

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10143

Held

Thursday, August 4, 2011

20

ITEM 1: CALL TO ORDER: Mayor Flaute called the Riverside, Ohio City Council Meeting to order at 6:02 p.m. at the Riverside Municipal Center located at 1791 Harshman Road, Riverside, Ohio.

ITEM 2: ROLL CALL: Council attendance was as follows: Ms. Campbell, present; Mr. Denning, present; Mr. Fullenkamp, present; Mrs. Reynolds, present; Mr. Schock, absent; Deputy Mayor Smith, present; and Mayor Flaute, present.

Staff present was as follows: Bryan Chodkowski, City Manager; Bob Murray, Planning and Economic Development; Pete Williams, Planning and Zoning Administrator; Mitch Miller, Service Department; Mike Brown, Police Department; Bob Turner, Fire Department; Bob Gillian, Finance Department; and Tracy Mahaffey, Acting Clerk of Council.

ITEM 3: EXCUSE ABSENT MEMBERS: A motion was made by Deputy Mayor Smith to excuse absent member Mr. Schock. Ms. Campbell seconded the motion. A roll call vote was as follows: Deputy Mayor Smith, yes; Ms. Campbell, yes; Mr. Denning, no; Mr. Fullenkamp, yes; Mrs. Reynolds, yes; and Mayor Flaute, yes. **Motion passed.**

ITEM 4: ADDITIONS OR CORRECTIONS TO AGENDA: The agenda was revised prior to the meeting amending the title of Resolution No. 11-R-1581.

ITEM 5: APPROVAL OF AGENDA: A motion was made by Mrs. Reynolds to approve the agenda as submitted. Mr. Denning seconded the motion. All were in favor; none were opposed. **Motion passed.**

ITEM 6: WORK SESSION ITEMS:

- a. Presentation: CDBG Projects – Bob Murray and Pete Williams

Mr. Murray said he didn't know how many saw the article in the paper Sunday regarding the abandonment of homes in the Dayton area and Riverside has about 300 of those homes that people just seem to have walked away from. He said what he and Mr. Williams got together this year is the Neighborhood Stabilization Program III, in it's third year. Mrs. Reynolds asked if the number included foreclosed homes. Mr. Murray said it's a lot of different things; what we found when we walked around is houses vacant for 5 years, there's no for-sale signs, and there is nobody there to talk to. He said we saw some that were older than that. Mr. Fullenkamp asked if the 5 years was a threshold. Mr. Murray said no; we can do 2 years but we will talk more on why we came up with the list that we did. He said this program differs than our CDBG programs in the past because it is a different funding source; these are ARRA funds just given to us for the first time this year and there is a very short time frame. He said it does allow us to demolish blighted structures which are our number one priority and it must benefit low to moderate income neighborhoods. He said CDBG in the past was limited to low income neighborhoods.

Mr. Murray said we are focusing on Census Tracts 903.02 and 906 which are Floral Park, Avondale, and Riverside Terrace. Mr. Fullenkamp asked who gave us these funds. Mr. Murray said the county; this year we didn't get any CDBG funds, it was all NSP funds which is slightly different. Deputy Mayor Smith asked where Riverside Terrace was. Mr. Murray said by Center of Flight.

Ms. Campbell asked how much money was received. Mr. Murray said around \$49,000. He reviewed the lists of what was accomplished in NSP Round I and NSP

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held

Thursday, August 4, 2011

20

Round II. Mr. Williams reviewed an aerial map of the demolitions in NSP Rounds I and II.

Mr. Murray said we examined source documentation looking at code violation lists, tax delinquent lists, and at economic development projects that are currently on the table. He said then he and Mr. Williams went out and made visual inspections as well as talked with the neighbors who were out, about how long the properties had been vacant. Mayor Flaute said he would encourage even knocking on doors to talk with the neighbors; he's been out walking the neighborhoods and people are frustrated with this. Mr. Murray said we did and we were glad to get a better understanding of the problems they are faced with.

Mr. Williams reviewed an aerial photo showing the properties which the city has had to have the grass cut for the last 1 1/2 years. He said we have cut grass at 170 different properties and 81 of those properties are in the Census Tracts we are targeting. He said of the 15 Census Tracts in our city, these 2 tracts make up nearly half of our grass violations reported in the last 1 1/2 years. He said from this we can identify where we need to expend our resources and time to go after problems that are known to come to vacant parcels. He reviewed an aerial photo showing properties that are at least 2 years behind on property taxes. He said there are 352 properties represented and once again we found a concentration in the 2 Census Tracts we were hoping to do the most amount of good in; 207 of the properties are in the 2 tracts which is 60%. He said we can clearly identify the pattern of disinvestment in those 2 areas. He said for comparison there were 261 delinquent parcels in 2008 and this year it is up to 352.

Deputy Mayor Smith said on the properties where we cut the grass and the properties that are delinquent in taxes; if you were to do an overlay of the two maps, would it be safe to say that the majority of the properties where we are cutting the grass are not paying their taxes. Mr. Williams said he thinks that would be safe to say and he can produce that map. He reviewed maps showing percentages of changes in property valuations and showing where the largest percentage of changes are occurring. He said the Valley View and Forest Ridge Plats have seen a 1% to 3% increase in value since the last time the appraisals were done; areas in green - most of our northeastern section and some of our southern section - are areas where the loss has only been about 1% to 5%; the areas in yellow are where the property value decrease has been greater than 5% but less than 10%; and the areas in red the property value decrease has been between 10% and 15%. He said one of the Census Tracts we identified is where property values have decreased the most and the other tract identified is the next category of value decrease.

Mr. Murray said as we walked around we ran into a lot of problems but we started with this priority system: health and safety; economic development parcels; financial viability; detrimental effects on the neighborhood; functional obsolescence; Census Tracts 903.02 and 906; and ease of destruction. He said there were 68 properties that came up on the list which we narrowed to our top-twenty hit list. He said we do not have enough money to get to the entire list but because of the time frame we are going to ask if we can do something to the properties; can we relieve the tax liability of the home by tearing it down for them. He said Valley/Prince Albert Trailer Park is a special situation being immediately across the street from Law's and we are going to talk to that gentleman who has several properties in the Riverside area that could be very beneficial if those were cleared off. He said he thought the rest of the properties are parcels everyone is familiar with or heard about before.

Mr. Fullenkamp said you keep referring to the speed in which we have to get this done; what is the speed required. Mr. Murray said now - but they haven't given us a firm date; we had a little of this money to tear down a convenience store, they had us

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10143

Held

Thursday, August 4, 2011

20

redo the contract there and the money could go away by the end of the year. He said we have a very accelerated time frame to make all this happen.

Mayor Flaute said on the priorities you have financial viability; what is that. Mr. Murray said we looked at if we could get the money back such as a property which is valued higher than the taxes owed and the cost to demolish. Mr. Chodkowski said 2315 and 2333 Harshman are good examples; if those homes are torn down there will be large tracts of land that have viable reusability for commercial purposes and we would be able to get the investment back out of it if the houses were gone. Mr. Murray said it would also remove an impediment for a developer, one less thing they would have to do and they would look favorably on that. Mayor Flaute said the list presented has pretty well led down to that stage. Mr. Murray said detrimental to the neighborhood is definitely part of that and the one he feels is most detrimental is 4527 Glen Martin; that one he might tear down himself - it's a 4-family unit in a single family residential and everyone else on the street is perfect; it hasn't been occupied in about 5 years. Mr. Chodkowski said it should be noted that about 50% of the list requires cooperative partnerships because there is no visual structural issue to compel a demolition under the exterior property maintenance code.

Mr. Williams said to get a visual sense, the properties we've identified on the previous page in yellow in conjunction with the properties we've already demolished, you can see definite clusters where it's really our belief that if we can hit an area with enough of these, we can really start to turn a corner. He said it's not scattered, we are trying to be precision based in where we are positioning a lot of these removals of blighted structures.

Mrs. Reynolds said if we look at this list and break it down to 3 communities - Avondale, Riverside Terrace, Floral Park - clearly we see that the Avondale area has more problems. She said if we are looking at taking a neighborhood and looking at turning it around, we are looking at probably starting in the Byesville area. She asked if that would be an approach they are suggesting; with \$49,000, she is a person who believes we should get the most bang for our buck and where we can do the most good. Mr. Murray said its back to the priorities, the number one thing we are looking at is health and safety and if a house is falling down, we have to fix it. Mrs. Reynolds asked if the list of 68 properties have all been assigned a number. Mr. Murray said yes; the score sheet is included in the packet but we are sending letters to everyone on the list; the money will do the worst of the worst of whoever gives us permission. He said there is more money down at the county so we are hoping we can race through this and do a good job so there is more money at the end of this.

Mr. Chodkowski asked if Mr. Murray could clarify if this NSP ARRA money is above and beyond the city's application earlier this year for CDBG money. Mr. Murray said it is the application we put in for CDBG money and the county decided which funds we would get. Mr. Chodkowski said our request was for \$100,000. Mr. Murray said we are hoping to go after more funds because as you can see our problem exceeds the top-twenty list and the list will be constantly updated. Mr. Chodkowski said it should also be noted that there are CDBG dollars left from the Law's Project. He said prior to the start of the Law's Project there was no push from the county or the fed on the expediency of the dollars used or the recouping of the grant dollars; they were concerned more with addressing the blight issues than they were in addressing the blight and recouping the dollars. He said with the changes coming from the fed to the HUD program and CDBG, the county may be changing their tune because the fed is going to force them to do that. He said those dollars have typically been left to us to reallocate and we would like to believe that will continue to be the case but the county may be forced to grab the money back and reallocate based on more stringent federal guidelines.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Thursday, August 4, 2011

20

Mayor Flaute said he could see Mrs. Reynolds point that if we concentrate on one area, we could really improve that area; but on the other side of that coin, if there is one bad house in a nice neighborhood it can improve the neighborhood so much by just getting rid of that one house. Mr. Murray said we are looking at what is the best return and the sooner they get back to us, the sooner we can address the problem and keep going with this. He said we'll just keep trying to dig up money to keep tearing down houses.

Deputy Mayor Smith said the 2 properties on Harshman- 2315 and 2333, is that about 20 acres combined? Mr. Murray said yes; the one that's boarded up is a police problem and the one that sits back off the road we understand can't be rehabbed. Deputy Mayor Smith said the one next to those is another 5 acres so you would have about 25 acres; wouldn't that be a better bang for our buck because it is on the main road and it's a large tract. Mr. Murray said that's another thing that sticks out in his mind; if we have a dilapidated structure that sits on a main road, that reflects on the city - we need to get rid of all those and it another reason for choosing them. He said he also thought we would get our money back and create a bank so we can do the next one. Mayor Flaute said there is no bang for the buck unless you live next to one that's blighted.

Mr. Denning said there are 20 properties on the list and we need to talk with them; it's who is willing to talk to us so we can move forward, that's why there are so many on the list and why it's not necessarily prioritized because we don't know. He said we just need to move forward with our plan. Mr. Murray said there are some on the list that are hazardous and have to come down. He said we are looking to get this done in 10 weeks.

Mrs. Reynolds asked how long the legal ad had to run and if it had to be published more than once. Mr. Chodkowski said the legal ad had to run 2 weeks, back to back. He said it is in the property maintenance code; we send the letter and they have so many days to reply, if they don't reply then we post the ad in the paper, and if don't hear back from them, we can proceed with the demolition. Mrs. Reynolds asked if the letters will go out certified. Mr. Chodkowski said as far as the initial letters that will be the determination of Mr. Murray; as far as the public nuisance letters we send those first class with return receipt so they don't go out certified.

Mayor Flaute said so we should expect the phone calls and the emails during weeks 1 through 5. Mr. Chodkowski said he thought that was an overdramatic assessment of the situation; in most instances we will ask if the property owner will partner with us at no cost to them to help sell their property. He said there are also properties that have been abandoned for years and nobody is going to call on that. Mr. Murray added that he didn't think we had time to be adversarial and we are trying to make it beneficial to the people we are talking to. He said if there is someone in the house that we can deal with through code enforcement, we are going to continue with that route.

Mrs. Reynolds asked how many of the properties of the 20 are tax delinquent. Mr. Murray said he wasn't sure but we did run that and they are on the list. He said we wanted to know that figure to determine if we can get our money back for the demolition. He said if we exceed the value of the property plus the tax delinquency we know we won't get our money back.

Deputy Mayor Smith said he noticed the old Circle K on Old Harshman was listed as delinquent and through all our efforts to work with the developer, he owes about \$5,400 in back taxes. Mr. Murray said we will be talking about that site in executive session.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

Thursday, August 4, 2011

20

Mayor Flaute said a while back the City Manager gave us a list of vacant properties in the city; is that the same as this list. Mr. Chodkowski said it should be; the 300 plus number is Census data related so not all homes identified through the Census process would be considered to be abandoned; the home could be in an estate and since no information was received back to the Census Bureau it was listed as abandoned. He said approximately half of the homes that the Census Bureau identified as being vacant are still being maintained and don't have any violations on the property. He said that clearly demonstrates to him that just because a house is vacant doesn't mean it is abandoned.

Mr. Murray said this isn't perfect and if anybody has a house they want us to investigate, let us know; we are going to continue to add to that concerned property list and it will be updated as frequently as possible. He said the top-twenty list will also continue to change based on the funds received.

Mr. Denning said so if we get one of these properties and we sell it, then we can use that money to take another one down. Mr. Murray said yes but on most of these we will be putting a lien on the property for the demolition cost and then if the property sells the lien will be paid off first.

Deputy Mayor Smith asked if the property owners would hold on to the deed. Mr. Chodkowski said at this point in time acquisition of the properties is not included in this plan. Mr. Murray said he thought the private market was the best way to get rid of the properties. Deputy Mayor Smith said some people might just rather get rid of it because it is a problem. Mr. Murray said that's true and we might even try to split it up between the two people on either side.

Mrs. Reynolds said Mr. Murray mentioned earlier about rezoning some of these properties; right now the properties on Harshman are zoned residential. She asked if we would be able to clean up some of the mixed zoning areas. Mr. Chodkowski said yes, we could do that; in theory, we should not run into an issue that is property specific because the generalized rezoning of the city should occur as a result of the new code adoption prior to these parcels being viable and back on the market.

Mayor Flaute recognized Mr. David Cole. Mr. Cole said he had one question about the concept of this; these are all private properties that we are going to spend taxpayer money on to flatten them, then you are going to attempt to assess the owner of the property the cost of the demolition with the hope there will be a new buyer for these excellent flat properties. Mr. Murray said the owner will charge a price for their property and out of that price the assessment will be paid from the proceeds. Mr. Cole said in the meantime, we won't have to look at a blighted property. Mr. Murray said yes and we hope the properties that surround it will increase in value because there's not the detraction in the neighborhood.

Deputy Mayor Smith said he thought the downside is that once we level the property, we will probably have to go back and cut the grass. Mr. Murray said that is true but it will be somewhat easier.

Mrs. Reynolds said it seems like an aggressive process. Mr. Chodkowski said if we are going to run into any issues it will be environmental; you never know what lurks inside these buildings. He said he thought it would be easy to remove brick from a burned out building but we found it was very contaminated and it added 3 weeks to a project. Mrs. Reynolds said right; that is a concern because we are not sure what we are going to find. She said there was a recent news release on a mercury infested home.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10143

Held

Thursday, August 4, 2011

20

Mayor Flaute thanked Mr. Murray and Mr. Williams and asked them to keep Council in the loop. Mr. Murray said there is a status line on the property list that we will keep updated for you.

b. Discussion: Service Delivery Expectations - Administration

Mr. Chodkowski said this is the last of the 4 service areas to be evaluated as far as service delivery meeting Council expectations and community expectations. He said the packet represents several of the initial comments he received through Monday afternoon and as you can see from the summary report, we are set up to meet the minimum requirements and service delivery for the overall administration of the city. He said some of the finer points Council might have been concerned about such as more cordial code enforcement and more direct small business and economic development outreach or some of those issues; if those are areas of focus Council would like us to begin to incorporate, then Administration will require some decisions from Council regarding additional staff and perhaps some additional technology as well. He said he, Mr. Gillian, and Mr. Murray would be happy to answer any questions.

Mrs. Reynolds said the presentation we just received earlier goes right into some of the questions she had and remarks she made and the City Manager was gracious enough to answer those. She said she believed code enforcement is one of the more important things going on in the city right now because we are trying to change the outlook for our future. She said she thought it was something they needed to be concerned about and looking at what staff perceived to be done with the \$49,000 grant, it's not a lot and we realize that but as staff indicated, it's being able to assess those things that need to be done because we are beyond just cutting grass and taking down weeds if we are going to make a change in this city. She said it has to be something greater than that and each one of us, when traveling through the city, sees structures that need to be attended to and it's just driving our property values down. She said we all received our letter about the change in our property value and where we are at; and that's never good for anyone to get a letter like that. She said if there is anything we can do as a legislative body to put forth the effort to bring our communities back to the standard by which we think they should be then we have to set that standard. She said we can't continue to allow the neighborhoods to decay and promote a decrease in property values.

Mrs. Reynolds said she is going to put forth the proposal that we need to set aside dollars that we can use for the "hit" list which she would prefer be called the "improved property" list; we are not out to do anyone in or hurt a property owner, we are here to help. She said the City Manager talked about the time frame it might take to rotary those funds back into an account which may take a while but if we seed a fund with \$150,000 to \$200,000 then we start realizing our effort and things are going to change. She said we've seen the cycle before and things will get better; things will come back and we need to be a part of that. She said she couldn't think of a better expenditure of \$150,000 - \$200,000 than to help clean up our city. She said we have to have a plan and when she looked at the list, there are 3 communities. She said the Avondale area has the greatest rate of crime and the greatest rate of health issues; she said those are the things we have to look at - where we can make the greatest impact. She said on Springfield Street we all know what's going on with the Center of Flight and what we hope to see happen in that area; there were 6 properties identified in that area that were in need and met the criteria. She said in the Floral Park area there are 3 on the list. She said she wanted to see that if they did this, there is a plan we can follow through on; that each one of those communities will see a difference and can garner some pride once again. She said it becomes a pride issue because sometimes things get so bad, people just give up; when we take a pride in it, it helps. She said we

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10143

Held

Thursday, August 4, 2011

20

have sufficient dollars to do this; we will have to be careful and budgetary-wise it will be tight but she can't think of a better expenditure for this Council to make.

Mayor Flaute said he didn't think there was any neighborhood in the city that we could say we are giving up on. Mrs. Reynolds said she didn't mean we were giving up - sometimes the neighborhoods give up. Mayor Flaute said that's fine and that is an approach but again, there are some neighborhoods that have more vacant properties than others; but if you concentrate on some of those that one vacant house will make the whole neighborhood better rather than getting rid of 4 vacant houses, it's a close tie. He said we have to watch how we do this and he understands what Mrs. Reynolds is saying but on the other hand, we don't want to put all our resources in the building up of one neighborhood when the others are also suffering from vacant houses too.

Mrs. Reynolds said we don't have to do that but we start somewhere. She said she believed they would be able to generate dollars from this when properties are sold; we haven't had a rotary fund and a tax delinquent piece to work with in a long time. She said this may be our opportunity to do that.

Mr. Denning said so he understands what Mrs. Reynolds is saying; we have a plan and now we need to pony up the money to make sure we move it forward and in her opinion \$50,000 just isn't enough to make a dent; so you want to add to that to make it happen and make sure it continues to happen. Mrs. Reynolds said she thought they needed to do that; staff brought us a list in no particular order but when she sees the word "hazardous" that is kind of scary. She said she does want to see a neighborhood complete; she wants to be able to drive through and say "look what we've done; we've helped these property owners". She said we've also helped ourselves as a city. She said she would love to be able to do all the properties and if we stuck to the plan, why wouldn't we be able to do them all.

Mr. Chodkowski said it all depends on the type of program Council wants to set up and how stringent of a follower we want to be to the program. He said he would reference the properties on Harshman Road; the county will only require the assessment be paid if we compel it to be paid. He said if we do the demolitions and assess the property to establish the lien then we wind up having a development request; the long term benefit may outweigh the repayment of the lien and we end up telling the county to forgive what is due us to help get development started. He said there are instances such as that where you may not see the fund rebuild as quickly. He said a lot of it may have to do with structure within the budget and he's sure with some thought, Mr. Gillian may be able to offer some methods in which we might be able to provide for flexibility in the event financial issues come closer to bear than what we would anticipate. He said he didn't think it would be a continual amount of \$50,000 coming back into this fund year after year; some years you might see \$5,000 and some years maybe \$100,000 and some years you might get nothing.

Mrs. Reynolds said that's right but it's something Council needs to determine they want to see; we have an avenue. She said for example, the Harshman properties; if we can take those down and the property owners understand completely that a lien will be placed against their properties for the demolition costs which won't be forgiven unless we are working with other entities for development. Deputy Mayor Smith said that's a judgment call on Council's part. Mr. Chodkowski said to keep in mind that not all structures need to be leveled; some of the properties have a pool that hasn't been maintained and has collapsed or a shed with the roof falling in or etc. He said to improve the value of the community doesn't necessarily mean that we are just going to wipe every structure off the map, we can still make a difference by compelling a vacant structure be painted or removing an accessory structure or requiring windows be replaced. He said it is not one extreme or the other. Mrs. Reynolds said taking down a structure isn't always necessary; she sees on the list where a garage is falling

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Thursday, August 4, 2011

20

down – it will bring the value of the property back up if we rid ourselves of the garage, if she understands his concept of not just doing demolitions but also repairs. Mr. Chodkowski said correct.

Mrs. Reynolds said this is the final piece in looking at the departments and we've been trying to bring it all together so we can make a difference in the community. She said if we look at \$200,000 for this plan, we are now up to what amount? Mr. Chodkowski said you have hit the \$1.0 Million mark or exceeded it with that recommendation. He reviewed the other recommendations of hiring a Fire Chief; adding a Sergeant in the Police Department; and an additional staff person and resource material for the Service Department. Mrs. Reynolds said so when we start the budget process those pieces will be in it and we will look at how far out we will be solvent. Mr. Chodkowski said when we assemble the operating budget; we will highlight all the mandatory items and provide an estimate on the discretionary items.

Mrs. Reynolds said the only thing she is going to ask during the budgetary process is that each department looks very closely at their discretionary dollars because we need to try to save. She said we are going to be doing some major things in this community and everybody needs to look very closely, just as Council needs to look very closely at our spending. Mr. Denning said be frugal. Mrs. Reynolds said she would prefer stingy but frugal will work.

Ms. Campbell said as to what we were speaking about earlier such as the 2 places that are really bad in Avondale; this probably isn't the time but we need to take a bus tour and look at some of these places because a lot of times the places were just neglected. She said she was glad to see something finally getting done.

Mayor Flaute said a few months earlier we had R.I.T.A. here to tell us what they are doing for us and he believed that was done because our collections have been down. He said they are still down and he had a lengthy discussion with our City Manager about what the Finance Department can do to help R.I.T.A. and boost collections; maybe some visits to make sure the companies in our city are paying, also the residents. He said R.I.T.A. talked about a list they had of people paying to the Federal Government which they match to the list of Riverside taxpayers. He said he talked at the Mayors & Managers Association meeting and R.I.T.A. still claims they do that but they also said we could do that. He asked what was being done to help R.I.T.A. in the effort of collections. Mr. Chodkowski said there are a couple things we do; whenever there is a new business or change of use, we require an occupancy permit and the information is referenced to the Finance Department and to R.I.T.A. Mayor Flaute said we know when new businesses move in such as 5100 Springfield. Mr. Chodkowski said we are supposed to know about it; he won't say it's perfect but in most instances, yes. He said we do that in a variety of ways; we might catch a sign that wasn't permitted through code enforcement or a home-based business that is caught through some type of zoning violation. Mayor Flaute asked if we went to places like 5100 Springfield to look at the sign and see who has moved in or what changes have been happening. Mr. Chodkowski said we don't typically do a field visit but we cross reference; for example, we recently validated every physical address in the city for our change in dispatching and will be sending that list to R.I.T.A. to make sure their records jive with ours. He said additionally every 2 to 3 years we participate in the subpoena program. Mayor Flaute said that doesn't seem very often. Mr. Chodkowski said there are lots of reasons there are fluctuations, the biggest being people move away; we have the ability to go back and get the money but if you wait to do the program every 3 or 4 years, you get more bang for the buck with greater productivity. He said you can either get a little every year or a lot every couple years but in the end the tax delinquency is still the same in total. He said is it possible we miss a few here and there, yes, but we put forth as much effort as we are able to put forth to make sure

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 16143

Held

Thursday, August 4, 2011

20

we are garnering the tax revenue due us. He said a slip through the cracks is an exception few and far between.

Mr. Gillian said he supports everything Mr. Chodkowski just stated but he did want to point out that cities are not allowed at all to look at the Federal Income Tax records; only R.I.T.A. is allowed to do that. Mayor Flaute asked why that is. Mr. Gillian said it was part of the negotiated agreement between R.I.T.A. and the U. S. Government and they do send auditors out to make certain nobody sees that information. He said R.I.T.A. has a separate building for that. Mayor Flaute asked who made that determination. Mr. Gillian said the feds. Mayor Flaute said so we need to talk to our federal congressmen. Mr. Gillian said you would have to change the law. Mayor Flaute asked why we wouldn't want to see that changed. Mr. Chodkowski said the only downside he would see is that you would have privacy management issues and so you have to get in to the trade-off of if we are going to recoup enough unclaimed revenue to offset all the security requirements we would have, to possess this information. He said it's not something they will just send over the fax machine; it's going to be in a decoded electronic message that will have to be kept on a separate isolated computer which has limited access points, access conditions, and only so many people will be authorized to look at it. He said as Mr. Gillian stated, R.I.T.A. had to construct a separate facility within it's facility to manage these records. He said imagine that cost on a local level. He said he's not saying there aren't advantages to doing it but there is no situation in which there are just positives. Mayor Flaute said it's something to think about; I guess we have to trust R.I.T.A. that they are doing their job and they have assured me that they are.

Mr. Denning said it would be difficult to get the I.R.S. to change their policy. He said he believed it would be easier to get the place where you live a priority on your income tax over the place where you work. He said it would be easier to get all that passed than to get these rules changed and that's probably not going to happen either.

c. Discussion: Proposed Zoning Ordinance
Article V – Development Procedures

Mr. Chodkowski said Article V is the procedural components of the code: what needs to be in a particular application, who reviews that application, and who approves that application. He said it is incredibly exciting reading and he was sure everyone was up late every night devouring the information. He said there are a couple things he wanted to point out following a discussion with the Law Director: there are several stylist changes that after the fact we have noticed and there are some items of substance. He said on page 5-7, item 7, almost at the bottom of the table relating to the Planning Commission and their review of applications; in consult with the Law Director, she has recommended that the language in our current code that says "a majority of the board membership must vote in support." be amended to "a majority of the members present vote in support" and the language be added. He said he will incorporate that change unless there are objections from Council. He said there is similar language being added corresponding to the BZA on page 5-12 and we will make that change as well. He said on page 5-8, item 9, at the top of the page regarding notice to property owners by Council for a rezoning or a planned development, currently our code requires 30 days and he is going to recommend that time frame be shortened to 10 days. He said the reason he is doing that is he is currently working with a developer and when you look at some of the time tables for some of the publications, it can take 6 months before a development can be approved. He said a prime example would be the rezoning part of Brantwood; the development's success will depend on whether or not the property is rezoned to a denser category. He said the Planning Commission has to have a public hearing, then Council has to have a public hearing, then you have to pass an ordinance that requires 2 readings, and then you have to wait 30 days before the law goes into effect – that's over 100 days which is a

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10143

Held

Thursday, August 4, 2011

20

lot of time for someone that is ready to go on a project. He said he is recommending that change and he will mark it as such when the final copy comes to Council for action. He said there is a similar reduction in the days required for public notice on page 5-24, item 3, part B. Mayor Flaute said 10 days on that. Mr. Chodkowski said yes and they will be happy to answer any questions. He said he did have an opportunity to talk with Mrs. Reynolds before the meeting and she suggested a flow chart of who sees what. He said we will have that with the final mark up. Mayor Flaute asked if that would be part of the code. Mr. Chodkowski said no, just illustrative support material.

Mrs. Reynolds said on page 5-14, regarding the lighting plan; can we establish a standard for lighting fixtures. Mr. Chodkowski said we could but he doesn't necessarily know if it would be beneficial; you might have a development plan similar to a PUD, so the developer would be able to come in and negotiate their own terms. He said the developer might have a colonial theme or a federalist theme so to have a standard might not benefit the developer or the development. Mayor Flaute said he understood the standard that way but what about a standard type of bulb such as something energy efficient. Mr. Chodkowski said there is a difference between street lighting and security lighting; what we've tried to do based on technical requirements that appear later in the code is we get to approve the color of the light and the illumination; most lighting will simply be just decorative in nature for whatever that particular site plan might be. He said for street lighting, DP&L has 3 types of poles and 3 types of fixtures. He said we can set a standard if Council deems it appropriate. Mrs. Reynolds said in reading this lighting plan it is so vague; anything can go. She said it states "the lighting plan is in concurrence with relevant city policies and practices" and she doesn't know what that means. Mr. Chodkowski said later in Article IX it talks about density and intensity.

Mrs. Reynolds said on page 5-13 regarding final plat plans, it states "the homeowners association and other agreements that have been approved by the city attorney"; she asked if this is a form of covenant. Mr. Chodkowski said yes. Mrs. Reynolds asked if our attorney would review all covenants. Mr. Chodkowski said yes, that's a requirement of our current code as well.

Mr. Fullenkamp asked where does the TRC get involved because it seems like it is not mandatory for this committee in most cases and sometimes it's a choice. Mr. Chodkowski said a minor subdivision such as a lot split that creates no more than 5 lots including the parent lot and the lots all have frontage - that's an example of something the Technical Review Committee wouldn't need to see. He said the TRC would meet on something more complex such as the Brantwood Project. He said we all reviewed that project independently and then brought all our comments together. He said the proposed code would have us all sitting at the table and reviewing a project at the same time depending on the need. He said if a developer checks everything off in the code with the initial application, there is no need for the TRC to meet.

Mr. Fullenkamp said on page 5-19, item C-6, regarding the preparation of the staff report it states "the application and the written report shall be forwarded to the Planning Commission prior to the meeting"; is that typically a week? Mr. Chodkowski said yes.

Mr. Denning said on page 5-5, expiration of permits, it states "if work described in a zoning certificate is not substantially completed within one year"; that seems very ambiguous and he wondered if that was intentional. He said he thought there should be a number there because that could be interpreted differently and could set us up for problems. Mr. Chodkowski said keep in mind this is a general application to the entire code; what is substantially complete in a plat site plan is going to be different than

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 16143

Held

Thursday, August 4, 2011

20

what is substantially complete in a traditional office site plan. He said to put a value on it might end up getting into some tricky territory. He said there is also an appeals process within the code.

Deputy Mayor Smith gave an example: the business he works for came before the BZA and got a variance to put up a sign, they had a sign company that was going to put the sign up but they went bankrupt, they went to company "B" and while waiting for the sign - company "B" went out of business, company "C" wanted an exorbitant price and we didn't get the sign. He said we had a year to get the sign. Mr. Denning said so you didn't do anything on it. Deputy Mayor Smith said we did but everybody else fell apart. Mr. Denning said the word substantially seemed vague.

Mayor Flaute said he had a couple questions, one being the one Mr. Denning just asked; his next is on page 5-6, item 6, which states "a proposed zoning district classification use of the land will not cause undo traffic congestion or create a traffic hazard". He said when they built Eastmont School they had to change the turn lane and he was contacted by school officials that didn't feel that was the appropriate thing to do; the answer we gave them was it was in the code and it's what we have to do. He asked what "undo traffic congestion" is and would the school have gotten away with it or not have to have the turn lane if the new code is adopted. Mr. Chodkowski said Eastmont School might be a bad example, how about we point to the Villages of Forest Ridge, an addition to Forest Ridge on the Dayton side that began in the late 1990s. He said the addition of that subdivision utilizing Forest Ridge Blvd. is not an undo or unreasonable traffic flow because it is homeowners going to and from their place of residence through a subdivision occupied by people who are going to and from their residences; however, to take the plot of land the Villages of Forest Ridge was built on and build a commercial application would not be within those parameters. He said another example would be the proposed Brantwood Subdivision; as it's currently proposed with the number of properties it is not an overdue burden on that intersection, however, should that project be expanded you would have that dichotomy where you would need to make improvements. He said there are professional traffic studies that do those calculations. Mayor Flaute asked if there was something within that traffic study that tells us how many cars is unreasonable for a congested area. Mr. Chodkowski said no. Mayor Flaute asked who decides that. Mr. Chodkowski said Mr. Murray. Mrs. Reynolds said talk about items 4 and 5 also because it goes along with the same thing; it's talking about density. Mr. Chodkowski said think of it from the 1,000 foot perspective whether or not it is land use, structure density, or traffic; from 1,000 feet and all the area I can see - do I see like and similar structures. He said if I can look within 1,000 feet and see mostly homes at x homes per acre and there's a big vacant piece of ground where someone wants to build x homes per acre, that's a like and reasonable use, a like and reasonable density, and will have like and reasonable traffic. He said however, from that same 1,000 square foot perspective, all of a sudden someone wants to put in an automotive complex that has drive through restaurants and a drive through bank and a drive through dry cleaner and I can't see anything similar to that from that 1,000 foot elevation, that's when we are going to call the engineers to validate density and do a traffic study. He said its things we require the applicant to produce when we notice these anomalies from the 1,000 foot perspective. Mayor Flaute said they won't be allowed to disagree with us because we just put in the code "undo traffic congestion". Mr. Chodkowski said that's where we would validate it with a professional survey and it wouldn't just be our opinion at that point in time.

Mayor Flaute said page 5-23, item 13, which states "a case where a proposed subdivision includes less than 10 lots"; why did we choose 10 lots. Mr. Chodkowski said it is an arbitrary number. Mayor Flaute said what if they come in with less than 10. Mr. Chodkowski said this is not a requirement; it is an option and if Council is uncomfortable with an expedited process for a subdivision, we can take it out. He said we don't currently have an expedited process; the document is assembled based on

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Thursday, August 4, 2011

20

state law, our law, staff's experience, and several other communities we took guidance and inspiration from. He said there is no right or wrong. Mayor Flaute asked for the definition of an expedited subdivision. Mr. Chodkowski said basically this says instead of an application coming to the Planning department, then the TRC, then the Planning Commission for a preliminary, then repeating the whole process for a final; it will go to the Planning Director for review then to the Planning Commission for a final. Deputy Mayor Smith said that works for smaller properties.

Mayor Flaute said on page 5-38, item B, regarding "water supply where a public water supply is reasonably accessible the subdivision shall be provided with a complete loop-type waterline". He asked if there was any place in Riverside where we have a building where this could be applicable. Mr. Chodkowski said this doesn't apply to existing; it would only apply to new construction. Mayor Flaute asked about the Theis Farm. Mr. Chodkowski said he wasn't familiar with where the county's utilities are specific to his property; he knows they are close but probably not close enough to compel. Mayor Flaute said but something could come into play with this. Mr. Chodkowski said if you had a subdivision that sort of looked like an "F" - long main road and two stub cul-de-sacs; the cost effective way to build the utility would be to have the water main look like an "F", stubbed at the end of the street and at the ends of the cul-de-sacs. He said what this says is; you have to make the water main look like a "P" so the loop will cause constant pressure and constant flow. Mayor Flaute said that's a considerable expense. Mr. Chodkowski said so goes the price of development and public safety.

Mayor Flaute said on page 5-39, item G, regarding electric and telephone line "unless otherwise approved by the city engineer shall not be closer than 9 feet 6 inches to the back of the curb. He said he found that to be an odd number and when he was in land and right of way, they used 5 or 10 foot easements. Mr. Chodkowski said this guarantees it will be within the 10 foot right of way. Mayor Flaute said who's going to measure that. Mr. Chodkowski said hopefully it will be correctly surveyed.

Deputy Mayor Smith said to go back to 5-38 regarding Mayor Flaute's comment on water supply; the City Manager mentioned an "F" shaped plat had to be built in a "P" shaped loop. He said if there is a fire in the plat and the fire truck is pulling water from a hydrant, a loop will provide a constant flow and supply the hydrant properly. Mr. Chodkowski said it also increases water quality and reduces sediment. Mayor Flaute asked if that information was in the article. Mr. Chodkowski said no.

ITEM 7: RECESS: The Council took a recess at 7:40 p.m.

ITEM 8: RECONVENE: The meeting was reconvened at 7:55 p.m.

ITEM 9: PLEDGE OF ALLEGIANCE: Mayor Flaute introduced Boy Scout Stefan Warick who said he was 12 years old, he graduates from Mad River Middle School next year, and he is in Troop 229 from St. Helen's. Stefan led all those in attendance in the pledge of allegiance.

Mayor Flaute thanked Stefan for leading everyone in the pledge and said he was glad he and his family are here. He said another quickie - a few weeks ago he mentioned his own family grew by 3 people and they are here tonight. He introduced his grandchildren Bobby, Jasmine, and Eliza.

ITEM 10: MINUTES: Consider approval of the minutes of the July 21, 2011 Council meeting. A motion was made by Mr. Denning to approve the minutes as written. Ms. Campbell seconded the motion. All were in favor; none were opposed. Motion passed.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Thursday, August 4, 2011

20

ITEM 11: ACCEPTANCE OF WRITTEN CITIZENS PETITIONS: Mayor Flaute advised citizens to fill out a form if they wished to speak about agenda or non-agenda items.

ITEM 12: CITY MANAGER'S REPORT:

(1) FYI Items

- a. Council Request Sheets.
- b. Code Rewrite Request Sheet.
- c. Council Agenda Calendar.
- d. Weekly City Manager's Report.
- e. Minutes of the June 20, 2011 Planning Commission meeting.
- f. Minutes of the July 19, 2011 Parks and Recreation Commission meeting.
- g. Minutes of the June 23, 2011 Health and Safety Commission meeting.
- h. Letter from Mr. Gary Hendricks resigning his position on the BZA.

Mr. Chodkowski said you have my report and he would be happy to answer any questions. He said a couple of side notes; he and Mr. Gillian met with County Auditor Karl Keith earlier this week regarding the evaluations that were recently released. He said there is summarized information at your seats tonight on how it impacts the city. He said additionally there was discussion among Council a few meetings back regarding Senate Bill 7 which is the amended concealed carry law and Chief Reiss prepared a tri-fold of information that will be mailed to all the local establishments that serve alcohol. He said the tri-fold reviews what the law in brief means and states if they have questions they can call us or liquor control.

Mr. Chodkowski said there has been an effort by the Riverside Festival Committee and the local VFW Chapter regarding the placement of a flagpole in Shellabarger Park. He said the VFW has graciously agreed to donate a flagpole and provide for it's installation as a memorial for Mayor Doan. He said they would like to erect that in advance of the festival and raise the flag for the first time at the festival opening ceremony. He said there is a request for Council to support the project and accept the donation. He said there is a note from Mr. David Cole, a member of the Festival committee, who has helped put that together. He asked if Council wanted to concede and move forward or make a formal motion. He said there is also a letter from Festival Chair Brenda Long highlighting several items the committee is asking for assistance with – typical items we do every year, however this year they are also asking for a contribution from Council to help with their efforts.

Mayor Flaute asked if Council wanted an official resolution for the flagpole in honor of Johnie Doan. Deputy Mayor Smith said he thought that would be nice. Mr. Denning said we should give them permission to move forward now and do the resolution as well. Mayor Flaute asked if everyone was okay with that – there were no objections.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Thursday, August 4, 2011

20

Mayor Flaute asked if Council wanted to donate money to the Festival Committee and their efforts; there is money available in the wedding fund. Mr. Chodkowski said there is an expense line item for contributions to outside organizations but we would have to verify a specific amount. He said we can bring forward a generic resolution and Council would have to make its determination on how much at the time they consider the legislation. He said based on the amount requested and Council's typical contributions, there are insufficient funds for all three - Stebbins Christmas Project, Lions Club Project Share, and the Festival Committee's request.

Deputy Mayor Smith asked how much would be left after the contributions to Stebbins and the Lions Club. Mr. Chodkowski said he didn't know; Mr. Gillian will have to run the report but we can prepare the legislation with a blank that Council can fill in.

Deputy Mayor Smith suggested a proclamation for the flagpole ceremony. Mayor Flaute said Mary Ann is real good at it and Mrs. Reynolds helps sometimes too. He said he would have his input as well. He asked the City Manager to let Mary Ann know to start a proclamation.

Mayor Flaute said the only question he has, concerns the Fairpark/Fairfax Bridge and whether we have heard anything from our county officials. He said he was discussing the project with now-retired Engineer Joe Litman and Joe mentioned that we need to be seeking some emergency money for the possibility of repairing this bridge. He said he spoke with the City Manager and just wondered where we were on that. Mr. Chodkowski said he talked with OPWC direct and they forwarded an application as well as material on what qualified and what doesn't. He said he hoped to go through it this week; additionally his concern is that since we are getting ready to apply for Issue II grants, that we don't cut off our nose to spite our face. He said he is trying to be very conscientious of how and when we begin to follow up on the availability of the emergency fund. Mayor Flaute said he understood that too, but emergency is the word and in order to get emergency funds we need to act soon.

Mr. Fullenkamp said he was curious about the outcome of the auction for the Claypool buildings and the tax delinquency. Mr. Murray said 2 of the buildings sold and 2 did not; one building sold for \$50,000 and the other went for \$65,000. He said they were purchased by a friend of ours, Doug Miller, who owns the building behind and has done a very good job of filling them up. He said the sale was good for the city.

Mayor Flaute said he spoke to the owner of the Wedding Connection there and he was very happy with the way that auction went for his building because he will be a long term tenant. He thanked Mr. Fullenkamp for asking and said it was a big deal for our community, \$5,100 and \$5,200. He said he has already had people ask what in the world in Riverside is worth \$8.0 Million; those buildings, so if you have anyone ask it was in the paper somewhere.

Mrs. Reynolds said regarding the Fairfax Bridge question; are there any alternatives. Mr. Chodkowski said as far as funding goes. Mrs. Reynolds said as far as replacing it goes. Mayor Flaute said we don't have to replace it at all. Mr. Chodkowski said he was sure there were other resources available with respect to replacing, repairing, or improving the bridge; he has not put forth any concerted effort to research that simply because it is a capital expense and we are still in the process of determining our operating. He said next are our equipment needs but it is on his radar to investigate and make a recommendation to Council regarding the bridge. He said unless we are pressed time-wise with respect to the OPWC it may be an item you see very late this year or early next year. Mrs. Reynolds said like the City Manager, she too is worried about drawing too many funds from that pot right now; there are too many major things going on. Mayor Flaute said there is an emergency pot vs. the Issue II pot; his understanding is they are separate. Mr. Chodkowski said the issue is that if you make

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10143

Held

Thursday, August 4, 2011

20

the emergency application prior to the general application, the emergency application might be denied because they will say if it was such an emergency, why didn't you sub it as your regular project. Mayor Flaute said that's not the way he understood it but he would take the manager's word.

Ms. Campbell asked if he was applying for a grant or something else. Mr. Chodkowski said for the bridge; the Ohio Public Works Commission holds a pot of money and distributes money to each county based on a formula, then each county has a committee that reviews projects. He said OPWC holds a reserve for projects that are unforeseen. Ms. Campbell asked if there was a way to apply for a grant for a re-modification of the bridge which would make us more likely to get it. Mr. Chodkowski said there are dollars available; however, to access those funds could seriously jeopardize the Harshman/Valley project. He said we will look at all funds available.

Mrs. Reynolds asked if we received concerns from the community after the letter was sent out. She said she talked to several people and they understand. Mr. Chodkowski said he has had 2 phone calls; one regarding pedestrian access and the other was a resident that wanted to provide some history that he thought would be important when we do our assessment. He asked Mr. Miller if he had any phone calls. Mr. Miller said we've had people make forthright statements when we were on-site. Mayor Flaute said were they in favor of keeping the bridge. Mr. Miller said yes; no bridge reduces the convenience for them. Mr. Chodkowski said the counter issue which he thinks will be important for them to follow up with is the traffic issue; we ran a traffic count late last year which showed 900 car trips over the bridge. He said mathematically, that doesn't work out for the amount of residents that are in that community and he thought it was an anomaly. He said prior to the bridge's closure, we ran a 2 1/2 day count and that showed 800 car trips per day which again doesn't mathematically equate to the number of residents. He said we think people are using it as a cut through to avoid the Smithville/Springfield intersection. He said right now it's an inconvenience to the neighborhood but with 500 to 600 less car trips through their neighborhood that might not be such a great inconvenience to them anymore. He said we are going to follow up on that once we understand our long term financial situation and there is access from both sides from within the city that doesn't impact public safety response.

Ms. Campbell asked what was to the right past the ditch; just a hillside. Mr. Chodkowski said yes. Ms. Campbell asked if there was a way to bring the road straight down to Springfield, re-route it. Mr. Chodkowski said we probably could but he'll have to get back with an answer to that because off the top of his head, he doesn't know how the plat is actually recorded. Ms. Campbell said is some of that Dayton. Mr. Chodkowski said no, it is all Riverside.

Deputy Mayor Smith asked what the cost is to repair the bridge. Mr. Chodkowski said depending on what type of construction, it will range from \$300,000 to \$500,000. Mayor Flaute said we could get 90% of that.

Mr. Fullenkamp said that's a lot different than the 2009 report. Mr. Chodkowski said when we investigated it in 2009 there were some surface issues with the bridge and the estimate was a fairly small number; \$60,000 to \$70,000. He said when we began doing more examination of the bridge, we began to realize the plate on which the asphalt is laid was bad and the estimate went up even more. He said recently it was determined the support structures are bad as well.

ITEM 13: PUBLIC COMMENT ON AGENDA ITEMS: There were no public comments on agenda items.

ITEM 14: NEW BUSINESS

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 16123

Held Thursday, August 4, 2011 20

I. RESOLUTIONS

- a. Resolution No. 11-R-1578 setting forth appointment of Donald McKenzie to the Parks and Recreation Commission for the remainder of the term ending August 2, 2012.

Mr. Chodkowski said pursuant to Council's request, this resolution is brought forth to appoint Donald McKenzie to the Parks and Recreation Commission.

A motion was made by Mrs. Reynolds to approve Resolution No. 11-R-1578. Mr. Fullenkamp seconded the motion. All were in favor; none were opposed. Motion passed.

- b. Resolution No. 11-R-1579 setting forth appointment of Julie Denning to the Planning Commission for the remainder of the term ending April 6, 2012.

Mr. Chodkowski said pursuant to Council's request, this resolution is brought forth to appoint Julie Denning to the Planning Commission.

A motion was made by Mrs. Reynolds to approve Resolution No. 11-R-1579. Ms. Campbell seconded the motion. All were in favor; none were opposed. Motion passed.

- c. Resolution No. 11-R-1580 certifying for collection to the Auditor of Montgomery County, Ohio, charges for garbage, refuse and recycling services within the City of Riverside, Ohio.

Mr. Chodkowski said pursuant to the request of the Finance Director, this resolution is brought forth to certify charges for the collection of garbage, refuse and recycling.

A motion was made by Mr. Denning to approve Resolution No. 11-R-1580. Ms. Campbell seconded the motion.

Mrs. Reynolds asked if we had one more year on our contract with the City of Dayton. Mr. Chodkowski said it expires on December 31, 2012; it is a 5-year contract.

Mayor Flaute asked if we needed to start looking at this in about March of next year. Mr. Chodkowski said we will be requesting bids about this time next year. Mayor Flaute asked how much we paid last year. Mr. Chodkowski said he believed the rates for tax year 2011 were about \$11.00 per month per household; next year it will be \$11.25 per month.

Ms. Campbell said it was originally going to be \$12.00 per month with dumpsters. Mr. Chodkowski said we are going to explore several options at the City Manager level; several of us are having discussions on co-operative efforts to lower prices and one of those is on trash collection. He said there are several new pieces of technology available today that weren't available in years past; one method is smart container technology which weighs the trash and is billed to the resident by weight. He said there is the recycling component not currently available to us that can be explored. He said rather than bidding for Riverside residential we might go in with Huber Heights to bid the larger group keeping the rate lower for both our groups. He said we will be talking about that over the next several months at the administrator's level so we will have some ideas and suggestions when we prepare the documents.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10143

Held

Thursday, August 4, 2011

20

With no further discussion; all were in favor; none were opposed. **Motion passed.**

- d. **Resolution No. 11-R-1581 authorizing the City Manager to submit an application to the Ohio Public Works Commission for a grant in the amount of \$780,000 and a loan in the amount of \$200,000 for the Harshman Road & Valley Pike Intersection Improvement Project.**

Mr. Chodkowski said this resolution is brought forth pursuant to Council's request on the recommendation of staff to make an application to the OPWC for a grant in the amount of \$780,000.

A motion was made by Mr. Denning to approve Resolution No. 11-R-1581. Mrs. Reynolds seconded the motion. All were in favor; none were opposed. **Motion passed.**

ITEM 15: PUBLIC COMMENT ON NON-AGENDA ITEMS: Mr. Dan Szonnell of Old Troy Pike said on July 11th he met with Mr. Murray to express his concerns about the appraisal he received and he is wondering what has been the result; he hasn't heard a thing.

Mr. Murray said he had the appraiser look that over again and Mr. Szonnell knows that his only concern was the real estate was less. He said everything that Mr. Szonnell brought up at the last meeting had no bearing on the amount of that appraisal; formatting errors, diction errors, text errors – it didn't affect the value of the property one bit. He said we did have them do another appraisal looking at similar properties and very few parcels in Riverside just concerning land have sold. He said the appraiser did find one for sale at \$13,000 which was the price on Mr. Szonnell's property but it was reduced down to \$8,000. He said what he discussed with Mr. Szonnell is the county carries his land value at \$13,000. He said it was appraised at \$8,000 and the difference is the cost of tearing down the structure. He said that is one of the justifications for the \$8,000 appraisal. He said what Mr. Szonnell is going to talk about is the fact that the county came out and told him his house was worth \$31,000. He said the county didn't come out; they do statistical evaluations for every house in the neighborhood and nobody came out to see the condition of the house. He said we had an appraiser come out and walk through the house who found it in deplorable condition; tarps in the living room to catch the rain, look through the walls to see outside, to see the well had no cap on it, a number of conditions. He said we have been through this and he has no resolution for Mr. Szonnell at this time; he has asked Mr. Szonnell to put a price on his property and he has yet to come forward. He said that's all he has requested.

Mayor Flaute said to Mr. Szonnell there has been no change until you ask for that price. He said please see the City Manager or Mr. Murray and they will give you the facts.

Mr. Szonnell asked if there were any plans for this river development. Mr. David Cole said the City of Dayton plans to develop river property nearby. Mr. Murray asked if he was asking about Dayton or Riverside. Mr. Szonnell said he's asking about Riverside. Mr. Murray said we have nothing in place.

Mr. David Cole, representative of the Riverside Festival Committee, thanked Council for their consideration of the flagpole and a donation and said they would surely appreciate that. He said he also wanted to thank the City Manager and the Service Department for the help they have offered with the flagpole too. He said we are

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10145

Held

Thursday, August 4, 2011

20

looking for volunteers all the time; we will have a traffic control problem at the entrance to the park – everyone knows that, and if anyone is interested for the parade chairman, we were kind of looking for an Afgan Veteran as our Parade Marshal. He said he thought they would be able to locate one on the base and he's thinks it is appropriate for this year.

Mayor Flaute said if you can't find someone, we have some Afgan Vets that attend St. Helen's Church from Riverside. Mr. Cole said that idea came up at Tuesday night's meeting and we feel it is the appropriate way to show some appreciation for their service this year. Mayor Flaute said there are some that are still over there but the church has had a list since the war started; it will be interesting to see what you guys can come up with. Mr. Cole said maybe we can get a whole float full. Mayor Flaute said wouldn't that be nice; make this a military appreciation parade and he's sure the VFW would have some names for the committee as well. He said very good idea.

Mr. Cole said again, he thanked Council for their consideration on the flagpole and a contribution; any amount at all will absolutely help. He said we spend every dime we have every year and try to recoup as much as we can.

Mayor Flaute said for your information there were 2 signs right outside of Woodman Park Apartments in the middle of the right of way and he's not sure that's one of the sign locations Council approved. He said remind whoever is putting up signs to put them in locations we approved. Mr. Cole said he would make sure they get in the right place.

ITEM 16: COUNCILMEMBER COMMENTS: Deputy Mayor Smith said he attended the MVRPC meeting this morning. He said the project we have for widening US Rt. 35 to 3 lanes from Steve Whalen Blvd. to the Greene County line has passed all the environmental studies and is moving on to the next phase. He said that is getting closer to being started. He said the Spinning Road Bridge and the Rt. 35 Overhead Bridge as well are on track and it looks like that has been moved up to 2012 – there are still some right of way issues and some other issues but it is moving along.

Deputy Mayor Smith said MVRPC looks at a 40 year plan and this year is its 40th year so they are going to redo it. He said there are 5 locations where you can review the new proposed 40 year plan: Troy, Trotwood, Centerville, Dayton, and Xenia. He said the exact locations, dates, and times are posted in the lobby but they would like to come out and brief Council on the 40 year plan as well as ask for our support by resolution. Council agreed to have MVRPC come out for a presentation and asked Deputy Mayor Smith to forward the sample resolution to Mary Ann.

Mrs. Reynolds thanked everyone for being here this evening and said she appreciated the young gentleman who led us in the pledge tonight. She also thanked staff. She said this has been quite a week, we've endured the heat and a lot of things going on but everybody has still been able to say good things about our community. She said everywhere she's been, people love living in Riverside and we need to make it better for them if we can.

Mrs. Reynolds said she happened upon an interesting item regarding two of our long time community members; on August 26th they are going to be recognized at Kil-Kare Raceway – George Montgomery and Clifford Jackson or "Red" Jackson as most people know him. She said these long time residents have been a great part of the racing community; they smile drag racing and it isn't anything like it used to be. She said these gentlemen know what racing is all about. Mayor Flaute suggested a proclamation. Mrs. Reynolds said that's not a bad idea; these are gentlemen that have contributed to the community spirit and we need to recognize people like that; for what they've done and maintained. She said she didn't know how many of us went to

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

Thursday, August 4, 2011

20

Kil-Kare but there are some of us old ones that just hang on for the excitement and the burn-outs and everything else.

Deputy Mayor Smith said George Montgomery was known for years as "Ohio George" and he was in a lot of racing magazines. Mrs. Reynolds said between Red and George, she didn't think there was a car they couldn't fix or a car they didn't know.

Mayor Flaute said he and a couple of our Council members went to RC Hobbies' Grand Opening on Harshman Road and it was a fantastic time. He said Lennartz Olde Time Barbershop is there as well and if you men ever want to be pampered - they will do it; a shave, hot towel, everything. He said RC Hobbies has everything including trains and race cars. He said Allstate Insurance is in the center as well.

Mayor Flaute said that same busy day, he performed the Wedding Ceremony for Deputy Mayor Smith's son Josh. He said it was a nice ceremony, everything went very well, and we were pleased he chose Riverside to get married.

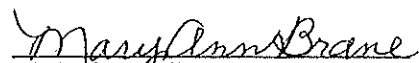
Mayor Flaute said he received information on the "Duck"; United Rehabilitation Services' 8th Annual Rubber Duck Regatta which will be on Saturday, September 17th. He said URS does great things in our community and they are also located in Riverside; they pay a lot of taxes and they work hard for the underprivileged. He said if anyone wants to participate in this project please see him - it's a fun thing.

Mayor Flaute said he had Miami Valley Military Affairs Association's quarterly newsletter for anyone who wants to see it. He said he did attend an AFA (Air Force Association) event and we received a plaque of special recognition for being a member there. He said they wanted me to remind Council and the community that they will be having a water station at the Air Force Marathon. He said the station is near the beginning and they are encouraging all members to volunteer to help pass out water to the runners. He said the only problem is you have to be there at 6:15 a.m. and the last runner will go by about 9:30 a.m. He said this is a big deal for WPAFB and for our Community; if anyone wants to help please see him.

ITEM 17: EXECUTIVE SESSION: A motion was made by Mr. Denning to enter into executive session for the purpose of discussing real estate and collective bargaining. Mrs. Reynolds seconded the motion. A roll call vote was as follows: Mr. Denning, yes; Mrs. Reynolds, yes; Ms. Campbell, yes; Mr. Fullenkamp, yes; Deputy Mayor Smith, yes; and Mayor Flaute, yes. The council entered into executive session at 8:40 p.m.

ITEM 18: ADJOURNMENT: The council came out of executive session at 10:52 p.m. and with no further business, a motion was made by Mr. Denning to adjourn. Ms. Campbell seconded the motion. All were in favor; none were opposed. The meeting was adjourned at 10:52 p.m.


William R. Flaute, Mayor


Clerk of Council