

Thursday, February 3, 2011

ITEM 1: CALL TO ORDER: Mayor Flaute called the Riverside, Ohio Regular Council Meeting to order at 6:00 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, absent*; Mrs. Reynolds, present; Deputy Mayor Schock, present; Mr. Smith, present; and Mayor Flaute, present.

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

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

ITEM 4: ADDITIONS OR CORRECTIONS TO AGENDA: The agenda was revised prior to the meeting to add item 18 (I) a, Ordinance No. 11-O-462, a supplemental appropriation, and to remove approval of minutes for the January 27, 2011 Special Council meeting.

ITEM 5: APPROVAL OF AGENDA: A motion was made by Mrs. Reynolds to approve the agenda as revised. Mr. Schock seconded the motion. A roll call vote was as follows: Mrs. Reynolds, yes; Mr. Schock, yes; Ms. Campbell, yes; Mr. Denning, yes; Deputy Mayor Smith, yes; and Mayor Flaute, yes. **The motion passed.**

ITEM 6: WORK SESSION ITEMS:

- a. Executive Session: Marketing Plans & Specific Business Strategy – Chapter 103.01 (d) (7)

A motion was made by Mr. Schock to enter into executive session for the purpose of discussing marketing plans and specific business strategy. Mr. Denning seconded the motion. A roll call vote was as follows: Mr. Schock, yes; Mr. Denning, yes; Ms. Campbell, yes; Mrs. Reynolds, yes; Deputy Mayor Smith, yes; and Mayor Flaute, yes. The Council entered into executive session at 6:07 p.m.

*Mr. Fullenkamp arrived at the meeting shortly after executive session began.

ITEM 7: RECESS: The Council came out of executive session at 7:33 p.m. and took a recess.

ITEM 8: RECONVENE: The meeting was reconvened at 7:45 p.m.

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

ITEM 10: MINUTES: Minutes of the January 27, 2011 Special Council meeting were not yet completed for consideration.

ITEM 11: COMMUNICATIONS: There were no communications.

ITEM 12: PRESENTATIONS: There were no presentations.

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ITEM 13: ACCEPTANCE OF WRITTEN CITIZENS PETITIONS: Mayor Flaute advised the audience members to fill out a request form if they wished to speak about agenda or non-agenda items.

ITEM 14: PUBLIC HEARINGS: Zoning Map Amendment, Planning Commission Case# PC 10-0002.

Mayor Flaute opened the public hearing at 7:47 p.m. and asked for the staff report.

Mr. Murray said the case before you today involves the rezoning of 2 parcels in the northern part of Riverside, changing the zoning district from the current "I-1" Light Industrial to "A" Agricultural. He said the property owner, Martin Nizny, and potential purchasers, the Ahiska Turkish American Community, are here this evening and they are looking to use this property for a cemetery. He said the only place you are allowed to have a cemetery in Riverside is in an Agricultural Zoning District. He said we took this before the Planning Commission and they have recommended it to Council for approval.

Mr. Murray said in our current code we only allow cemeteries on properties that are greater than 25 acres so the next step in this approval would be to go before the BZA. He said all the conditions for changing a use before the BZA are invalid because this is strictly being done for economic reasons. He said the property has been nothing but a soybean field since its existence and there are several considerations that greatly limit its uses. He said not only is it next to the Huber Heights sewer system but there is very limited access to the street and topography-wise, it is a rough piece of property to deal with. He said it is likely that we can change the zoning from "I-1 to "A" but then the project could get stranded if the BZA denied the use which would orphan the piece of property to agriculture.

Mr. Murray said he is asking the Council to first do a map amendment to change the zoning to Agricultural and secondly, the Planning Commission has recommended a text amendment that would change the definition of a cemetery allowing for cemeteries on properties of 10 acres or greater. He said this is a very specific moment in time; this will not be an overall change of our code because our new code doesn't allow cemeteries. He said we are doing a text amendment for approximately 2 months; Council will soon receive a draft copy of the rewritten Zoning Code. He said again this is a specific moment in time which will take a difficult piece of property and give it a use.

Mr. Murray said we are looking for Council's approval tonight to bring forth a map amendment; then at the next meeting, we will start a text amendment. He referenced maps of the property for Council

Deputy Mayor Smith said the Codified Ordinances are going to be changed in a few weeks. Mr. Murray said we did receive the review from Alt Architects which he believed was the last review that has to take place before Council receives a draft copy. Deputy Mayor Smith asked if the new code would have 25 acres for a cemetery or 10 acres. Mr. Murray said the use has been left out entirely in the new code.

Mr. Islom Shakhbandarov of the Ahiska Turkish American Community, 2324 Stanley Avenue, took the oath to give sworn testimony. He said they would like to purchase the property which is the only property close to their community at a reasonable price for use as a cemetery. He said not only will this benefit the Turkish community but the rest of the Muslim community in the county as well and it will benefit the City of Riverside in the future.

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Mr. Shakhbandarov displayed photos of their plans which showed fencing and an arched entryway. He said it will be a very quiet place with not much traffic. He said in his opinion it will benefit the city and the public in general and they appreciate the chance for their community to benefit from the best use for this land.

Deputy Mayor Smith asked if the cemetery would be open to the public or just for the Muslim community. Mr. Shakhbandarov said mostly for the Muslim community; he didn't think the Jewish community would be allowed to bury there. He said he assumed it would be public for the Muslim faith. Deputy Mayor Smith asked how many Muslims that lived in the City of Riverside attended their church. Mr. Shakhbandarov said he didn't have any idea; he knows about the county but not about Riverside. Deputy Mayor Smith asked where their church was located. Mr. Shakhbandarov said we don't have a church – it is a community center which is public. Deputy Mayor Smith asked if any shrines would be erected in the cemetery. Mr. Shakhbandarov said there is a house there that will be used for an office and we plan to erect a shelter to use in case of rain or snow.

Deputy Mayor Smith said the reason for all his questions is that it was mentioned that the city would benefit from this and he was trying to figure out where the benefits would be for a cemetery if it's only for Muslim faith. Mr. Shakhbandarov said this will be the only Muslim cemetery in the county which will bring many, many people here and give them the ability to know Riverside. He said they will pass by the shopping centers and other places and people will get to know the area. He said this place will stay like this forever if there is no use; it will benefit business in Riverside to sell the property. He said last but not least, it will benefit us and the public.

Mrs. Reynolds said we are changing this from zoning of Light Industrial to Agricultural on the basis that the water situation prevents any additional industry to be put on that land. Mr. Murray said yes; the land also sits on the well field which is another restriction. Mrs. Reynolds said so the current zoning makes this an unusable piece of property. Mr. Murray said correct.

Mayor Flaute asked why we can't get water there.

Mr. Martin Nizny of Woodman Drive took the oath to give sworn testimony. He said the City of Riverside rezoned this property for us 10 years ago for industrial. He said the entity, Suburban Water, that owned the sewer and water system sold it to Huber Heights then they enacted the resolution that unless you are a Huber Heights resident they weren't going to give you sewer and water. He said the infrastructure is on the property but they won't give it to us; we have been sitting there growing soybeans while trying to come up with some sort of use but to no avail. He said the cemetery use looks like it makes sense and we are interested in selling the land.

Deputy Mayor Smith asked if the house on the property is connected to Huber Heights water system. Mr. Nizny said yes; all the property that was in Mad River Township was allowed to have sewer and water and as soon as Huber Heights took it over, this property was left out. He said it's probably the only piece of property that doesn't have the ability to get it. He said to him, he would've thought they would want to have the revenue.

Mayor Flaute said at one time they were talking about some kind of sharing of the income tax but it wasn't in our favor at all. He said that happened a lot of years ago but we would assume we would be facing the same issues.

Mr. Schock asked what type of grave marker system would be used. Mr. Shakhbandarov described standard headstones.

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Mr. Denning asked if there would be a perpetual fund for the future maintenance of the cemetery. Mr. Shakhbandarov said he thought it would take 70 to 80 years before the cemetery would be full and he couldn't say what might happen in 100 years but they have a proposal for the costs of the upkeep and he didn't see any problems. Mr. Denning asked if there were State Laws requiring funds to be set aside. Mr. Chodkowski said yes; if the cemetery is being run properly the fund will be perpetual because costs will change and accommodate rates of inflation which provides for the long term maintenance. He said in most instances the funds are successful in being able to provide maintenance to those facilities. Mr. Denning said the rules have changed since the cemetery was put together in the village. Mr. Chodkowski said the issue with the Harshman Cemetery was how the perpetual fund was funded; the lots sold in the 1990s were the same cost as they were in the 1960s. Mr. Denning said he was just concerned that after many years the city would get stuck with the maintenance but if there are rules on the books then he is okay with it.

Mr. Fullenkamp asked how many grave sites will be in this cemetery. Mr. Shakhbandarov said 4,800.

Mr. Schock asked if this would be open for all religions. Mr. Shakhbandarov said all nationalities but mostly Muslim.

Mayor Flaute asked if the shelter they were going to build would be an open shelter. Mr. Shakhbandarov said yes. Mayor Flaute asked if there would be any other buildings. Mr. Shakhbandarov said there will be restrooms, an open shelter, and they are going to tear down the chicken coop.

Deputy Mayor Smith asked where the house was located. Mr. Murray said it is right on the roadway.

Mayor Flaute said it will be restricted to just the Muslim religion. Mr. Shakhbandarov said it is going to be a Muslim cemetery but if someone wants to come and be buried, they can follow the rules of the faith. Mayor Flaute said he understood.

Mayor Flaute asked if there was anyone else wishing to speak in favor of the proposal. Being none, he asked if there was anyone wishing to speak in opposition to the proposal. With no further speakers, Mayor Flaute closed the public hearing at 8:23 p.m.

A motion was made by Mrs. Reynolds to support the recommendation of staff and bring forward legislation for the proposed map amendment. Ms. Campbell seconded the motion. A roll call vote was as follows: Mrs. Reynolds, yes; Ms. Campbell, yes; Mr. Denning, yes; Mr. Fullenkamp, yes; Mr. Schock, yes; Deputy Mayor Smith, yes; and Mayor Flaute, yes. **The motion passed.**

ITEM 15: CITY MANAGER'S REPORT:

- (1) FYI Items
 - a. Council Request Sheets.
 - b. Council Agenda Calendar.
 - c. Minutes of the December 28, 2010 Board of Zoning Appeals meeting.
 - d. Minutes of the January 26, 2011 Records Commission meeting.

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e. Weekly City Manager's Report.

Mr. Chodkowski said Council has his report and he would be happy to answer any questions.

Mr. Chodkowski said in response to Council's discussion at its last meeting regarding information on the website; staff has experimented today and he would encourage everyone to look at the information under the Council Agenda tab. He said the information will be in place until tomorrow or Monday at which time the agenda for Council's special meeting on February 10th will be posted. He asked for emails and comments on the first attempt to try to provide additional information to the public.

Mrs. Reynolds said there have been questions regarding the bike path and there seems to be a concern of how it will be handled if there is an accident on the path or if there will be patrolling by our city. She asked if there had been any review of the time it will take for our emergency vehicles to respond. Mr. Chodkowski said the existing trails are patrolled by MetroParks Police Department. He said we do service the EMS calls on those paths but he couldn't say that we had tracked any specific response data for that. He said we probably transport about half a dozen people annually for injuries or falls on the path but whether or not there is an increased response time or whether or not we have difficulty doing that, he would defer that answer to Chief Turner who is currently out responding to a fire call. Mrs. Reynolds said she thought we would need that information for Monday's meeting because it is a concern that could be raised.

Deputy Mayor Smith said he thought the response time would be the same as responding to the neighborhood that's over there. Mr. Chodkowski said in theory, he would agree but until he has an opportunity to talk with Chief Turner and find out whether or not we face obstacles in trying to get a medic on the bike path, he couldn't say for sure. Deputy Mayor Smith asked if we could get our emergency equipment on the bike path. Mr. Chodkowski said to the best of his knowledge, yes, but he's never had a need to ask.

ITEM 16: PUBLIC COMMENT ON AGENDA ITEMS: There were no public comments on agenda items.

ITEM 17: UNFINISHED BUSINESS: There was no unfinished business.

ITEM 18: NEW BUSINESS:

I. ORDINANCES

a. Ordinance No. 11-O-462 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. (FIRST AND SECOND READINGS AND CONSIDERATION OF ADOPTION)

Mr. Chodkowski said this ordinance is requesting a supplemental appropriation for funds to purchase property within the Center of Flight previously authorized by Council.

A motion was made by Mrs. Reynolds to read Ordinance No. 11-O-462 for the first time in its entirety and to approve the first reading. Mr. Fullenkamp seconded the motion.

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The Clerk of Council read Ordinance No. 11-O-462 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 what the reason was for an emergency ordinance. Mr. Chodkowski said so we can execute the purchase in a timely manner.

With no further discussion, a roll call vote was as follows: Mrs. Reynolds, yes; Mr. Fullenkamp, yes; Ms. Campbell, yes; Mr. Denning, yes; Mr. Schock, yes; Deputy Mayor Smith, yes; and Mayor Flaute, yes. **The motion passed.**

A motion was made by Mrs. Reynolds to suspend the rule that dictates the number of days between the first and second readings of ordinances. Ms. Campbell seconded the motion. A roll call vote was as follows: Mrs. Reynolds, yes; Ms. Campbell, yes; Mr. Denning, yes; Mr. Fullenkamp, yes; Mr. Schock, yes; Deputy Mayor Smith, yes; and Mayor Flaute, yes. **The motion passed.**

A motion was made by Mrs. Reynolds to read Ordinance No. 11-O-462 for the second time by title only and approve its final adoption. Ms. Campbell seconded the motion.

The Clerk of Council read Ordinance No. 11-O-462 for the second time by title only and Mayor Flaute asked if there were any questions or discussion from Council.

Being none, a roll call vote was as follows: Mrs. Reynolds, yes; Ms. Campbell, yes; Mr. Denning, yes; Mr. Fullenkamp, yes; Mr. Schock, yes; Deputy Mayor Smith, yes; and Mayor Flaute, yes. **The motion passed.**

II. RESOLUTIONS

a. Resolution No. 11-R-1524 for Phase I of the US 35 interchange project further identified as PID# 85367.

Mr. Chodkowski said this resolution is consenting legislation to coincide with ODOT's desire to lower Spinning Road under Rt. 35 and to make improvements to the recreational trail.

A motion was made by Mrs. Reynolds to approve Resolution No. 11-R-1524. Mr. Fullenkamp seconded the motion.

Mayor Flaute asked about the Spinning Road Bridge. Mr. Chodkowski said in order to increase the life of the Rt. 35 Bridge over Spinning Road, ODOT has agreed to lower Spinning Road to give it the appropriate clearance so it does not continue to be hit by box trucks. He said that will be done in conjunction with improvements to the recreation trail. Mayor Flaute said he was told that couldn't be done because it is so close to Linden Avenue but evidently it's not a problem now. Mr. Chodkowski said he wasn't sure what the original reasons were why it couldn't be done but they have agreed to lower the road.

Mr. Schock said he thought it was done once before and he thinks he remembers what the Mayor is talking about when they said they couldn't lower it anymore. He said where Penn Avenue comes out to Spinning would have to become very steep to go under the bridge. He said it had to do something with that grade.

Mr. Miller said ODOT will be doing a combination of factors there; they are changing the type of bridge that is there so the profile will be narrower, it will be elevated slightly, and they will be lowering Spinning. Mayor Flaute said they will be putting in a whole new bridge. Mr. Miller said yes. Mayor Flaute said we need sidewalks then.

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Mr. Miller said that input has been provided but whether or not the funding will be made available is another factor. He said one thing that is continued at every meeting he goes to is that it ties back to it being acceptable to every mode of transportation because the school is there, the residential area, etc. Mayor Flaute said at one point we had gotten approval of a bike connection there; instead of calling it a sidewalk, they called it a bike connection. Mr. Miller said the new structure will have the room necessary to accommodate that type of path. Mayor Flaute said connecting to the bike path there is vital.

Mayor Flaute asked what this would do for the city by approving this legislation. Mr. Chodkowski said basically we consent to let ODOT do work within our right of way at their cost and anything we ask them to do that is not within the scope of the project is our responsibility to pay 100% of the cost. He said very similar to the legislation passed at the last meeting and up until now, he was not aware that replacement of the bridge decks was involved because that was not part of the original proposal. Mayor Flaute said if we pass this legislation what kind of opportunity do we have to get a connection to the bike path. Mr. Chodkowski said all you are doing is authorizing ODOT to do work within the city's right of way at their expense. He said for us to be able to dictate the terms of the project are not within our scope unless we want to foot the bill. Mr. Miller said the next public meeting would be key for the public officials to give their input; he will notify Council of the dates.

Mayor Flaute asked if there was a bridge by the bus stop at Penn Apartments. Mr. Miller said there is a little creek. Mayor Flaute said we are going to need sidewalk to go over that little creek. Mr. Miller said yes, probably, and that could be possibly expensive.

Deputy Mayor Flaute asked if street lights were part of the proposal. Mr. Chodkowski said to the best of his knowledge, no. Mr. Miller said that is something we would add at the appropriate time; make known our desires and they may end up having a change order where we would pay for additional lighting. He said with a school there, he thought it would be warranted. Deputy Mayor Smith said there is a dark spot there between the bike path bridge and the highway bridge. Mr. Miller said again, an opportune time to bring that up would be at the next public meeting that ODOT has on that project. Mr. Chodkowski said he understands Council's concern with that issue but he would caution in expressing that as a wanted expectation to ODOT because those are stand alone structures and there will significant cost to install, power, and maintain those. Deputy Mayor Smith said it's something the city could look in to; get an idea of the cost.

Mayor Flaute asked how they were going to build that bridge. Mr. Miller said one lane at a time; they will force traffic to one lane on the other side during construction.

With no further discussion, a roll call vote was as follows: Mrs. Reynolds, yes; Mr. Fullenkamp, yes; Ms. Campbell, yes; Mr. Denning, yes; Mr. Schock, yes; Deputy Mayor Smith, yes; and Mayor Flaute, yes. **The motion passed.**

b. Resolution No. 11-R-1525 declaring the 1993 Ford F350 McCoy-Miller Ambulance used by the Service Department to be surplus and no longer needed for city purposes and authorizing its sale.

Mr. Chodkowski said this resolution declares the city's 1993 Ford F350 ambulance as surplus and no longer needed.

A motion was made by Mr. Denning to approve Resolution No. 11-R-1525. Mrs. Reynolds seconded the motion.

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Mr. Fullenkamp asked how much a 17 year old ambulance is worth these days. Mr. Chodkowski said more than one might think, probably \$3,000 to \$6,000. He said this particular ambulance was decommissioned from the Fire/EMS service and provided to the Service Department as a portable sign shop. He said this has a little more wear and tear on it than the typical ambulance.

Deputy Mayor Smith asked if there was anything wrong with it. Mr. Chodkowski said it is starting to develop some reoccurring maintenance issues because of its age and how it is used. He said it's a good opportunity for us to transfer the 2004 ambulance that was replaced with the new medic back to the Service Department.

With no further discussion, a roll call vote was as follows: Mr. Denning, yes; Mrs. Reynolds, yes; Ms. Campbell, yes; Mr. Fullenkamp, yes; Mr. Schock, yes; Deputy Mayor Smith, yes; and Mayor Flaute, yes. **The motion passed.**

c. Resolution No. 11-R-1526 authorizing the City Manager to execute an agreement for funding under the Miami Valley Regional Transit Authority RTA Community Grant Program.

Mr. Chodkowski said this resolution is to authorize application for the RTA Community Grant for 2 structures at the intersection of Spinning and Burkhardt.

A motion was made by Mrs. Reynolds to approve Resolution No. 11-R-1526. Deputy Mayor Smith seconded the motion.

Mrs. Reynolds asked for a copy of the list of businesses that are helping to fund the local match. Mr. Murray said the list includes the gentlemen in the back at tonight's meeting from the VFW Post, Kroger, and Capitol. He said he will be following up with other businesses. Mrs. Reynolds said she thought it was really important that we thank them. Mr. Murray said absolutely.

Mayor Flaute asked the gentlemen from the VFW to come forward.

Mr. Joe DiFalco, Commander of VFW Post 657 on Spinning Road, introduced his Senior Advisor, Mike Knoll and his Finance Officer, Tom Delinsky. He said they were approached a few weeks ago to make a donation for this project and they think it is something that will definitely make our community better. He said on behalf of the VFW he presents a check for \$380 for this project. He added they were pressuring all the other businesses in the neighborhood. Mayor Flaute said this means a lot to us and for all the residents. He said he knows everyone appreciates all the VFW does for the community.

Mr. Murray said he would get a more complete listing of those making donations.

With no further discussion, a roll call vote was as follows: Mrs. Reynolds, yes; Deputy Mayor Smith, yes; Ms. Campbell, yes; Mr. Denning, yes; Mr. Fullenkamp, yes; Mr. Schock, yes; and Mayor Flaute, yes. **The motion passed.**

d. Resolution No. 11-R-1527 by the Council of the City of Riverside, Montgomery County, Ohio approving the City Manager's appointment of two members to the Tax Incentive Review Council.

Mr. Chodkowski said this resolution is to appoint the city's membership to the Tax Incentive Review Council and is annual reoccurring legislation before this body.

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A motion was made by Mrs. Reynolds to approve Resolution No. 11-R-1527. Mr. Fullenkamp seconded the motion.

Mr. Schock asked how often this was passed prior to even when he was on Council. Mr. Chodkowski said the TIRC has the ability to oversee several different types of abatement programs so it depends on what property we are hearing, in most instances it is related to the Enterprise Zone. He said this specific TIRC was set up by the Enterprise Zone 12 or 13 years ago for Wright Point I. He said this TIRC also serves as the CRA, Community Reinvestment Areas board.

With no further discussion, a roll call vote was as follows: Mrs. Reynolds, yes; Mr. Fullenkamp, yes; Ms. Campbell, yes; Mr. Denning, yes; Mr. Schock, yes; Deputy Mayor Smith, yes; and Mayor Flaute, yes. **The motion passed.**

e. Resolution No. 11-R-1528 declaring the Life Pak 12 Heart Monitor, serial number 13205156, to be surplus and authorizing its trade-in.

Mr. Chodkowski said this resolution declares a Life Pak 12 Heart Monitor to be surplus and authorizing its trade in.

A motion was made by Mrs. Reynolds to approve Resolution No. 11-R-1528. Mr. Denning seconded the motion. A roll call vote was as follows: Mrs. Reynolds, yes; Mr. Denning, yes; Ms. Campbell, yes; Mr. Fullenkamp, yes; Mr. Schock, yes; Deputy Mayor Smith, yes; and Mayor Flaute, yes. **The motion passed.**

Mayor Flaute asked who was donating the funds. Mr. Chodkowski said he would have to check who made the original donation but it came from a resident that bequeathed \$20,000 to the city, specifically the Fire Department. Mayor Flaute asked if there were any members of the community that are related to this individual that we can thank. Mr. Chodkowski said yes; Chief Turner did send a personal thank you note to the family of the deceased who provided the funds.

f. Resolution No. 11-R-1529 setting forth appointment of Penny L. Humerick to the Property Maintenance Appeals Board to a two year term beginning February 15, 2011 through February 14, 2013.

A motion was made by Mr. Fullenkamp to approve Resolution No. 11-R-1529. Ms. Campbell seconded the motion. A roll call vote was as follows: Mr. Fullenkamp, yes; Ms. Campbell, yes; Mr. Denning, yes; Mrs. Reynolds, yes; Mr. Schock, yes; Deputy Mayor Smith, yes; and Mayor Flaute, yes. **The motion passed.**

g. Resolution No. 11-R-1530 setting forth appointment of William C. Weaver to the Multimodal Transportation Commission to a three year term beginning February 19, 2011 through February 18, 2014.

A motion was made by Mrs. Reynolds to approve Resolution No. 11-R-1530. Deputy Mayor Smith seconded the motion. A roll call vote was as follows: Mrs. Reynolds, yes; Deputy Mayor Smith, yes; Ms. Campbell, yes; Mr. Denning, yes; Mr. Fullenkamp, yes; Mr. Schock, yes; and Mayor Flaute, yes. **The motion passed.**

h. Resolution No. 11-R-1531 setting forth appointment of Jim Wellman to the Multimodal Transportation Commission to a three year term beginning February 19, 2011 through February 18, 2014.

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A motion was made by Mrs. Reynolds to approve Resolution No. 11-R-1531. Mr. Fullenkamp seconded the motion. A roll call vote was as follows: Mrs. Reynolds, yes; Mr. Fullenkamp, yes; Ms. Campbell, yes; Mr. Denning, yes; Mr. Schock, yes; Deputy Mayor Smith, yes; and Mayor Flaute, yes. **The motion passed.**

i. Resolution No. 11-R-1532 setting forth appointment of Ellen Fletcher to the Multimodal Transportation Commission to a three year term beginning February 19, 2011 through February 18, 2014.

Deputy Mayor Smith said he would like to table this resolution pending the minutes from the last meeting. He said he didn't think they had appointed this individual to that committee but he would like to get that straight with the reading of the minutes. The clerk said she has done the minutes to that point in the meeting and Council had not requested this legislation. She said she put the legislation on the agenda because she was doing the packet before she did the minutes but later found that they had not asked for this resolution.

Mr. Schock said if the minutes reflect that we didn't appoint her then we need to back up and appoint her then pass this resolution.

Mayor Flaute asked the clerk if she has talked with Mrs. Fletcher. The clerk said no; Ms. Wolfe sent emails out to the Multimodal Transportation Commission members to tell them they needed to be at the last meeting. She said Mrs. Fletcher was going to attend the meeting on the 20th but she didn't know if it caused a problem for Mrs. Fletcher when that meeting was cancelled and we rescheduled to another night; she never heard.

Mayor Flaute said so the reason we want to table is so that we can have a discussion with her and see what her schedule is going to be. Deputy Mayor Smith said the reason we want to table is as per the clerk, we didn't ask for the legislation to be brought forward to appoint Mrs. Fletcher.

A motion was made by Deputy Mayor Smith to table Resolution No. 11-R-1532. Mr. Schock seconded the motion. A roll call vote was as follows: Deputy Mayor Smith, yes; Mr. Schock, yes; Ms. Campbell, yes; Mr. Denning, yes; Mr. Fullenkamp, yes; Mrs. Reynolds, yes; and Mayor Flaute, yes. **The motion passed.**

Mayor Flaute asked the clerk to get in touch with Mrs. Fletcher and ask her to come in to see Council as soon as possible.

ITEM 19: REPORTS: There were no reports.

ITEM 20: PUBLIC COMMENT ON NON-AGENDA ITEMS: Mrs. Reynolds said she asked Mr. Wiggins to come to Council this evening because he is having a problem in his community and she asked him to speak tonight. She said she appreciated him being here.

Mr. Paul Wiggins of Sheller Avenue said he has lived here 43 years and he was going to bring his neighbor tonight but he became ill. He said his neighbor has lived here since 1965 so we have a total of 84 years in our neighborhood. He said he was a former COP (Citizen on Patrol) when we still had that program. He said he wanted to bring to Council's attention a speeding problem in his neighborhood; it's one of those things where nobody really has an answer or a solution. He said the speed limit is 25 MPH in his neighborhood but cars are speeding through there like they are on the freeway, flying in from the Sanford Plat and it's not just 2 or 3 miles over.

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Mr. Wiggins said he has a rural mailbox and has to cross the street to get his mail and you have to be extra careful because of the speeders. He said we have people walking dogs, kids riding bikes, a normal neighborhood but we are subject to being hurt. He said he has talked with the Chief and emailed the Deputy Chief about this problem last year and it's still going on. He said there's no excuse for safety; it's not a money thing, every city has a money crunch. He said signs were put up that say Slow, Children at Play but the signs were put on the wrong street in his opinion and not on the traffic flow problem that there is on Sheller Avenue. He said Sheller Avenue is a long street going up a hill towards Spinning Road from the Sanford Plat.

Mr. Wiggins said you can have all the speed limit signs you want but people are not going to recognize them unless you have enforcement. He said the person who had these signs put up, had the signs put on the wrong street; the traffic flow isn't there, it is on Sheller. He said that person doesn't live in the area and they don't know where the traffic flow is coming from.

Mr. Wiggins said he's not telling the police what to do; they are doing a fine job, but it's only common sense. He asked if it was going to take a catastrophe. He said the cars are coming out of Sanford Plat and are driven mostly by young adults; they come from other areas and they don't have any regard for safety. He said in his opinion the police have a lot to do; they have their hands full and they are doing a good job, but if you see a cop, you are not going to speed in front of the cop, if you can't be seen then you can't catch that person.

Mr. Wiggins thanked the city for the signs but said they need to be put on the right street. He said citations also need to be handed out with an aggressive speeding crack down. He said he didn't want to see any injuries or fatalities or anything like that. He asked how he should deal with this to get something done.

Deputy Mayor Smith asked what street the signs were put on. Mr. Wiggins said the signs were put on Dora, a very short street coming from Eastman that leads to Sheller. He said the cars come flying out of that plat and you better watch yourself. He said he has house numbers and license plate numbers of these people but he doesn't want to confront them, it's not his job.

Mr. Fullenkamp asked if there were multiple stop signs on this street or just a long strip. Mr. Wiggins said it's a long strip. Mr. Fullenkamp said that's a problem we have in some of our neighborhoods, we have the long strips and when people get rolling, they go. An audience member said but they don't pay attention to stop signs either.

Mr. Wiggins said he has a scanner he listens to and the police are doing a good job but they are pulling people over everywhere but in his area. He said he knows that's not 100% foolproof but he hears a lot of stuff and we need to do something; citations or whatever it takes.

Mayor Flaute asked Mr. Wiggins to see the City Manager after the meeting. He said we will watch what goes on and he thanked Mr. Wiggins.

Mrs. Reynolds said Mr. Wiggins contacted her last year and she made it a practice to go into that neighborhood; she, the City Manager, and the Police Chief have had conversations about this. She said it's a down hill grade and she has sat and just watched; there are a lot of children walking close to the street, and she appreciates the signs that were put up but Mr. Wiggins is still having a problem. She said we need to see if there is something else that might help because heaven forbid that one of those children should ever get hurt over there. She said there are a lot of children playing,

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it's a young neighborhood. She said she asked Mr. Wiggins to come here tonight because she is out of ideas and she knows the City Manager and the Police Chief are probably as perplexed as we all are; we don't have the resources to sit an officer over there, so if anyone can think of anything, she's sure it will help the whole neighborhood. She said she has talked with several people over there and she knows this is a concern.

Mayor Flaute said we need to see what we can do for the folks over there. He said there are a lot of young children in a neighborhood without sidewalks and it's something we need to address.

ITEM 21: COUNCILMEMBER COMMENTS: Mr. Denning said the Relay for Life Kick Off meeting is this Monday at Stebbins High School so if anyone has a team or wants to put a team together the meeting is at 6:30 p.m. He thanked staff for everything they do.

Deputy Mayor Smith thanked the Service Department for the great job they did during the ice storm; they got our cleared main thoroughfares and made it very nice. He said however, it's going to get very cold tonight so all that melted ice is probably going to freeze again. He said they did a good job on the downed trees along Woodman Drive. He said excellent job with the storm we had.

Ms. Campbell asked what kind of weather was expected; she thought she heard snow being predicted. Mr. Chodkowski said 30% chance of snow Saturday, 30% chance Sunday, and 40% chance on Monday. Mrs. Reynolds said 8 inches was the last prediction she heard for Monday.

Deputy Mayor Smith asked where we were on the salt delivery. Mr. Chodkowski said the trucks began arriving from Cargill today so we are back in business. Deputy Mayor Smith asked how much we borrowed from our neighboring communities. Mr. Miller said we borrowed 18 truckloads at 7 ½ tons per truckload; 10 from the City of Dayton and 8 from Montgomery County. He said we had 2 other volunteers lined up, wonderful communities providing their support.

Mr. Fullenkamp thanked the Service Department and thanked the City Manager; he said they had a phone call early yesterday morning and he was expressing his concerns about the safety of our residents and any power outages that lasted for an extended period of time. He said he was happy we responded and he thought they needed to look at those kinds of emergencies that seem to happen every 5 years; ultimately we need to inform our citizens before the event verses after the event and that is something we can work on. He said he was happy to see the salt truck come by his house a couple times yesterday.

Mayor Flaute said he would like to have someone from the emergency group come in and talk to Council He said he is concerned that the only shelters were in Beavercreek or out by I-70 and Brandt; that's not good for our residents especially in a crisis. He said he didn't know how we could deal with that but it's not a good situation. Mr. Chodkowski said the group most appropriate to talk to would be the American Red Cross. He said there are several pre-qualifiers you have to submit then they will select sites to be designated for shelters. He said depending on the event determines what shelter they open and in what order. He said we can contact Red Cross and see what locations in Riverside might be applicable that would meet the criteria to get on the list; however being on the list does not necessitate the shelter being opened for every event.

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Mr. Fullenkamp said people need to know where to go before an event happens; if we could at least have collection centers where people could come to get information and directions or maybe transportation. He said if people had an assigned area in their neighborhoods just to get information it would help and it's something we can talk about.

Mayor Flaute said he would like to see the Red Cross come in; there must be some criteria for that and he would like to hear that.

Mr. Denning said there's nothing that says we have to leave it up to the Red Cross; if we want our own emergency center and we can get our own volunteers. He said we could have our own citizens' volunteer committee that when this kind of thing happens the City Manager could call someone that calls the volunteers in; we have the Lions, the Jaycees, the VFW, the American Legion, and all these volunteer groups. He said we just need that initial infrastructure and someone to organize it. He said the Red Cross is great but if they aren't meeting the needs of our community it doesn't mean we can't come up with our own or feed off of what they do or help them help us.

Mr. Fullenkamp said again the key is to inform our citizens before the event. Mr. Denning agreed and said but if we want our own, sometimes we have to do it ourselves.

Mayor Flaute said if someone is tech savvy enough the message can be put out on cell phones; the schools put out the message when schools are closed to anyone who wants to be on the text list. He said we just need to put out a message that says we know you are out of power and this is where you can go for shelter.

Mr. Denning said this might be something we put on the Health and Safety Commission's agenda to at least give us suggestions on what to do; that's kind of what they are there for. Mayor Flaute agreed.

Deputy Mayor Smith said he couldn't see making people go to a shelter just because we are going to have a severe thunderstorm or snowstorm. He said a lot of people will elect not to go and you will have volunteers show up to put this all together and no one shows up. He said same thing for preparing meals, there could be a lot of waste if the snow doesn't come or the power doesn't go out. He said it could be a false alarm. Ms. Campbell said maybe you wouldn't have people go to shelters until 8 hours after an event.

Mayor Flaute said maybe the Red Cross would be the group to come in and tell us how to do that. He said he was only going to spend one more night at his house, it got down to 50 degrees but the power came back before he had to do that. He said he was getting ready to go to a shelter and he's sure other people in the city were too.

Mrs. Reynolds said on a more serious note during this event, 2 people died and 3 people were taken to the hospital because of using space heaters in their homes. She said a State Trooper and his wife died because the generator in their garage caused carbon monoxide. She said we need to alert people ahead of time that if they are going to use generators that this is the safest way to do it. She said 2 people dead and 3 people hospitalized in a hyperbaric chamber is not anything we would want to go through or see a family member go through. She said there are just some silly things we need to tell people about sometimes because we don't think.

Mrs. Reynolds thanked staff for all they do. She said she knew it was difficult for everyone to get to work a couple days this week. She said Council Members were all out surveying their own neighborhoods to make sure things were as well as could be

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expected and she appreciated them doing that. She thanked the clerk and thanked the audience members for coming in.

Ms. Campbell said on her way here tonight she saw a telephone pole at the corner of Rohrer and Rondowa that had a big generator chained to it and she wondered why. Mr. Chodkowski said it wasn't one of ours but he would check in to it.

Mr. Shock wished everyone a good night.

Mayor Flaute said he did receive several calls about what a good job the Service Department. He said he received a letter from Stebbins Student Senate thanking us for our donation. He said we also received a thank you note from Mr. Earl Reives; he was very touched and he even apologized for being emotional but he was emotional and overwhelmed by our recognition and for making him feel so welcomed.

Mayor Flaute said the Seniors put out a year end report of all the stuff they have done this past year and what they do for our citizens. He said Ms. Cole was the President but they have recently elected a new one. He said our Seniors are active and we need to get the word out.

Mayor Flaute said he got a letter from the ED/GE Members and they are asking for programs that ED/GE could fund in our community. He said a lot of times we leave that up to our City Manager or Economic Development Director to tell us some of the projects that are in the community but if a Council Member has any projects they can think of, bring those forward and we will at least have the City Manager and Economic Development Director talk about it. He said there has been a couple he has mentioned that did come to fruition, so we need all your input.

Mayor Flaute said Fisher-Nightingale sent a letter asking for donations for their silent auction. He said it's something that has been done in the past but hasn't been done in a while. He said he and Mr. Schock normally attend this event so they do get our support from that but does Council want to donate money for the silent auction.

Deputy Mayor Smith said he didn't think the city could donate money to that cause based on what the Law Director told us. Mr. Chodkowski said based on the Law Director's last discussion on this issue, if Council determines this to be a public purpose and the legislation is legally sufficient, she will approve it for Council to pass.

Mr. Schock said he thinks they should attend the event and show support personally by bidding on the silent auction items.

Mayor Flaute said the Ohio Municipal League has invited Municipal Officials to attend a luncheon Tuesday, March 22, in Columbus and they have asked us to extend personal invitations to our Senator and our Representative and they will try to seat us with them. He said if we have anything we want to talk about, lunch is a good thing to have with them. He said cost is \$50 for the first person and additional persons pay \$25 plus the drive up to Columbus. He said that might be a lunch well spent.

Mayor Flaute said he did 3 weddings this past week and those are enjoyable times. He said we are up to 78 and this is the best part of being Mayor.

ITEM 22: EXECUTIVE SESSION: There was no executive session.

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ITEM 23: ADJOURNMENT: A motion was made by Ms. Campbell to adjourn. Mr. Schock seconded the motion. A roll call vote was as follows: Ms. Campbell, yes; Mr. Schock, yes; Mr. Denning, yes; Mr. Fullenkamp, yes; Mrs. Reynolds, yes; Deputy Mayor Smith, yes; and Mayor Flaute, yes. The meeting was adjourned at 9:27 p.m.

William R. Flaute, Mayor

Clerk of Council