

RECORD OF PROCEEDINGS

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Meeting

DAYTON LEGAL BLANK, FIG. FORM NO. 10143

Held

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ITEM 1: CALL TO ORDER: Mayor Flaute called the Riverside, Ohio City Council Meeting to order at 6:00 p.m. at the Riverside Municipal Center located at 1791 Harshman Road, Riverside, Ohio.

Mayor Flaute welcomed Boy Scout Troop 329.

Mr. Josh Vagedes said they are Pack 329 from St. Helen's and they are working on their Citizenship Pin. He said they were here to learn about our City Council and how to be good citizens. Josh led everyone in the Pledge of Allegiance.

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

Staff present was as follows: Bryan Chodkowski, City Manager; Mark Reiss, Police Department; Bob Murray, Planning and Economic Development; Mitch Miller, Service Department; Bob Turner, Fire Department; and Bob Gillian, Finance Department.

ITEM 3: EXCUSE ABSENT MEMBERS: Mayor Flaute said Mrs. Reynolds asked to be excused this evening so she could attend the Lilly Creek Project meeting. A motion was made by Mr. Denning to excuse absent member Mrs. Reynolds. Mr. Schock seconded the motion. All were in favor; none were opposed. **Motion passed.**

ITEM 4: ADDITIONS OR CORRECTIONS TO AGENDA: The agenda was revised prior to the start of the meeting adding items 16 (II) (d) and (e), Resolution Nos. 11-R-1607 and 11-R-1608. Also, litigation was added as a discussion topic to the executive session.

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

ITEM 6: WORK SESSION ITEMS:

- a. Red Light Camera Presentation – Catherine Stinson-Petzel from Redflex Traffic Systems

Mr. Chodkowski said council has talked about this issue on several different occasions most notably was earlier this year. He said in light of some significant accidents recently, not only in Riverside but in the area, Mr. Schock had requested a little more detailed information on the public safety benefits of utilizing red light cameras. He said Chief Reiss contacted a few different vendors and Redflex is the particular vendor that does work in our area, so tonight we have Catherine Stinson-Petzel to make a presentation to council about the use and benefits of red light cameras.

Ms. Stinson-Petzel said often we hear some of the negative along with what goes with the positive benefits of photo enforcement and what we often hear is there is no actual benefit to actually reducing accidents or ensuring that it is about pure safety. She said Redflex represents an industry that strives to help the public safety in communities with people that drive too fast or pay little attention as they approach intersections and are likely prone to go through red lights. She said when you have a preponderance of greater speeds and people who don't pay attention to red lights; you have a much greater likelihood of there being some type of accident.

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Ms. Stinson-Petzel displayed a diagram of an intersection with an area they consider a potential for danger. She said anytime you have someone approaching the critical area at a certain speed and the light turns amber you have an opportunity for somebody who is in the stage zone that will not be able to stop safely at the intersection. She said they have devised a way to measure the speed of vehicles approaching the intersection and knowing as the green evolves into an amber phase then into a red phase, we know if a vehicle has little to no chance of stopping at the intersection and will be in the intersection when the other vehicles get a steady green to go through. She said there is a very high likelihood an accident will occur. She said the technology we've developed in measuring the speed of the critical zone allows us to hold the steady red until the intersection is cleared, thereby preempting a collision. She said it's an intelligent pre-emption collision system that holds the opposing red so cars are not driving into the intersection before the intersection clears. She said the car that entered the intersection will safely exit but has committed a violation and will be getting a ticket for running a red light.

Ms. Stinson-Petzel showed a series of video clips which are the evidence sets that will be used to determine whether or not a violation did take place. She said there are 2 still photos and a 12 second video. She said a little known fact is that speeding related crashes with fatalities and injuries have now exceeded those of drunk driving. She said it is the video sets and images that give us a full idea as to what took place at any given time.

Ms. Stinson-Petzel said anytime you have infrastructure like this in your city, it is an opportunity to try to do more; there's already a footprint of intelligent equipment and communications already being utilized; what is it we can do to try to be a bit more clever with how we use that. She said when a crash occurs, depending on how many witnesses you have, you often get opposing views on how the crash took place but when you have equipment like this that captures images and video it's a conclusive set of information that will help you determine the crime scene investigation.

Ms. Stinson-Petzel reviewed information about the company which is headquartered in Phoenix, Arizona. She said they have about 500 staff members with the bulk in Phoenix; they have 14 offices in total; more than 2,000 equipment installations; and a credit facility of \$100 Million. She said the industry requires very deep pockets and companies like Redflex actually fund the entire programs. She said there is no requirement of the city to pay any money to have these programs operational; we bear all the risk and we put all the money into the cities to be able to finance this. She said over the term of the contract, for us to recoup our money we take a portion of the fees that come in from those people who do commit a violation. She said the Phoenix office is 80,000 square feet; they process 900,000 citations per month and have 55,000 calls per month coming into their violation/help call center. She reviewed information that compared Redflex to competitor companies.

Ms. Stinson-Petzel said the violation process time takes from 1 to 6 days and we don't want to let it go too long because it needs to be fresh in the minds of the people who have potentially committed a violation. She said we have strategic relationships with NLETS, National Law Enforcement Telecommunications System, for a way of gathering data in excess of the DVM and is an extra relationship we have so we can tie together information about drivers, vehicles, and owners. She said there are business rules we engage in with the city and we are obliged to deliver anything that looks like a violation may have occurred so that the local police department can make the final determination. She said we have someone that goes through the images to give them a first step verification based on populating the license plates, the address, and making sure all the information marries together appropriately. She said someone else does that a second time and then we get to a quality assurance stage that will look at all the information and decide it is ready to send to the city for its determination on if, in fact,

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a violation did take place. She said the city does have the opportunity to reject incidences for various reasons such as: sunlight reflection, too snowy, a funeral procession; several reasons why whoever delegates might determine that it wasn't actually a violation and reject it when it is sent back.

Ms. Stinson-Petzel said our print room is a little like Kinko's; they have 15,000 to 20,000 envelopes daily that they process and notices are mailed by the end of the day that your police department gives authorization that a violation took place and we can send out the images. She said our call center solves 95% of the calls on first contact; no one likes to get a notice of a violation in the mail so often they will phone our help center which we encourage because you don't want those calls coming to the city. She said the call center will walk people through the process of how to pay online and how to view their notification, etc.

Ms. Stinson-Petzel reviewed cities in Ohio that are using Reflex: Trotwood, Springfield, Hamilton, Dayton, Columbus, West Carrollton, and Toledo. She said these are all very successful programs and she would highly recommend discussing the program with Dayton since they are such a close neighbor.

Ms. Stinson-Petzel said there is judicial process in Ohio and there have been a couple challenges in the past which you never like to see but fortunately the decision was made that the technology was foolproof and the industry and programs as a whole are constitutional. She said they get a lot of talk about the amber light timing and whether those are altered to aid red-light running but actually the State of Ohio did something exceptional and mandated that 1 second be added to the amber light timing if you use photo enforcement. She said that was exceptional for Ohio and it doesn't happen everywhere.

Ms. Stinson-Petzel reviewed some statistics of reductions in accidents when photo enforcement is used: Toledo - 26%; Dayton 37%; and rear end collisions reduced by 60%. She said these programs have been established a long time so these statistics are not trends over a 3 month time, these are statistics over a period over 5 to 7 years. She said they have consistent, reliable data. She said Columbus is higher with a 47% reduction.

Ms. Stinson-Petzel reviewed an evidence set and the information included: two images - view of the intersection and view of the license plate, and a single time source. She said the information is encrypted and sent to the headquarters in Phoenix where it is unencrypted and kept in case we ever have to go to court. She said the information shows full information of the location - road, which direction the vehicle was traveling, day, date, time, posted speed limit, lane, and what phase the red light was in. She said in Ohio it is the owner's responsibility to pay the violation and not the driver; some people would think that is unfair but it does prevent us from having to take a face shot of someone which a lot of people really prefer not to do. She said if the owner was not driving that day, they sign an affidavit of who was driving and the citation is redirected to whoever was driving at the time of the violation.

Ms. Stinson-Petzel displayed a flow chart of the review process and said by the time someone at the police department reviews the evidence sets and makes the determination, it is the fourth set of eyes that has seen the information to determine whether a violation took place or not. She said this is when the police have the opportunity to authorize or reject and if they do say yes, they believe a violation did occur, then it turns into a notice and is print generated within 24 hours. She said the potential violators have a couple of opportunities when they receive notice: they can look at the video online, which makes people accountable, or there is a really low number of people who choose to take it a step further and have a judicial hearing. She said that is another myth that people don't have their day in court to face their accuser,

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yes they do. She said it goes to an administrative hearing and if it can't be resolved, then a court date takes place.

Ms. Stinson-Petzel said a public awareness program is an important key; full transparency with all your constituents on how the program gets rolled out, how it is shaped, and what it looks like. She said you want to be doing everything you can in public service announcements to give them a sense in how you intend to proceed with these types of programs, what it will look like, and what intersections you've selected and why. She said they provide a kit that will aid the city in this process. She showed some examples and said public outreach is a very important part of the puzzle because how you start your program is how you will finish the program; it really should be leaning with the public safety aspect of this and certainly, the intelligent pre-emption collision is something we are very excited about.

Ms. Campbell asked what the cost would be. Ms. Stinson-Petzel said the cost to the city is nothing; we take on that responsibility and risk. She said we write out a contract for a certain number of years and depending on the violation amount, we take a portion of the money to pay for our program. She said the city maintains the rest of the violation amount. She said there are things to be determined based on whether or not we do a combination of red lights and speeding and the number of intersections. Ms. Campbell said she didn't know if they charged each time it clicked on something. Ms. Stinson-Petzel said only when it's very clear a violation has occurred and the person pays the fine, then we will take a portion of that. Ms. Campbell said if they show there wasn't a violation, then they don't have to pay - what if a funeral was going on and the camera was clicking. Ms. Stinson-Petzel said the camera is taking an evidence set to determine if a violation was going on and in the business rules we would set whether or not you would want to see things such as a funeral procession. She said there is plenty of opportunity to say the things you don't want to see or don't care about; we want clear violations.

Deputy Mayor Smith asked what percentage of the fines they kept. Ms. Stinson-Petzel said it depends on how many intersections and whether or not there is a speed and/or a red light component to it. She said hypothetically if you decided a fine was to be \$100 to \$120 for running a red light then we would take about \$60; if you add the speed component to that it would be less. She said she can't commit to the pricing until we know the scope of the entire program.

Deputy Mayor Smith asked what the percentage of violations paid was. Ms. Stinson-Petzel said that varies nationwide and it varies statewide; she suggested checking with Detective Johnson with Dayton on that but thinks they are in the upper 70% for violations being paid and the balance of those are being sent to collections.

Deputy Mayor Smith asked if points are put on the person's driver's license. Ms. Stinson-Petzel said no; it is a civil infraction - a fine to try to discourage people from doing it again.

Mr. Fullenkamp asked what happened if someone doesn't pay the fine. Ms. Stinson-Petzel said a person is given a certain number of days to respond and if there is no response or payment usually another letter will go out; again, this falls under the rules of business of how the city would like it to operate. She said if a certain amount of time elapses after the second notice, you can take it to a collections agency to collect the money on your behalf. She said in Toledo if a fine is severely delinquent or for repeat offenders, they might have their car towed until such time as they clear what is owed. Mr. Fullenkamp asked if the type of evidence was individual photographs or an actual movie. Mr. Stinson-Petzel said all three; the evidence consists of one still picture of the incident, one still close up of the license plate, and the 12 second video. Mr. Fullenkamp asked if this was a continuous video that is recording. Ms. Stinson-

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Petzel said the cameras are continuously recording but they drop all the time if nothing is happening; it will trigger a record and save if a violation has occurred. She said we can go back and look at the entire video if the city requests it for something like an incident at a gas station such as a robbery. She said that can be used as part of a crime scene investigation.

Mr. Schock asked if the police department could also monitor an intersection from here, in the office. Ms. Stinson-Petzel said yes and if an accident happened while you were monitoring, you would know how quickly and how many responders you need to send. She said you can monitor real time and multiplex up to 12. Mr. Schock asked if they still absorbed the cost of that. Ms. Stinson-Petzel said yes; the functionality is already there.

Ms. Campbell asked if they ever had problems with people shooting out the cameras. Ms. Stinson-Petzel said yes; it happened twice in Texas. She said it shatters the glass on the outside case but doesn't penetrate the camera. Ms. Campbell asked if you could see who did it. Ms. Stinson-Petzel said yes; the video is pretty good. Ms. Campbell asked if they absorbed that cost. Ms. Stinson-Petzel said yes, as well as knock downs because an accident can take out a pedestal. She said we use ballistic-proof glass and there are 3 cameras in housing behind the glass so we just pop in a new glass.

Mr. Denning asked how the video got from the camera to Arizona - T1 lines or internet. Ms. Stinson-Petzel said yes and we also do hot spots or a dedicated T1.

Mr. Fullenkamp asked what the additional workload is on the police department. Ms. Stinson-Petzel said it varies; it's sent like an email and you systematically open up these emails which show the video and details. She said once you do this, get trained and get up to speed, you should be able to review each one in about 30 seconds. She said you know exactly what you are looking for, and then you accept or reject it. She said it is such an unknown quantity because she can't predict who is going to get up one day and run a red light. She said she would encourage Riverside to talk with Trotwood, Dayton, and West Carrollton about the manpower.

Mr. Schock asked if Redflex picked the intersections and how would they know if that's going to be a high turn over. Ms. Stinson-Petzel said we don't pick any intersections; the city picks the problem intersections and gives us data which we use to run a complete survey. She said we will hang temporary equipment to give us a sense to support the argument you've come to us with and we'll either see a problem or will try another time. She said we have a PhD Mathematician, who came up with a set of criteria and calculations that helps determine whether or not an intersection is high risk; it's pretty comprehensive.

Mr. Fullenkamp said so if we make 4 selections and you could only substantiate 2 of them, you would only put equipment up at 2. Ms. Stinson-Petzel said we would start with 2 and continue to monitor the other 2 but we have walked away from cities that thought they had a problem and we did not agree.

Deputy Mayor Smith asked how many tickets on average we could expect in a month's time - just a ball park number. Ms. Stinson-Petzel said she's got nothing. Mr. Chodkowski said we will talk with West Carrollton and Trotwood to get that information. Ms. Stinson-Petzel said that's just something she can't predict; there are trends, typically there's a spike then a dip. She said some of it is determined by cities that have a lot of transient traffic, people who are coming through and not paying close attention to the speed limits or the intersections. She said usually you see a downward trend that will plateau at some point.

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Mr. Schock said if we go back to the diagram of the intersection and all of a sudden the traffic falls into the median section or below; does Redflex stop making a profit off the cameras. Ms. Stinson-Petzel said yes; the city will have an account director whose role is to monitor the statistics – knowing what the trends are, what’s changed and what hasn’t; and we’ve been known to take down an intersection because hopefully it means the job is done. She said it doesn’t happen all the time but it does happen. Mr. Schock asked if there was a formula they used to determine if the intersection should be taken down, such as if an intersection was producing \$100 per week and goes down to \$20 per week. Ms. Stinson-Petzel said she didn’t know what number is used but she thinks crash data and volume is considered as opposed to the number of citations. She said there is also the “halo affect”; if people know there is a red light camera at an intersection – 2 blocks before that, they will start driving a little safer. She said that is why we don’t have to put equipment at every intersection. She said she doesn’t know what the exact formula is but both parties will monitor it and come to a collective agreement that the cameras can be taken out.

Mr. Denning asked if anyone ever put in fake cameras to simulate the “halo affect”? Ms. Stinson-Petzel said speed trailers are an example; if people see them often enough and there are no consequences, it won’t change behavior.

Ms. Campbell said she had a car rear end her car one time and it knocked her clean over the line and into the intersection; would the camera pick up something like that. Ms. Stinson-Petzel said yes; it is a complete view of the entire intersection. She said it would be a perfect crime scene investigation for that scenario.

Mayor Flaute said we have an intersection, Linden and Woodman, where cars are always backing up; will the camera keep flashing in that situation. Ms. Stinson-Petzel said it might but this would be part of your public service announcement to alert people that a flash doesn’t mean a violation but there was a potential for one. Mayor Flaute said he’s worried about people that will lose sleep over this. Ms. Stinson-Petzel said not if you handle your public service announcements correctly which is why she said to be very transparent and involve everyone as part of this process.

Mr. Chodkowski said our biggest need for this one is congestion management; in particular, our controlled left turn intersections - Linden/Woodman, Harshunan/Valley, Airway, and the intersection in front of city hall. He said those are the intersections that tend to have the more violent accidents; but we mostly have congestion management issues, which is what we would want this technology to help with.

Ms. Campbell said she has to make a left turn into her work and a car coming the other direction will sometimes make a left turn the other way; by the time she is making her left turn, there is a car passing on the right side. She asked if the cameras pick up all that. Ms. Stinson-Petzel said if there is a violation it will pick up on that; if there is a case of needing to investigate something then there would be video to support it. Ms. Campbell said it’s a two lane road and people are going off the road to go around the car turning left. Ms. Stinson-Petzel said unless you have an ordinance saying they are not legally able to do that, you couldn’t enforce it. She said there would have to be an ordinance that says you are not allowed to go off the road to go around something. Mr. Chodkowski said that wouldn’t be a function that these systems are designed to pick up. Ms. Campbell said but what if somebody did it. Ms. Stinson-Petzel said then that would be a crime scene investigation.

Deputy Mayor Smith said at the start you mentioned you can hold the red light until the intersection is clear; would the city have to get a new light. Ms. Stinson-Petzel said no, we would give it a feed to capture the information and allow us to hold if someone is not going to make it. Deputy Mayor Smith asked if that change was made at the

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boxes on the corners. Ms. Stinson-Petzel said yes; at the junction boxes and we work with your engineers.

Mayor Flaute thanked Ms. Stinson-Petzel for the presentation and said council would be discussing this later on in the work session.

b. Forest City Bridge Plan

Mr. Chodkowski said as we discussed with council in previous sessions, Forest City has completed the master development plan for the Center of Flight and they have noted several actions that need to take place to continue to proceed as planned. He said one of those is assembling the development coalition that was talked about. He said in order to create that coalition to then begin property acquisitions and business recruitment; we need to bridge that gap which is why this is called the bridge plan. He said the plan was provided to you all at the last council meeting so you would have an opportunity to review that as well as the scope of the proposal. He said it has been suggested by Forest City and confirmed by the Law Director to simply amend the current contract we have with Forest City to provide for this.

Deputy Mayor Smith said where it talks about phase 2, consensus building/advocacy and it references payment; we are going to do the first phase, put it on paper and we are going to pay them x amount of dollars for that, then in the second phase we are going to go back and look at the first phase and amend the first phase opinion and we are going to pay them again for that. He said why don't we have them do all that at once and pay them one time for phase 1. Mr. Chodkowski said that would be a way to do it; while it may appear on paper that there is an extension between phase 1 and phase 2, in actuality, they are very different. He said phase 1 provides for Forest City to assemble comparative data from other like coalitions or like development authorities. He said phase 2 is them taking that information from all these other places and basically making it specific to Riverside and the Montgomery County/Dayton area. He said they are going to assemble all the bits and pieces from other communities on who had to come to the table and specifically apply it to organizations here locally in Riverside, Montgomery County, and the State of Ohio. He said the content will be similar; phase 1 is who we learned from and what we learned from them, and phase 2 will be specific application to our market and project. He said maybe in Utah it's the State Jobs Services Department; there's no State Jobs Services Department in Ohio but there is the Ohio Department of Development; so they would make the correlation. He said there's no Dayton Development Coalition in Utah but we know the DDC, so who performed a similar function in Utah and what did they have to bring to the table and what did they get out of it. He said they are basically translating those organizations into us.

Mayor Flaute asked how much is phase 2; we had the study, phase 1, and now we have a phase 2. Mr. Chodkowski said phase 1 was the research and the homework.

Deputy Mayor Smith said so the bridge plan is just bringing the people together; we aren't literally tearing down a bridge. Mr. Chodkowski said correct. Deputy Mayor Smith said just making sure.

Deputy Mayor Smith said on the last page there is a stakeholders and advocates summary and one group he didn't see on the list was RTA. Mr. Chodkowski said correct; there are those who will bring assets to the table, those who will do, and those who will advocate. He said right now we are trying to assemble the movers and shakers to get this thing done; RTA really can't go to Columbus for us and say they want to make sure this project gets funded or that an organization gets legislation, RTA doesn't have any influence to that effect and that's why they are not included in this list. He said the Dayton Development Coalition can lobby in our behalf in

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Columbus or Washington DC and that does have an impact, as does the Dayton Area Chamber of Commerce or some of the others on the list.

Mr. Fullenkamp said in phase 2 it is broken down into 3 roles – supporters, implementers, and advisors; what role does the city play. Mr. Chodkowski said we would be more of an implementer; we are a money party to this phase but understanding that our ultimate goal is to make this a regional component, so we are hoping that at the end of this bridge phase it will not be the City of Riverside’s project, it will be the Center of Flight Development Coalition’s project; everyone will have put skin in the game in a proportionate way and there will be a independent board with bonding authority to oversee this as well as grants from the State or Federal governments. He said if we contribute, we contribute proportionately like the rest of the partners would. Mr. Fullenkamp asked for a description of the kind of advisors there would be – who would be a typical advisor. Mr. Chodkowski said folks like the former Dayton Development Coalition Director J. P. Nauseef – he still consults in the defense industry; he wouldn’t particularly be bringing any capital to the table or any funding but he would be able to advise us who to talk to or set up meetings for us or suggest alternative avenues. Mr. Fullenkamp said so the advisors are likely to be individuals. Mayor Flaute asked if they would be an additional expense to us. Mr. Chodkowski said no. Mayor Flaute said it does say in the contract we pay for incidentals such as hotels but they won’t be one of those incidentals. Mr. Chodkowski said not to his knowledge; they would not charge us a consulting fee.

Ms. Campbell said back to phase 1; how long will it take and when will we receive the results. Mr. Chodkowski said they are talking the total time table for the project is 90 to 120 days and while he likes the aggressive schedule, it’s also a schedule that is dictated by others so he would add 30 to 45 days to be more realistic. Deputy Mayor Smith said it states that the whole thing will be done in 4 months. Mr. Chodkowski said that’s what they are anticipating it to be but what is important to him and Mr. Murray is that the end product is realistic and viable, so if at the end of the day it takes a little longer to get it right, then it takes a little longer. He said keep in mind this is a 25 year master development plan and 30 or 40 extra days won’t change that. He said additionally we may make progress in certain areas that we don’t currently anticipate; at this point in time the majority of this is Ohio centralized but it could turn out that this is the next greatest thing since sliced bread and we really get some pick up action in Washington DC – now we are not meeting in the middle from Cleveland, Dayton, and Columbus; now we’ve been given some significant time in Washington DC. He said to coordinate that it could cause a delay and changes in the scope but it’s all beneficial to what it is we are out to accomplish.

Ms. Campbell asked how long it will take for phase 2. Mr. Chodkowski said the total bridge plan is estimated to take 90 to 120 days but again he would tell them to add 30 to 45 days to that estimate.

Mr. Denning said if council says yes to this and we get the contract signed by the first part of January, realistically, we would not expect to see the final report on this bridge plan until June or July. Mr. Chodkowski said correct. Mr. Denning said we did the first part in March and were supposed to see the results in July but got them in September; he was okay with that. Mr. Chodkowski said council approved that but also asked for certain contract provisions that took 35 to 45 days to get ironed out and that was part of the delay in the prior contract. He said that doesn’t necessarily apply here because we are just asking for an amendment to that contract but there are some housekeeping items that need to occur and cannot occur to fiscal year 2012.

Ms. Campbell asked if the 90 to 120 days is just for the report. Mr. Chodkowski said that is for the entire bridge plan, all 3 phases. Ms. Campbell asked when the picture book would be set up for presentation. Mr. Chodkowski said basically this is us taking

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the master development plan to who we think are significant partners to make this project happen and getting them to understand what their benefit is to participate in the project so at the end of the day when this bridge plan is over there will be 2 products to deliver to council – the comparative data from other organizations and identified local organizations to make this happen. He said beyond that, the third phase is to bring all these identified parties together and Forest City will explain what we would like for them to do to participate in the project and what it will take so everyone in the room benefits. Ms. Campbell said what if they don't participate. Mr. Chodkowski said then we will have to go to plan "B".

Mr. Denning said this basically puts our team together. Mr. Chodkowski said correct. Mr. Denning said we haven't started playing the game yet but it puts our team together; puts everybody in the same room and if we all decide to play together then it works. He said if they don't decide to play then we have to figure out another plan. Mr. Chodkowski said right; think of it as the organizational meeting of the Center of Flight Development Coalition.

Mayor Flaute asked if there was legislation coming up to approve this. Mr. Chodkowski said provided that council wants to see legislation on this; it won't be forthcoming until January 2012. He said there are not funds currently allocated for this project in 2012, so the first thing you will have to do in January 2012 is approve a supplemental appropriation to make the funds available and following the supplemental appropriation you could then pass a resolution authorizing me to enter into this addendum to the original agreement.

Mayor Flaute asked if Forest City was putting anything into this. Mr. Chodkowski said yes; he would say for as much time as they are billing us, they are not billing us for at least 1/3 to 1/2, so for every 1 hour they are billing us, they have probably done an additional 1/2 hour to 1 hour that they haven't billed us for.

There was consensus of council to move forward on the bridge plan.

c. Discussion: Red Light Cameras

Mr. Chodkowski said in light of the presentation tonight from Ms. Stinson-Petzel of Redflex, he wanted to give council an opportunity while it was fresh in their minds to talk about whether or not this was something they wanted to pursue; whether or not it is something they want staff to look into for further detail; or whether or not this is something that council is just not interested in at all.

Ms. Campbell said she thinks it is great; we're not paying anything and we get a percentage.

Deputy Mayor Smith said he would be willing to try it; it could reduce accidents and he thinks it would be worth it. He said he would hate to get the knock on the door that a loved one was lost from a traffic accident.

Mr. Schock said he agreed with Deputy Mayor Smith. He said he thought council should also have the City Manager get the contract so they could review it to make sure it is favorable to the city and that it includes an exit clause in case we don't like it. He said as Deputy Mayor Smith stated we should try it, but he had a feeling that once we tried it, we would like it. He said it's not a money maker; it's more for safety than anything else.

Mr. Fullenkamp said he would like to know more about the actual intersections we are considering and the actual accident rates as well as what caused the accidents. Mr. Schock said we already have that. Mr. Fullenkamp said it wasn't very complete and he

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would like to see more detail. Chief Reiss said the intersections we looked at for the initial phase in of this program were Harshman/Brandt; Harshman/Valley; and Burkhardt/Woodman. Mayor Flaute said not Linden. Chief Reiss said we looked at Woodman/Linden in considerable detail but the intersections we chose were our highest in accident rates, both personal injury and property damages. He said the accidents at Woodman/Linden exceeded the other intersections in volume but the severity of the accidents was mostly fender benders because of the low speeds and congestion, which is hard to control anyway. Mr. Fullenkamp said if he missed the information about the actual accident rates and the numbers the Chief was talking about - would the Chief help him out and get it to him. Chief Reiss said he could; to be considered a bad intersection you have to have 5 accidents or more annually and the intersections we are looking at are in the double digits - 20, 30, or 40. Mr. Fullenkamp asked if that was based on volume too; did they consider the relationship between volume and number of accidents. Chief Reiss said no; but again we chose those intersections based on the number of accidents and the severity. Mr. Fullenkamp asked if he could get additional details.

Mayor Flaute said he hated these things; Mr. Denning said he did too. Mr. Schock said he wasn't in favor of the government spying on him but he was thinking about what Deputy Mayor Smith talked about regarding the knock on the door if a loved one is hurt; you would have to be a cold-hearted person to say no to these cameras - to say just let the accidents happen. Ms. Campbell said we also are getting a lot of robberies around and the cameras pick those up. Deputy Mayor Smith said it's a safety issue. Mayor Flaute said the statistics Ms. Stinson-Petzel put up were impressive. Mr. Schock said we were sworn to keep the community safe and this is one of those; it's a great 21st century tool to use. He said that's why he wants to see the paperwork on them and they are going to take them out if they aren't working. He said if they can save one life, it's worth it.

Ms. Campbell said Mr. Denning was talking about a dummy camera earlier and if the real cameras slowed things down, then we could always replace them with dummy cameras.

Mr. Denning said he really hates these cameras but there's the safety issue. He said if we have an intersection that has 30 accidents a year and the numbers show those reduce down to 10 or to a reasonable amount then do we have the right to pull the camera. He said just to leave it there if it's not really increasing the safety any longer and it's become nothing more than a revenue machine is wrong. He said you can't tell him that's not the reason why Dayton keeps their cameras up or any other municipality but they may have a different number set than we have. He said if we go from 20 accidents down to zero even though we may have 150 violations a month, if we have no accidents then we need to pull the camera. Mr. Schock agreed; we talked about that earlier. Mr. Denning said that would be the only way he would agree that it's all about safety. Deputy Mayor Smith said it could take several years to get the information. Mr. Denning said he's not saying it won't but there needs to be some checks and balances there so it just doesn't become a revenue cow.

Mayor Flaute recognized Mr. Jim Wellman of Beatrice Drive who wished to comment on red light camera enforcement.

Mr. Jim Wellman of Beatrice Drive said he did have some concerns. He said it was mentioned that one of the site locations was Harshman/Brandt - that could be Dayton; there are some real confusing boundaries there, sometimes Dayton responds to calls and sometimes Riverside responds. Mr. Chodkowski said just for a point of clarification that should have been Old Troy Pike - Brandt is Dayton and Old Troy Pike is Riverside. Mr. Wellman said sometimes Dayton responds to Old Troy Pike; would Riverside get all the revenue there.

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Mr. Wellman asked if the revenue would be going through the court system; right now Riverside doesn't get much when it goes through the court system. Mr. Chodkowski said we would set up a court based on a civil system; the Law Director would appoint an attorney to hear the appeal and if the appellate didn't like what the civil procedure decision was, they could appeal to the circuit court.

Mr. Wellman said he was in the process of dealing with the guys in Phoenix. He said when they first put in the site at the light at Stanley/Valley, he made a right on red and he thought he stopped a sufficient amount of time but they didn't think so. He said he received the notice in the mail and replied on the computer; he check the boxed to dispute the ticket and it told him if he paid the ticket within a certain amount of time it would not go on his license. He said he did all that but he had no recourse -- he had to pay first or there would be a bench warrant issued. He said he was supposed to hear something within 4 to 6 weeks about how he could appear before someone to contest it and it was the last he heard from them.

Mr. Wellman said in September he was on the connector near Gettysburg and the lights went off; he wondered if it was him or the guy beside him. He said he kept an eye out on the mail and nothing showed up; yesterday he got a notice stating that since he hadn't responded to their first notice, he waived all rights to object and now there is an extra \$25 tacked on to the fine. He said he didn't receive the first notice and now he has a second notice saying he owes more money. He said he spoke to the Phoenix call center and they stated all they do is review the stuff and he should contact Dayton but the fine needed to be paid first.

Mr. Wellman said if he doesn't pay and it's turned over to a collection agency, does the camera company still get their 60% and what's left over for the city once the collection agency takes their cut. Mayor Flaute said we would have to check that, it would be part of the contract. Mr. Wellman said what if no monies are ever paid; who pays for the service. Mayor Flaute said she assured us the city wouldn't. Deputy Mayor Smith said when a collection agency takes over unpaid debts, they purchase those. Mr. Wellman asked what the city gets.

Mayor Flaute said we don't know the answer to that right now; it looks like we might be moving forward with this so we will have those questions answered.

Mayor Flaute asked council members if they wanted to move forward on this Mr. Schock, Ms. Campbell, and Deputy Mayor Smith all said yes. Mr. Denning said no and Mr. Fullenkamp said he wanted more information. Mr. Chodkowski said we will contact Redflex to see what the next step is as far as what they need from us to see whether or not they are interested -- it may be as simple as a generic agreement for them to come out and test our intersections. He said we will find out what the next step is in the exploratory process; we won't take this as signing a contract but we will take this as yes, do some more research on what happens next.

ITEM 7: RECESS: The Council took a recess at 7:35 p.m.

ITEM 8: RECONVENE: The meeting was reconvened at 7:52 p.m.

ITEM 9: PLEDGE OF ALLEGIANCE: Council Member Mike Denning led all those in attendance in the pledge of allegiance.

ITEM 10: MINUTES: Consider approval of the minutes of the November 17, 2011 Council meeting. A motion was made by Mr. Denning to approve the minutes as written. Mr. Schock seconded the motion. All were in favor; none were opposed. Motion passed.

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ITEM 11: PRESENTATIONS:

a. Michael McKinney, DP&L Representative – Energy Savings

Mr. Michael McKinney from DP&L distributed information to the council members. He said for those who don't know him, he is the Community Ambassador for the City of Riverside. He said he works for DP&L and acts as the liaison between the Mayor and Council and our utility company. He said tonight he wanted to share some energy saving programs Dayton Power and Light has been doing.

Mr. McKinney said Ohio Senate Bill 221 passed in 2008 mandates that we have to have 12 ½% of our generation from renewable resources by the year 2025. He said .5% of that has to be from solar. He said prior to the bill, we had no renewable energy and all our generation came from coal. He said this is a big change for our company looking forward. He said one of the big projects we've done so far is at Yankee Street Substation in Washington Township. He said we also have a solar project at the Mound Technology Park in Miamisburg.

Mr. McKinney said for the Mound solar array it was a \$400,000 cost and is a 60 kilowatt output. He said there are 340 panels and each panel is 180 watts. He said the yearly generation is equivalent to what's used by 5 homes; it doesn't sound like a lot for \$400,000 but that just goes to show the cost of solar power today. He said but that supports the city's effort to develop clean energy and that's important.

Mr. McKinney said the Yankee project is quite a bit bigger – that's 1.1 megawatts with 9,120 panels on 7 acres, each panel being 125 watts each. He said that was a \$5.0 Million project and it generates enough power for 150 homes. He said it is our largest renewable generator and if you ever visit, there is a kiosk that gives a little history on the project. Deputy Mayor Smith asked where this was located. Mr. McKinney said it is at 9975 Yankee Street and if you've never seen a solar farm, it is neat to look at.

Mr. McKinney said just to give you a cost comparison - energy efficiency vs. cost, in 2010 we had \$12.1 Million spent to produce 25 megawatts which is approximately \$500,000 per megawatt and at Yankee, \$5.0 Million was spent for 1.1 megawatts which is \$5.0 Million per megawatt. He said solar energy here is real expensive.

Deputy Mayor Smith said he had a question but it doesn't pertain to the presentation; our residents have been getting mailings and phone calls from First Energy wanting us to transfer our utilities to them. He said you guys actually maintain the wires and provide the electricity but we can buy it through them at a cheaper rate. He said he didn't know why we would want to do that – can we actually save money and would there be any additional cost to us by going with that program if there is a problem with the electrical service outside. Mr. McKinney said the wires outside and the poles are DP&L owned so the distribution portion will always be maintained by DP&L but as far as the offer you are getting in the mail, by law, he is not allowed to speak on that. He directed him to the PUCO website and said you can see apples to apples comparisons there as far as costs. He said that is a government website and is totally unbiased.

Ms. Campbell said she did that last year and it's a fixed rate which can't go up. She said everything is the same as far as billing; it's just getting the fixed rate.

Mayor Flaute thanked Mr. McKinney for the presentation.

ITEM 12: 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.

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ITEM 13: CITY MANAGER'S REPORT:

(1) FYI Items

- a. Council Request Sheets.
- b. Code Rewrite Request Sheet.
- c. Council Agenda Calendar.
- d. Minutes of the October 25, 2011 Board of Zoning Appeals meeting.

Mr. Chodkowski said you have my report and he would be happy to answer any questions. He said his weekly report would be sent to council via email tomorrow.

ITEM 14: PUBLIC COMMENT ON AGENDA ITEMS: Ms. Kayla Muncie from Stebbins High School said they wanted to respectfully ask for a donation for their Christmas Fundraiser. She said the fundraiser is put on by the Stebbins Student Senate; they raise money throughout the year to buy Christmas presents for kids in Riverside that are less fortunate and may not get much for Christmas.

Mayor Flaute thanked Ms. Muncie and said council would be considering that legislation a little later. He said we are glad you are working so hard in the community; this kind of service is what makes our community great.

ITEM 15: UNFINISHED BUSINESS

I. ORDINANCES

- a. Ordinance No. 11-O-479 to make permanent appropriations for current and other expenditures of the City of Riverside, State of Ohio, for the period beginning January 1 through December 31, 2012. (SECOND READING AND CONSIDERATION OF ADOPTION)

Mr. Chodkowski said this is the second reading for the permanent appropriation for fiscal year 2012.

A motion was made by Mr. Denning to read Ordinance No. 11-O-479 for the second time by title only and approve its final adoption. Deputy Mayor Smith seconded the motion.

The clerk read Ordinance No. 11-O-479 for the second time by title only and Mayor Flaute asked if there were any questions or discussion from members of council.

Being none; five were in favor; one was opposed – Ms. Campbell. Motion passed.

- b. Ordinance No. 11-O-480 by the Council of Riverside, Ohio, approving a change in the district boundaries as shown on the Zoning Map of the City of Riverside, Ohio for property located at 3810 Old Troy Pike, Riverside, Ohio, 45404, Parcel I.D. No. 139-00520-0014 from "R-3" Single Family Residential District to "R-4A" Single Family Residential District.

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(SECOND READING AND CONSIDERATION OF ADOPTION)

Mr. Chodkowski said this ordinance is the second reading of the zoning map amendment for the parcel located at 3810 Old Troy Pike.

A motion was made by Mr. Schock to read Ordinance No. 11-O-480 for the second time by title only and approve its final adoption. Mr. Denning seconded the motion.

The clerk read Ordinance No. 11-O-480 for the second time by title only and Mayor Flaute asked if there were any questions or discussion from members of council.

Being none, a roll call vote was as follows: Mr. Schock, yes; Ms. Campbell, yes; Mr. Denning, yes; Mr. Fullenkamp, no; Deputy Mayor Smith, no; Mayor Flaute, yes. Motion passed.

ITEM 16: NEW BUSINESS

I. ORDINANCES

- a. Ordinance No. 11-O-481 to make supplemental appropriations for current expenses and other expenditures of the City of Riverside, State of Ohio, for the period January 1 through December 31, 2011, and declaring an emergency.

Mr. Chodkowski said pursuant to council's direction at the previous meeting, this ordinance makes supplemental appropriations to current fiscal year 2011. He said this request is for the first and second readings.

A motion was made by Mr. Schock to read Ordinance No. 11-O-481 for the first time in its entirety and approve its first reading. Mr. Denning seconded the motion.

The clerk read Ordinance No. 11-O-481 for the first time in its entirety and Mayor Flaute asked if there were any questions or discussion from members of council.

Mayor Flaute asked why the general government operating expense needed to be addressed. Mr. Chodkowski said to purchase property.

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

A motion was made by Mr. Denning to suspend the rule that dictates the number of days between consecutive readings of ordinances. Mr. Schock seconded the motion. All were in favor; none were opposed. Motion passed.

A motion was made by Mr. Schock to read Ordinance No. 11-O-481 for the second time by title only and approve its final adoption. Mr. Denning seconded the motion.

The clerk read Ordinance No. 11-O-481 for the second time by title only and Mayor Flaute asked if there was any further discussion from members of council.

Being none, all were in favor; none were opposed. Motion passed.

II. RESOLUTIONS

- a. Resolution No. 11-R-1604 authorizing the Finance Director of the City of Riverside to seek advance

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payment of collected taxes for the calendar year 2011.

Mr. Chodkowski said this resolution is to authorize the Finance Director to seek advance payment of taxes for calendar year 2011. He said this is annual, reoccurring legislation before this body.

A motion was made by Mr. Denning to approve Resolution No. 11-R-1604. Deputy Mayor Smith seconded the motion. All were in favor; none were opposed. Motion passed.

- b. Resolution No. 11-R-1605 by the Riverside, Ohio City Council authorizing the City Manager to enter into a letter of agreement with the Auditor of State to provide services to convert cash basis financial information to accrual basis information at a cost not to exceed \$13,750 per year for the years 2012 and 2013.

Mr. Chodkowski said this resolution is to authorize me to enter into a contract with the State of Ohio for the conversion of our books from cash basis to accrual basis. He said this is annual, reoccurring legislation before this body.

A motion was made by Mr. Schock to approve Resolution No. 11-R-1605. Mr. Denning seconded the motion. All were in favor; none were opposed. Motion passed.

- c. Resolution No. 11-R-1606 authorizing the City Manager to enter into a service agreement with the Law Offices of the Montgomery County Public Defender to provide legal counsel to indigent persons charged with violations of municipal ordinances for the year 2012, under certain terms and conditions.

Mr. Chodkowski said this legislation authorizes me to enter into an agreement with the Montgomery County Public Defender for legal counsel for indigent persons. He said this is annual, reoccurring legislation before this body.

A motion was made by Mr. Schock to approve Resolution No. 11-R-1606. Mr. Denning seconded the motion. All were in favor; none were opposed. Motion passed.

- d. Resolution No 11-R-1607 recognizing the Stebbins High School Student Senate's Christmas Fundraiser as a function that promotes the public health, general welfare, and contentment of the Citizens of the City of Riverside.

Mr. Chodkowski said pursuant to the request of the Stebbins High School Student Senate this resolution is to authorize a contribution in support of their annual Christmas project.

A motion was made by Mr. Schock to approve Resolution No. 11-R-1607 inserting the amount of \$500. Mr. Denning seconded the motion. All were in favor; none were opposed. Motion passed.

- e. Resolution No. 11-R-1608 authorizing the City Manager to purchase real estate located within the

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City of Riverside, Ohio, for a purchase price not to exceed \$129,000.

Mr. Chodkowski said pursuant to the request of council this resolution is to authorize the city to complete the purchase of 2.414 acres at the northwest corner of Harshman and Springfield Pike.

A motion was made by Mr. Denning to approve Resolution No. 11-R-1608. Mr. Schock seconded the motion. All were in favor; none were opposed. **Motion passed.**

ITEM 17: PUBLIC COMMENT ON NON-AGENDA ITEMS: Mr. Dan Szonnell of Old Troy Pike read a letter he received from the city into the record as follows:

Dear Mr. Szonnell; As you are aware the City of Riverside has expressed an interest in purchasing your property, address above, as part of it's collaborative project with the State of Ohio Department of Natural Resources and the Miami Valley Conservancy District to acquire the property located at 2847 Old Troy Pike. After reviewing the total scope of this project the funds available from the State and from the Miami Valley Conservancy District and several other relevant factors, the City of Riverside hereby formally withdraws its interest to acquire your property. On behalf of the Riverside City Council, I would like to thank you for your patience and understanding throughout this process.

Mr. Szonnell asked what happened. Mayor Flaute said they were really not allowed to comment at this point; you will have to talk to the city manager. He said we can't discuss it in an open meeting. Mr. Schock said it's a favor to you if we don't and that's all he'll say.

Mr. Szonnell asked what property they were trying to acquire at 2847 Old Troy Pike -- the Eintracht. He said the Eintracht is 2707; why are you trying to buy the Hamilton's property up the road? He said every piece of paper that has come through his hands has blunders and mistakes that should have been caught and now, for disrupting his life for 6 months you say "thank you for your patience and understanding". He said he doesn't understand.

ITEM 18: COUNCILMEMBER COMMENTS: Mayor Flaute said he did 10 weddings in the last 2 weeks and that has been enjoyable He said we did have a Thanksgiving Dinner at the Valley Worship Center and we got a very nice thank you note from Pastor Fultz, thanking us for our participation and for being there. He said since we advertised in the Stebbins High School Athletics program, they gave us some free tickets to a basketball game. He said he won't be able to attend so if anyone is interested please get the tickets after the meeting. He said we also got a letter from the Riverside Seniors telling about the great things they have been doing and they are very active in our community.

ITEM 19: EXECUTIVE SESSION: A motion was made by Mr. Denning to enter into executive session for the purpose of discussing collective bargaining and litigation. Ms. Campbell seconded the motion. A roll call vote was as follows: Mr. Denning, yes; Ms. Campbell, yes; Mr. Fullenkamp, yes; Mr. Schock, yes; Deputy Mayor Smith, yes; and Mayor Flaute, yes. The council entered into executive session at 8:20 p.m.

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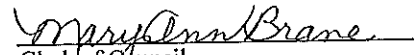
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ITEM 20: ADJOURNMENT: The council came out of executive session at 9:15 p.m. and a motion was made by Ms. Campbell to adjourn. Mr. Denning seconded the motion. All were in favor; none were opposed. The meeting adjourned at 9:15 p.m.


William R. Flaute, Mayor


Clerk of Council