't know what the percentage of time is so, my thing was what defined residency. I don't know if that applies right now anymore or if we move it to R & O, where we might as a Council, tweak a little definition.

Councilwoman Joanne Krejci –

I'd still like to hear.

Law Director Tom Kelly –

In preparing for this meeting and for the anticipated questions with regard to residency and domicile, I did some research. I relied on some research that I had gotten from my assistant Law Director Mrs. Vozar. I also had some personal experience representing people in those questions in the past; elected officials and candidates. They're all fact driven. Let's begin with that. Each case is unique on its own fact pattern; that's number one. Number two, there is a very significant distinction to be made between the residency issues and challenges directed at a candidate for public office vs. those same issues being directed at an elected public official. A candidate for public office may have his or her residency challenged at the Board of Elections. There is a great deal of case law already on the books that allows for the Board of Elections then to have some guidance on the question of whether an individual candidate for public office meets the specific residency requirements that are outlined, either in the state code, or in individual charters; and the charters may vary. So, the terms of residency can vary from city to city. Generally, they are very broadly written. The most, not the only, not the sole, but the most significant factor with regard to evidence, or indicia, of residency is where the individual says he or she lives. If an individual is challenged during their candidacy and appears on that challenge before the Board of Elections, of the evidence to be presented the most significant, in terms of case law; and this is from the Ohio Supreme Court.

The most significant factor is where does he or she say they live? So, if they have evidence of maintaining a residency within the district, which is required by statute or by Charter, that presses the case very strongly in their favor; regardless of what the other indicia may be, or what other evidence there may be. That's not the sole criteria, but the strongest. Once an individual is elected to public office, the Charter in our case, the Charter specifies that Council shall be the final determiner of your qualifications for office. So, that if Council decides, after hearing a challenge, to an elected official's residency, if Council decides that there is sufficient evidence to support the contention, that the individual Council person no longer resides within the specified district, or ward in our case. Then that individual may be removed on appeal to the Common Pleas Court. The standard by which the court would review the question, or the challenge on that appeal, would be an abusive discretion. In other words, if you had sufficient evidence, the court makes its own determination on that. Then the removal would be upheld. If on the other hand, court found that you had abused your discretion in that matter then that person might be reinstated. More often than that, it's been my experience, and I think the case law supports it, that the courts will defer to your judgement. If you determine a member of your body is not qualified for office by virtue of failing to meet the residency requirement, or any other qualification, that person will be removed and the decision to remove will be affirmed. That's kind of the broad strokes.

I'll suggest this to you. Prior to these cease-and-desist letters, privately I thought to myself, "Ms. Carbone-McDonald would certainly survive a challenge to her residency." I think she would have. Moving onto the question of the cease-and-desist letters...First Amendment to the Constitution, Congress shall make no law of bridging the freedom of speech. Now, that's an abridgement of the First Amendment. That's what it says. That's both the length and the breath of it, but not the depth of it. That's a shallow look at the First Amendment freedom of speech. It goes much deeper than that. Specifically, and it says, Congress shall make no law, and neither shall the state legislator, and neither shall the City Council in North Royalton; as you've all heard. City Council made no law. There was no law of bridging the freedom of speech here. There was one childish, immature person who made, I think, a very, very poor decision to send out these horrible letters. I still have a personal, professional responsibility to represent Ms. Carbone-McDonald in any actions that she took up until 3:45 yesterday afternoon. So, I have to tread carefully here. Even a fair reading though, of those cease-and-desist letters would suggest that they were, at least arguably, the best defense is a good offense kind of an approach, I guess. The effort was made to chill your right to free speech. That is part of the depth of the First Amendment. So, to that extent, you've heard the apology, even though none of these people,

none of these good people had anything to do with that. But they're deeply concerned for the appearance of it, and for whatever anxiety you may have suffered as a result. That's about all I have to say.

Council President Paul Marnecheck –

Thank you. I think I agree with the Law Director. I think we have the rules in place, should she not have resigned and there be a question about her residency. I think that was one of the reasons I called this meeting and I made it a Committee of the Whole, to allow hopefully, what I thought, would be Councilwoman Carbone-McDonald to come and explain her status; for lack of a better term. She chose to resign, so incidentally that was not the case. But I think we do have the procedures in place if there was a question about her residency, to have adequately dealt with it. I get a little worried about over writing things, I think, as the Law Director said, you live where you say you live. If somebody wants to contest that, there is a method to do it, and I know there is somebody in the audience who did experience this when they were a candidate. Their residency was questioned and there was a procedure, and ultimately, it was found to have been, I think a glitch in the system that had altered her voter registration; but it was quickly fixed.

I also want to say one other thing and again, I want to give a little praise to our Director of Legislative Services, the concept of 'on boarding'. So, with the exception, I think of Council Wos, Dietrich, and Barath I believe our Director of Legislative Services met with us all individually and helped 'on board' us when we were new. I know Dana did that for Councilwoman Carbone-McDonald because I was there, and the amount of depth that she went through on how to be a member of Council, what the motions mean, all of that, etc., was very professional. I believe we sat with her, in the midst of Covid, so we were in the community room; on Zoom. I do want to say, I believe we were there for about an hour and a half; really working to make sure she was fully prepared to step into a body where she was the only new member. I know what that's like, because when I first joined Council, that's what it was for me. You had individuals that are already together and already working together, and you have to join. Sometimes it feels like you're joining a train already in motion, and you're just trying to hold on and catch up. So, I do want to again, make sure it's on the record, I think our Director of Legislative Services did a yeoman's task of great job making sure she was properly on board. Also, after that, trying to make sure she does with all of us; the Chair of committee, making sure we are aware what the role is. She doesn't get a lot of praise, mostly because she lets the rest of us shine. But I at least wanted to take a moment, and I do also want to echo what my colleagues have said, I do apologize for the fact that you did receive cease-and-desist letters. I can only imagine, it's probably a little jarring you get this thing that has legal words in it, and you're wondering what does this actually mean. So, with that, Mayor, I believe you wanted to go last.

Mayor Larry Antoskiewicz –

I just wanted to say a few things. If I repeat, I'm sorry for that but hopefully I won't. I wanted to start out by staying look, right now we live in a crazy world. Especially with all of the Facebook, the social media. It's one of those things I think, the good definitely outweighs the bad; but we know that there's plenty of bad that goes along with it. I would like to commend Council because the Council we have up here, they are good people, they are thoughtful people, they are professional; that's the way they act every time we have a meeting. That is what they are supposed to do; that's what you're here for. As an elected official, there's a certain expectation I believe, when you take this job. When you're asked to take this job, I joke around with people, a lot of times they will say hey, "how's it going", and I say well I can't complain about a job that I asked you for; and I truly believe that... I can't sit here and complain about something I asked you to put me in a position. And I think most of the people up here feel the same way and they've done a good job.

Secondly, I would like to commend the people that are here today. Because you too, have also taken a step on Facebook to do what you have a right to do, and that's express your viewpoints, and hopefully the letters that were sent won't stop you from doing that. Because it is just an individual that did it. Don't ever let anybody take away your rights and that is one of your rights; your rights to speak your

mind. I know it's been tough, and more on some than others, because I know they've gotten even more personal than cease-and-desist. For that, I hope, I know that is a tough one, I hope at some point that person gets caught for what they've done, because it's terrible; it's absolutely terrible. There's never ever, ever a reason for that. The other thing is, I just want to say, when it first happened and we thought that Dawn was going to resign the first meeting in January, effective February 1st, because that is what she had told everybody...and then it didn't happen. Obviously, we all went through some of the drama and you know, I like to take a silver lining out of everything, and on this one, I think what it did, it brought out the real person. I think it exposed the real person, actually she exposed herself, and to that, I don't apologize for. Because basically, everything that's happened from December, to when she announced, to now, is really all of her doing and none of ours. So, for that, it is what it is, but again I think the silver lining is that it showed everybody that she wasn't being true to everybody. I don't know how many conversations I've had and I'm sure some have witnessed, Dawn saying what a great job I'm doing; and this and that. Then you come back and you write what you write, it is what it is, and we move on. In my world, I have no time for that, too many other things to do, too many other good things to do. But I just wanted to go over that and let everybody know, everybody signed up for it, I think everybody's doing a great job. I do again, commend you guys for sticking up for yourselves. And again, voicing your opinion, and I hope it does not deter you from continuing to do it. Because that is what we are here for, that's what you're here for and I don't think you'll get any of that back lash again; at least not from anyone up here, voicing your opinion. So, thanks again.

Councilman Jeremy Dietrich –

I just wanted to let you guys know I did listen, and I do listen, I took some notes, I took quite a bit of notes from everybody that spoke, and some of the things you guys were looking for. I know we are all saying I'm sorry, but you're wondering what are the ramifications, what are we going to do, etc. I do Chair Review & Oversight Committee and it's not just this issue, we have had conduct issues in the past, coming before all of this Council here. I think you are right, you guys brought that to our attention and that's my committee, I'm going to possibly talk to the Law Director; I don't think we want to bring it up today. That would be an hour-long discussion, I'm not saying there was misconduct, but if there was here, again, this would not be the right place. But I will tell you that as being the Chair of the Review and Oversight Committee, I give you my word that I will look into this privately before I put it on an agenda, but possibly that is something we look at; adding things too, as far as misconduct by Council.

ADJOURNMENT

Moved by Mr. Marnecheck, seconded by Mr. Wos **to adjourn the February 21, 2023 meeting.** Yeas: 6; Nays: 0. **Motion carried. Meeting adjourned at 6:57 p.m.**

John Higgins
10501 Queens Way
North Royalton, OH 44133

February 15, 2023

Sent Via USPS Certified Mail, Return Receipt Requested & Regular USPS

CEASE AND DESIST ALL HARASSMENT, STALKING, AND DEFAMATORY STATEMENTS

Dear John Higgins:

Please be advised you are hereby warned to CEASE AND DESIST all harassment and defamatory statements of Dawn Carbone-McDonald and her family. Furthermore you are to refrain from all harassment, stalking, and making defamatory statements about them by any means including but not limited to mailings through the United States Postal Service, Facebook, Facebook group postings, Instagram, Twitter, the internet, and etc.

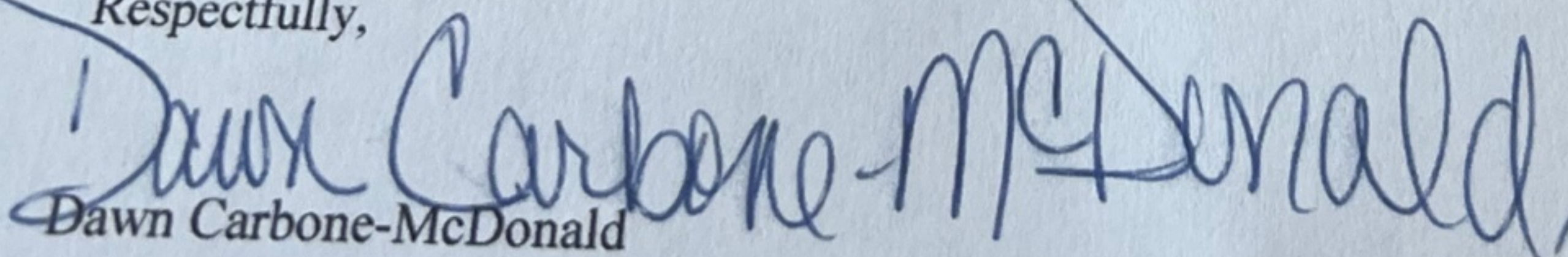
THIS LETTER SHOULD SERVE AS FORMAL NOTICE, SHOULD YOU DIRECTLY OR INDIRECTLY HARASS AND STALK, OR INSTRUCT ANOTHER, OR AN ORGANIZED GROUP TO HARASS AND STALK DAWN CARBONE-MCDONALD AND HER FAMILY. CEASE AND DESIST IMMEDIATELY.

FUTHER, YOU ARE ADVISED TO CEASE AND DESIST MAKING DEFAMATORY STATEMENTS ABOUT DAWN CARBONE-MCDONALD AND HER FAMILY IMMEDIATELY.

IN THE EVENT YOU FAIL TO COMPLY. YOU WILL BE IN VIOLATION AND CRIMINAL OR CIVIL PENALTIES WILL FOLLOW IF NECESSARY. Including all legal remedies available under the law including obtaining a Civil Stalking Order under Ohio Revised Code 2903.214, Criminal Charges under Ohio Revised Code 2903.211, among other remedies.

Thank you in advance for your cooperation in this matter.

Respectfully,


Dawn Carbone-McDonald