

Thursday, January 27, 2011

ITEM 1: CALL TO ORDER: Mayor Flaute called the Riverside, Ohio Special 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, present; Mrs. Reynolds, present; Mr. Schock, present; Deputy Mayor 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 Turner, Fire Department; Bob Gillian, Finance Department; Bob Murray, Economic Development; and Mitch Miller, Service Department.

ITEM 3: EXCUSE ABSENT MEMBERS: There were no absent members.

ITEM 4: ADDITIONS OR CORRECTIONS TO AGENDA: The agenda was revised prior to the start of the meeting to include item 18 (II) e, Resolution No. 11-R-1523.

Deputy Mayor Smith suggested removing the ordinance referenced to the bike path. He said his understanding was the last meeting we had for the residents was primarily attended by staff and very few residents were there. He said he thought they were putting the cart before the horse approving this before getting feedback from that neighborhood.

Mr. Denning said he didn't feel it was going to make much difference; Five Rivers MetroParks has told us this is where they have to put the path and all we will be doing is informing the residents of the final decision. He said he thinks if we take the ordinance off now we will just slow down the process.

Mr. Schock said he agreed with Deputy Mayor Smith. He said the bike path isn't there yet and we have some time to make sure the residents are fully satisfied with the one way street which is one of his concerns. He said he also wanted to make sure we could move the path in case of future development.

Mayor Flaute asked when the meeting with the neighborhood was scheduled. Mr. Chodkowski said the meeting will be here on Monday, February 7, 2011 at 6:00 p.m. He said 120 letters for property owners were prepared today and will be mailed tomorrow. He said Mr. Joe Zimmerman from MetroParks is scheduled to be here this evening to brief Council on the comments his board provided when they approved this last week.

Mr. Denning said we have to have two readings on this ordinance, so we can still do the first reading tonight. Mayor Flaute said our next meeting is February 3 which is before the meeting with the residents. The clerk said she wouldn't be able to put this ordinance on for a second reading until February 17th because of the advertising requirement. Mayor Flaute said that information makes him feel a little bit different about it; he thought it would be okay to do the first reading tonight and they would have a chance at the second reading to stop it if necessary.

Deputy Mayor Smith said he was okay with that but they may have to revise the letter going out to the residents. Mr. Chodkowski said the letter has already been revised based on the fact that Council wasn't able to act on the ordinance last week and he read the letter to Council.

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Council Members agreed the letter was sufficient and no changes were made to the agenda.

ITEM 5: APPROVAL OF AGENDA: A motion was made by Mr. Schock to approve the agenda as it was originally revised. Mr. Denning seconded the motion.

Mrs. Reynolds said she still had a question regarding Exhibit "A" for Ordinance No. 11-O-461 which indicates the 19 separate permanent easements and the 19 separate temporary construction easements with no documentation and all the information she believes is concerning to council is the fact that we have the right to move that path should development take place. Mr. Chodkowski said that information is in Exhibit "B" which is included in the packet.

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

ITEM 6: WORK SESSION ITEMS:

- a. Boards / Commissions Term Expirations – Member Interviews

Council spoke with Ms. Penny Humerick of the Property Maintenance Appeals Board whose term is expiring in February. Ms. Humerick said she appreciated being on the board and it made her feel like she was more a part of the community. She said she also enjoyed the spring banquet; getting to mingle with all the volunteers and being a part of the community. She said she would like to serve another term. Deputy Mayor Smith asked if she was still waiting to hear the first case. Ms. Humerick said no, they had a case in November. Mayor Flaute thanked Ms. Humerick for serving and said legislation would be brought forward for her re-appointment.

Council spoke with Mr. Bill Weaver of the Multimodal Transportation Commission whose term is expiring in February. Mr. Weaver said he didn't realize his term had an expiration date and he thought he had volunteered for life. He said he has gained a lot of knowledge and is enjoying it more and more. He said through his work, some of his outside sales accounts are with municipalities and he sometimes brings it up that he is on the Multimodal Transportation Commission. He said he has heard some good suggestions during those conversations. He said it's been an enjoyable experience and he would like to continue. Mayor Flaute said council appreciated his service and he hoped Mr. Weaver would continue to ask questions and get the information out.

Mr. Denning said most of the time serving on the boards and commissions usually is for life because finding volunteers is not the easiest thing in the world; until you decide to run for Council and move on.

Deputy Mayor Smith thanked Mr. Weaver for stepping up to the plate and filling the vacancy.

Mrs. Ellen Fletcher and Ms. Linda Gray's terms on the Multimodal Transportation Commission also expire in February. Mrs. Fletcher was not in attendance this evening and Ms. Gray does not wish to be reappointed. Mr. Jim Wellman has asked to be appointed to the vacant position left by Ms. Gray.

Mr. Jim Yount, a member of the Multimodal Transportation Commission said the commission would like for Council to consider Mr. Wellman for the open position. Mayor Flaute said he saw Mr. Wellman earlier this week and Mr. Wellman is going to

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try to make it to tonight's meeting. Deputy Mayor Smith said he would like to speak with Mr. Wellman before the legislation is brought forward.

Council spoke with Mr. Chuck Childers, Chairman of the BZA, whose term is expiring in April along with BZA members Gary Hendricks and Linda Gray. Mr. Childers said Mr. Hendricks is working second shift and couldn't be here tonight but he will be able to make the BZA meetings and wants to continue on the board. He said Ms. Gray couldn't be here tonight because she is traveling in Egypt but she also wants to continue on the board. He said he was on the BZA before we became a city and was one of the first members after we became a city. He said he has lived in Riverside since 1956, owns two properties in Riverside and his business is in Riverside. He said he loves being on the BZA, wants to stay on the BZA, and he thinks they are doing a good job. He said we had a complicated case the other night – 7 variance requests on one sign; we went through it and the Law Director was very pleased with how smooth everything went. Mayor Flaute said it was a very difficult case and we appreciate everything you do.

Deputy Mayor Smith thanked Mr. Childers for his hard work. He said he knew Mr. Childers put a lot into it. He said he was on the BZA when we first became a city and Mr. Childers was the chair then. He said Mr. Childers did a lot of research and put in a lot of effort. Mr. Childers said there have been major changes and things are done differently now; it's a lot more complicated.

Mayor Flaute asked if the recommendation is to bring forward legislation to reappoint the BZA members. He added that he forgot to ask for the Multimodal Transportation Commission. Deputy Mayor Smith said Mrs. Fletcher has only made it to 3 meetings out of 8; the problem is if they have too many absences, they don't get a quorum, and they can't have a meeting. Mayor Flaute asked about the BZA. Deputy Mayor Smith said he was okay with the BZA but was concerned about Mr. Hendricks being on 2nd shift. The clerk said she received an email from Mr. Hendricks that he couldn't make it tonight and there would just be a problem for the next three weeks.

Council spoke with George Lynch of the Planning Commission whose term expires in April along with Planning Commission members Sara Lommatzsch and Tony Rodgers who couldn't be at tonight's meeting. Mr. Lynch said the Planning Commission has been working on the Chapter 11 code rewrite and has labored through it since November of 2009. He said they got a draft of the final copy Tuesday evening and they need to go through it page by page. Mr. Denning asked when they expected Council would have their copies. Mayor Flaute said it's going through legal right now. Ms. Campbell asked if they could get a copy emailed. Mr. Chodkowski said the file is too big for email.

Mr. Lynch said it's been tough but hopefully we have a document we can all live with. He thanked Mr. Pete Williams and staff and said if it weren't for Pete, we would not have this document. He said Pete came in and recognized some of the problems we had with Chapter 11 and hopefully we've cleaned those up.

Mrs. Reynolds said Mr. Lynch and the Planning Commission have worked very diligently and have brought some very good points to the table. She said Council gets copies of the Planning Commission's minutes so we know exactly what's been said and done.

Mayor Flaute said Council won't see the document until after Planning Commission's next meeting which is in March. He asked Mr. Lynch if he recommended Council bring forward legislation to reappoint Mrs. Lommatzsch and Mr. Rodgers. Mr. Lynch said yes. Mayor Flaute asked Council if that was okay and Mr. Schock said a

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recommendation from the chairman is fine with him. Mr. Fullenkamp agreed. Mayor Flaute said we'll bring those forward.

b. Joint Work Session – Council / BZA / Planning Commission / Multimodal Transportation Commission

Mayor Flaute said we'll start off our joint work session with the BZA and he asked the members present to stand and introduce themselves. Present were Mr. Leon Ridley, Mr. Dan Teaford, and Mr. Chuck Childers. Mayor Flaute said the BZA has been working hard, meeting about every month for the past year. He asked them what their biggest challenge was. Mr. Childers said we have a good staff backing us up and preparing the cases for us; things run smoothly. Mr. Schock said he thought the challenge was 7 variances for one sign.

Mr. Fullenkamp said he has been to a couple of the BZA meetings and he is really impressed with the quality of work the BZA does; they seem to be very thorough, very fair, and stay within the rules - from his perspective. He said he really does appreciate it; Mr. Childers' background in law is reflected in the quality of his work. He thanked all the BZA members and told them to keep up the good work. Mr. Teaford said we all take it very seriously.

Mr. Denning said since we are in the process of going through Chapter 11, are there any ordinances the BZA sees regularly that maybe need to be reevaluated. Mr. Childers said there are things that come up but once they are done with a case, he forgets about it. Mr. Denning said now is the time, while we are revamping these ordinances, for the BZA to also have some input. He thanked them for their service.

Mayor Flaute asked if there were any problems with making sure the BZA gets a copy of the final draft. Mr. Chodkowski said we can make that happen but he would caution Council about accepting comments to make amendments to the code only from the standpoint that the BZA is the judicial arm in interpreting the code. He said there maybe some concerns with the judicial body providing advice and guidance to the legislative body. He said we would have to follow up with the Law Director to see if there are any issues.

Mr. Schock said a common denominator between the two boards is Mr. Williams. Mr. Chodkowski said Mr. Murray and Mr. Williams. Mr. Schock said the staff would probably bring an unfair condition to the attention of the Planning Commission to address. Mr. Chodkowski said he reviews the staff reports going to the BZA and the most common variances are related to signage, accessory structures, and set backs. He said most the sign variances are related to pre-existing nonconformities and a new business that is required to meet the new regulations. He said sheds are the same way; if you take out a nonconforming structure, you have to replace it with a conforming structure. He said set backs are typically older lots and we have newer legislation and districts which require set backs that don't conform to those lots. He said part of the legislation the Planning Commission is reviewing has language that has been softened as it relates to conformities; for example if someone is replacing a shed they can replace it with the same size provided they are not expanding the nonconformity. He said that will relieve some of those issues. He said we have also written in some comparative rules so a person can conform to their neighbors' properties.

Mr. Childers said if they have any problems with the new language or don't understand what's going on, we can pass that on to the staff. Mayor Flaute said there will be a lot of discussion on the new Chapter 11, especially on the sign code because he knows the business community is very interested in what changes may be proposed.

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Mayor Flaute thanked the BZA for coming and said Council appreciates all the work they do.

Mayor Flaute said we have heard some of what is going on with the Planning Commission and he asked Mr. Lynch if there was anything else he wanted to brief Council on that would be helpful in their efforts. He said he was sure there would be a lot of good comments from Council on the rewrite. Mr. Lynch said he hoped the comments were good; as he indicated earlier, there was a lot of blood, sweat, and tears that went into the draft of the new Chapter 11.

Mr. Schock said as Ms. Campbell mentioned earlier; can Council get a copy of the draft on a disc along with the printed copy. He said with a disc, you can do word searches if there is something you want to look at. Ms. Campbell said she mentioned email earlier and that can be done in sections.

Mr. Denning said he would like to see a copy of the rough draft just so he can start getting familiar with it. Mr. Chodkowski said currently we have the document being reviewed by ALT for its technical references and its value as compared to other codes. He said he believed the technical review is due back in two weeks and provided there are no significant technical issues, he would be more than happy to pass on the rough draft to Council at that time. He said Council will also have the ability to make changes when it comes before them, following Planning Commission's final review. Mr. Denning said he appreciates that but we need as much time as we can get to do the job right so the sooner we get the information, the better off we will all be. Mayor Flaute said we are going to hear from the community too.

Mr. Schock asked if the Law Director would be the last one to see it; he didn't think the Law Director should look at it and okay it before Council had the opportunity to make changes because then it would have to go back to her again. Mr. Chodkowski said the Law Director has been given the draft that the Planning Commission has been given and she will be given a copy of the technical evaluation as well. He said her component will be technical as well; she will review it against the Ohio Revised Code which he would assume Council will not want to change those types of technical requirements. He said if the proposal says signage can be 62 square feet and Council wants to change it to 10 square feet or 100 square feet; that is a discretionary item that the Law Director is not going to be concerned about; but when we say limit an adult business to be located within a light industrial district no closer than 1,000 feet to this or 500 feet to that; she is going to review those technical requirements against components in the ORC.

Mayor Flaute said one of the complaints at the BZA meeting which had the sign with 7 variances was they stated that the way our code was written they couldn't put up a sign anywhere in Riverside. He said that's an issue because if they don't have any opportunity then that's something the Law Director would have to be concerned about and ultimately, we would have to be concerned about. He said there are things like that which we have to watch out for.

Deputy Mayor Smith asked if there were changes to the adult entertainment. He said he wrote that language years ago and it was pretty stiff. Mr. Chodkowski said the current language allowed it to occur in a B-3 District so it had the availability to be closer to regular commerce locations than what we would prefer; we provided to move it into a zoning district that had more stringent requirements as far as lot sizes and set backs. He said we provided some additional definitions which currently didn't exist and have come about through litigation on these issues in the last 15 years. He said we didn't go to any length to make it easier to establish an adult business within the city but we did go through the effort to clarify what we all considered an adult business as well as to provide some more stringent demands on where they can be located and we

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do know how many parcels in the city qualify. Deputy Mayor Smith said when he wrote that language years ago, he was told that he couldn't zone them out and at that time there were only two locations where they could be located and one of those burned down. Mr. Chodkowski said the definition today of an adult business extends well beyond a dance parlor; it includes all types of media. Ms. Campbell asked if they served liquor. Mr. Chodkowski said they could but liquor licenses are controlled by the State.

Mayor Flaute thanked Mr. Lynch. He said we will move on to the Multimodal Transportation Commission and he asked the members to stand up and introduce themselves. Those present were Jim Yount, Lori Luckner, Bill Weaver, Yolanda Truckenbrodt, and Donna Clendening.

Mr. Yount gave a report on items the commission has been working on. He said some of our members got together with our seniors to talk about senior transport and we don't really have a program in Riverside. He said Mrs. Fletcher and Mrs. Truckenbrodt talked with various people and after checking around with various churches and different avenues and seeing there were programs other people had for computers to take care of these sorts of things, we decided this is something we will continue to help with but it is really under the purview of the Health and Safety Commission. He said they have agreed to take it over and as of tonight at 7:00 p.m. our people are going to meet with them and they are going to run with this. He said we will continue to help them with it. Mayor Flaute said good for you guys.

Mr. Yount said we are working on the Complete Streets Policy and we've met with MVRPC and Mr. Murray has been the point man on that. He said on February 7th, 9th, and 10th, we have 3 work sessions set up and our goal for the first street will probably be Spinning. He said we've gotten an agreement that the new bridge is going to be constructed in 2014 and there will be a bike path across the bridge. He said another of the things we have to worry about is when this place disappears and the new interchange comes in that we have them work with us to continue the bike path through here so we don't have a bottleneck. He said the bridge on the Mad River is on the same thing; you have approved the bike path and we've had success in getting the City of Dayton to put that up.

Mr. Yount said Mr. Weaver has worked on a Five Rivers MetroParks organizational chart so we can have contacts there but it changes often.

Mr. Yount said for RTA, we've gotten bus stops at Airway and Harshman as well as on Woodman by Dr. Gupta's. He said that was a success story; we had new sidewalks put in as well as a new bus stop that is lighted. He said the people there are real happy with it and we've gotten a lot of use out of it. He said we got a contribution up front from Dr. Gupta to help us with this and funds from RTA so the city didn't have to put out any funding. He said we also complied with the ADA and we have a real nice spot there that looks good. He said this is the kind of thing we are hoping to continue with and we have one coming before Council. He said we hope to put two more at the Spinning /Burkhardt area near Kroger.

Mr. Yount said another item we've worked on is our Safe Route to School program. He said we've worked with the school board and we are hoping to get a safe route established to the middle school which will also help us with the high school. He said we are hoping to tie this into our Complete Street Program and run this down Valley Street to Union Schoolhouse, improving the looks of the community and the usage of this corridor.

Mr. Yount said we are constantly looking for anything we can tie into this; we had our train station taken away but we are still looking for other ways we can help punch up

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the area over there, maybe light rail or trolleys. He said we are always looking for other ideas we can use as a means for promoting our city and promoting prosperity for our citizens. He introduced Lori Luckner, the new Chairman for the Multimodal Transportation Commission.

Mrs. Luckner said she will be taking over as Chair and when she gets done here tonight, she will be going to the Health and Safety Commission meeting to help with the senior transportation program which we believe will be a huge benefit to the community, she knows it's needed. She said hopefully we will continue on with the RTA Grants; the work sessions for the Complete Streets will also help us in identifying where we need bus stops and complete streets, combining some of this into one and helping us to be a little more organized. She said there are a lot of things we will be working on this next year and she looked forward to the next report of how we are getting along.

Mayor Flaute said you keep them shook up down at the county; when he runs into Mr. Litman and Mr. Gunner, they talk about you guys and that's good; that is an excellent thing. He said you guys are doing a great job. He said he didn't know what we were going to do when we closed down that bridge because there is no good way to get around it. Deputy Mayor Smith said he thought they would just close down one lane. Mayor Flaute said the engineer stated that would take three times as long if we do it that way. He said he knew that is one thing the Multimodal Transportation Commission is dealing with and it makes our life a lot easier. He said we sure do appreciate that a lot.

Mayor Flaute asked if the City Council Ex-Officio was working out all right. Mrs. Luckner said after a rough start; we send him an email to remind him once and a while. Mayor Flaute said don't let him run you over or talk too much; you're not too bashful to settle him down.

Mayor Flaute said that's one thing he didn't understand, why some commissions have council members and some don't. Mr. Schock said we can amend that. Mayor Flaute said there is good and bad about it; he attends Planning Commission and he hasn't been making many comments about the rewrite because it will be coming to Council. He said from the Multimodal Transportation Commission's reaction; they seem to like having a Council representative. Everyone agreed it had been working out.

Mr. Denning said he thought Council needed someone on each of the commissions just to make sure they are going in the direction that Council thinks is the direction the city needs to go. He said we have staff here also but this is a direct feed into those commissions and he thinks it helps both parties; the Council member can report to Council and the Commission members get direct information from Council. He said if a commission gets 6 months off into a direction we don't want them to go, then that's a bad thing. He said when he was on the Parks and Recreation Commission it would have been nice to have someone from Council there to make sure we were going in the right direction.

Deputy Mayor Smith said the benefit to that is Council knows the long range plan for the city and the boards aren't privy to that information.

Mr. Fullenkamp said do we think it is necessary to have ex-officio members or can we just assign a Council member to be at meetings. Mr. Schock said he thought Council would want to be a part of the commission and being an ex-officio would make them a part.

Mayor Flaute said he's looking for consistency; whatever we have with the Planning Commission and the Multimodal Commission. Mr. Chodkowski said he believed the

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Multimodal Transportation Commission advises Council but the Parks & Recreation Commission and the Health & Safety Commission advise the City Manager's office. He said in the event Council wants to change the legislation to set up ex-officio membership; they could also change the language that Parks & Recreation and Health & Safety advise Council.

Mr. Fullenkamp asked what the rationale was for having an ex-officio on Multimodal and Planning. Mr. Murray said for Multimodal it was to have a champion for whatever the commission brought forward. Mr. Denning said it was also good that when he went to the meetings as ex-officio and only 2 or 3 people showed up; the first thing he thought of was we needed to expand the membership to 7 to help accommodate a quorum. Mr. Murray said to him it was not continuing in a vacuum; we could bring up an idea, spend 6 months on something, and find out it's not something Council is interested in; that would be a waste of time.

Mr. Chodkowski said in his experience with the Parks & Recreation Commission and the Health & Safety Commission, a lot of what they do is consulting and recommending to the City Manager's office on how those dollars appropriated to them should be spent. He said it wasn't necessarily setting long term policies.

Mr. Denning said the one long term policy brought forward by the Parks & Recreation Commission was who gets to use what park and when; that had been an issue for several years. He said that could possibly have been brought about quicker had someone from Council been coming to the meetings.

Mayor Flaute said he thought it would be good to have legislation that would make them all consistent. Mr. Chodkowski said we would bring back legislation with language that the Council member would be the ex-officio member and staff would only be there for support because you will be changing the function of what those commissions are for; they will no longer be to advise operation to the City Manager's; they will be to advise policy to Council.

Mayor Flaute thanked all the board and commission members for coming in and said Council did appreciate all their work.

Mr. Jim Wellman arrived at the meeting and Mayor Flaute asked him to come forward. Mr. Wellman said he has expressed his desire to be a member of the Multimodal Transportation Commission a number of different times and really didn't have anything to add to that.

Deputy Mayor Smith asked Mr. Wellman if he was aware that the State sent back the money for the train and the issue is dead. Mr. Wellman said yes. Deputy Mayor Smith said he doesn't want Mr. Wellman to take up the commission's time talking about the train. Mr. Wellman said he won't but he will talk about various other forms of mass transportation for our city such as light rail, intercity, etc. He said he won't be talking about the 3C – that money has been sent back. He said there are other things to talk about such as public/private partnerships. He said the mass transportation in this region is bad and we have to do something about it. He said Riverside is in the position to help and prosper.

Mayor Flaute said one of the things that came out in the news not too long ago was they are trying to get a train track to go from the airport to downtown Dayton; it's only for freight right now, but why; maybe we can have passengers too and maybe it can come to Riverside. He said he didn't know enough to talk extensively about it but it is something we need to consider; a light rail to take people from the airport to Riverside and to the Air Force Museum. Mr. Wellman said there was a discussion in the paper last fall about a light rail that would begin at University of Dayton, come down to the

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Third Street hub, go right on First Street to come by the ball diamond, then go to the Air Force Museum; it would be the beginning stages of the light rail and is a few years down the road. He said there has been talk also about a big loop between Riverside, Fairborn, Springfield, and Yellow Springs. Deputy Mayor Smith said something like that would be a long term project. Mr. Wellman said they are all long term.

Mayor Flaute said they are also talking about doing that loop with buses.

Mr. Schock asked Mr. Wellman if he was considering running for Council, why should they appoint him to the Multimodal Transportation Commission. Mayor Flaute said we welcome anyone to run for Council. Mr. Schock agreed and said this is his last year and he won't be running for re-election; but his point is, we are looking for somebody to place on this commission long term. Council decided to bring forth legislation to appoint Mr. Wellman to the Multimodal Transportation Commission.

c. Discussion: Council Packet Availability to Public

Mayor Flaute asked what our policy was right now – our options and costs. Mr. Chodkowski said besides posting the agenda online, we are required to have a copy of the full packet in the office to present to any member of the general public who comes in and requests it. He said typically we are very lenient in applying the reimbursement cost for the information because we want people to have it.

Ms. Campbell said the Sunshine Laws state that you can't charge an unreasonable cost in order to discourage people from getting the information and public records requests should be made available immediately with no unreasonable delays. She said it further states that confidential items can be withheld as defined in the Sunshine Laws as something discussed in executive session.

Mr. Denning said right now we put out just the agenda and he would like to see more information available. He said when you are sitting in the audience with just an agenda it is very confusing and he would like to see maybe five copies of the packet available for people to use during the meeting. Ms. Campbell said people can call in ahead of time; why waste paper if nobody wants it. Mr. Denning said if we lay out 5 copies and 3 are left then we know next time not to put so many out; it helps if we already have it printed. Ms. Campbell said they can let us know ahead of time. Mr. Chodkowski said he believed our public records policy states that if you request a packet, we will provide a packet for up to 90 days until you request it again.

Ms. Campbell asked if the packet could be emailed. Mr. Chodkowski said no; we don't provide the packet in an electronic format. He said we have the ability to make the documents available but we need to know for how long and to whom we are making them available. Mr. Denning said we need to put that information in the newsletter so people know they can get it.

Mr. Schock suggested residents should get the information for free and anybody outside the city would be charged. Mr. Chodkowski said he would caution against that; right now, based on the number of requests we have, we don't incur a significant cost but if you are going to advertise to every resident that they can call in advance and have a packet mailed to them.... Mayor Flaute said that would be a lot of postage. Mr. Chodkowski said additionally, based on how our copier system is set up, every page that is copied is a cost. He said right now the cost to copy packets is relatively minor but to mass produce 50 packets, the cost would be significant.

Mr. Fullenkamp said that is why we have to get to electronic distribution; that is the ideal way to handle this situation, especially if we get multiple requests. Mr. Schock

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agreed; electronic would be great, it would be right on our website and we are moving that direction.

Mayor Flaute asked if there would be staff available during the work session to make a copy of the packet if someone comes in and requests it. Mr. Chodkowski said we can take every step to accommodate them in whatever fashion Council would like best. He said we might not have the ability to go electronic in all avenues but we might be able to put on some basic legislation. Mr. Fullenkamp asked why he said that. Mr. Chodkowski said not every document is available electronically and he cited the financial statement as an example. He said he doesn't handle the website specifically but they might be able to insert some items at a quicker pace than other items. He said the packet is assembled Friday morning for delivery on Friday afternoon; by the time staff can get it scanned, turned it into PDF files, and get it uploaded, it will be the next Thursday morning. Mr. Fullenkamp said it shouldn't be that long; it just depends on what tools staff is given. He said he would work with them on that but first we should see how many requests there are.

Mr. Chodkowski said he would have Mrs. Knisley see how many people were looking at the agenda on our website. He said based on what we do count, we know employment opportunities and minutes are popular. Mr. Fullenkamp said part of the reason people may not use it very much it is because there is not much information there. He said if people knew they could get more, then he didn't know what the count might be. Mr. Chodkowski said for those that do go to the website maybe that is a notation we put on the agenda that if they would like a copy of the complete packet in advance of the meeting to contact city hall. He said that will tell us people are reading it and they do want the information.

Mayor Flaute said he thought for those who wanted the packet it should be made available here; he didn't think we should get in to sending it out. Mr. Chodkowski said right now we can handle the demand; the people who request the info are the Dayton Daily News and the Dayton Business Journal as well as a few residents that have requested just the agenda and we handle that on a regular basis. He said having the information available on the website on how to get a full packet we will work out internally; once we get some experience on that we will be able to answer questions a little bit better. Mayor Flaute said we can see what the demand is also.

Deputy Mayor Smith said he thought copies of the ordinances we are going to read should be made available at the meetings for people to pick up when they come in. He said people could be prepared to ask questions at the second readings. Ms. Campbell said people can also download the ordinances from the website. Mr. Chodkowski said we typically don't provide that information in electronic format. Ms. Campbell said that is on the website. Mr. Chodkowski said the codified ordinances are on the website and those are updated once a year. Mr. Schock said it's still there.

Mayor Flaute said if someone requests a packet for 90 days and wants it mailed are we going to allow that. Mr. Chodkowski said he would have to look at the legislation Council passed in regards to its record policy; there is a point where we begin to charge. Deputy Mayor Smith asked why we couldn't put it in a brown envelope and leave it at the front desk for someone. Mr. Chodkowski said because we have to do what they request.

Mrs. Reynolds said she felt that they needed to establish exactly how they are going to handle distributing packets before they put out the word to the citizens that they can request a packet. She said being new; there could be 200 people request packets right off so we need to establish how much we are going to charge to copy it and mail it. She said it's only fair to advertise the cost up front and it's only fair to our resident taxpayers because 200 packets going out every month could cost \$1,700 to \$1,800.

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Mrs. Lynn Domescik asked if the city had a scanner. She said at the Chamber, they scan items all the time to send out. She said if she looks over the agenda, she might see a portion of the packet she wants to read more information on but she didn't think that would require the whole packet. She said if the packet was available electronically people could read it at their leisure and print out what they wanted.

Mr. Fullenkamp said Mrs. Domescik is correct; he scans the packet which is how he gets it into his computer. He said it's not a big deal and the city scanner does PDF files, so he didn't think there was even a need for any software. He said he agreed that electronic distribution would be the best approach but he didn't sense that we were ready to do that right now.

Ms. Campbell said you just need to count up a packet and see how much it will amount to in cost. Mr. Chodkowski said every packet is different but what we can say is so many pages are free and beyond that, black and white pages are so much per page, color pages are so much per page, and then the postage. He said we can't say how big the packet is going to be until the day the packet is done.

Mayor Flaute said he thought the City Manager knew what they were looking for so we'll see what he comes up with at the next meeting.

ITEM 7: RECESS: The Council took a recess 7:49 p.m.

ITEM 8: RECONVENE: The meeting was reconvened at 8:05 p.m.

ITEM 9: PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE IN REMEMBRANCE OF CORPORAL DEREK C. DIXON:

Mayor Flaute led all those in attendance in the pledge of allegiance.

Mayor Flaute said one of our residents, Corporal Derek C. Dixon, was 20 years old when he was killed in Iraq on June 26, 2007. He said Derek initially joined the United States Marine Corp July 9, 2004 and he was an Information Specialist. He said Derek was serving in Iraq since March 25, 2007. He said Derek was a graduate of the Mound Academy in 2005 and he was buried in the Forest Hill Memorial Gardens with Full Military Honors as a War Hero.

Mayor Flaute said January 14th was Corporal Derek Dixon Day in the City of Riverside and he asked for a moment of silence in remembrance.

ITEM 10: MINUTES: Consider approval of the minutes for the January 6, 2011 Council meeting.

A motion was made by Mrs. Reynolds to approve the minutes as written. 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.**

ITEM 11: COMMUNICATIONS: There were no communications.

ITEM 12: PRESENTATIONS: There were no presentations.

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

ITEM 14: PUBLIC HEARINGS: There were no public hearings.

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ITEM 15: CITY MANAGER'S REPORT:

- (1) FYI Items
 - a. Council Request Sheets.
 - b. Council Agenda Calendar.
 - c. Weekly City Manager's Report.
- (2) Monthly Reports
 - a. Fire Department
 - b. Police Department
 - c. Service Department
 - d. Planning and Economic Development
 - e. Finance Department

Mr. Chodkowski said you have my report as well as supplemental reports from Staff and he would be happy to answer any questions. He said in addition, there were a couple documents left at Council's seats tonight with the first being a cover memo along with a copy of the current tax law within the city which was requested during our budget discussions. He said Mr. Gillian was able to confirm today that a representative from RITA will be here on February 17th to discuss how they enforce the legislation on the city's behalf. He asked Council to please review the information and if they had any questions to let him know so he could get those to RITA in advance so we can make the presentation as informational as possible.

Mr. Chodkowski said the other packet that was left for Council is a proposal from Forest City which is for Council's review in advance of the February 3rd meeting. He said Mr. James Richardson, Vice President of Development for Forest City, will be here on February 3rd to make a presentation on this proposal. He said this covers development strategy and marketing information so this will be discussed in executive session and the work session has been cleared. He said to please keep in mind that the information is for Council's consumption only and any questions they might have can be addressed to him or Mr. Murray.

Mr. Chodkowski said the last information that was not included in the packet is a request from Mr. Murray and the Planning Commission for Council to schedule a public hearing for February 17th to hear a text amendment regarding minimum lot size for cemeteries.

A motion was made by Mr. Denning to schedule the public hearing of a proposed text amendment for February 17, 2011. Mr. Schock seconded the motion. A roll call vote was as follows: Mr. Denning, yes; Mr. Schock, yes; Ms. Campbell, yes; Mr. Fullenkamp, yes; Mrs. Reynolds, yes; Deputy Mayor Smith, yes; and Mayor Flaute, yes. **The motion passed.**

Deputy Mayor Smith asked if the building at Rohrer Park, that had to have a water line replaced, was winterized. Mr. Miller said part of the building it winterized and part is not. He said it is being used randomly; the temperature is set at 55 degrees but there was a heating problem in the concession stand which caused the lines to freeze. He said it is utilized by the Police Department and other Departments. Deputy Mayor Smith asked if the bathrooms were functional and Mr. Miller said yes.

Mayor Flaute said in the manager's report there was discussion of a noise wall analysis and he asked if ODOT planned to put one up in the city. Mr. Miller said they

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have plans to put some up but he hasn't seen the plans yet. Ms. Campbell asked where. Mr. Miller said on Rt. 35. Mayor Flaute said to please let us know because he personally isn't a big fan of those and would like to have a discussion before they get too far. Mr. Miller said that is part of the reason for the public review, to receive positive and negative input. Mr. Chodkowski said it is in regard to the lane addition that is forth coming which isn't scheduled until 2015. Mr. Miller said the date has been moved out to 2017 but again it just depends on when they get funding.

Mayor Flaute said the monthly overtime for the Service Department is just terrible but they are doing a great job with the roads; he hasn't gotten the first call yet.

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-461 granting easements on city lands to Five Rivers MetroParks in order to unify certain segments of an existing bikeway. (FIRST READING)

Mr. Chodkowski said pursuant to discussion by this body at a previous meeting, this ordinance is to provide for the granting of easements and the approval of the memorandum of understanding between the City of Riverside and Five Rivers MetroParks for the construction of the Mad River Recreational Trail through the City of Riverside.

A motion was made by Mr. Denning to read Ordinance No. 11-O-461 for the first time in its entirety and approve its first reading. Mr. Fullenkamp seconded the motion.

The Clerk of Council read Ordinance No. 11-O-461 for the first time in its entirety and Mayor Flaute asked Mr. Chodkowski to introduce Mr. Zimmerman.

Mr. Chodkowski said he asked Mr. Zimmerman to come in to answer any questions. He said it was his understanding that the District Board approved this document at their meeting last week so they are moving forward from their end with the terms and conditions. He said additionally, he and Mr. Zimmerman had communications today and scheduled a public meeting for the folks in the Riverside Terrace area; they will be coming in Monday, February 7th at 6:00 p.m. to see the project one final time.

Mr. Joe Zimmerman from Five Rivers MetroParks said he didn't think anything had changed since the last time he was here. He said they are proceeding with the acquisition of the easements from all the affected property owners; moving forward on those – some uneventfully and some not so much. He said we are working through the issues as we encounter them and he hopes they can stay on schedule to begin construction this summer.

Deputy Mayor Smith asked if the residents in the community are aware of what we want to do and is Five Rivers MetroParks getting phone calls about it. Mr. Zimmerman said he has not had any contact from any of them since the initial public meeting we had about 1 ½ years ago. He said we solicited written comments and residents had an opportunity at the public meeting to offer their comments or concerns but as he mentioned earlier the reactions from the people that were present at the

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meeting were positive; he didn't have anyone express reservations about the project at that time. Deputy Mayor Smith said staff was there and maybe some of the people that regularly attend our meetings but of the people that attended, how many were residents of that neighborhood. Mr. Zimmerman said there wasn't a large turn out but there were a number of people who were residents and/or property owners. Deputy Mayor Smith asked if they were notified and Mr. Zimmerman said yes. Deputy Mayor Smith said it really only affects those in the immediate area of the change. Mr. Zimmerman said there is a direct impact to all those people who live in the immediate vicinity of the change in traffic direction but he would say all the people who live in the plat will be affected indirectly by the changes in the traffic flow; but the changes are so minimal, he thought the worst inconvenience will be adding 20 seconds to the drive to leave the plat for some of the people.

Mrs. Reynolds said just for the record, there was one person from the community at the meeting, Joanne Stankowski; she was the only community member from Riverside Terrace. She said she was also at the meeting that night along with some staff and they talked about the letter that went out to the residents so they could be informed. She said she has real concerns about the one way situation as well as concerns about why that path was chosen. She said it's been stated that it was the path of least resistance which may be true for MetroParks but it is her community that it is going through and we'll know more about how the community feels after the public meeting on February 7th and before the ordinance has its second reading.

Mr. Zimmerman said that sounds fair enough. He said he didn't have anyway of knowing that of the people that were at that meeting, who were residents. Mrs. Reynolds said she understands; she just didn't want Deputy Mayor Smith to think there were more residents of the neighborhood there than there actually was. She said she thought Council needed to be careful in making sure those residents are informed so that they know. She said she's sure for those that ride, the bike path is a great asset and she's sure they will have just as many people at the meeting that care about the bikeway and want to see it happen; but she also has concerns for the residents in that community and she does everything she can to make certain they are well informed. She said she hoped MetroParks has everything at the February 7th meeting that they had at the initial meeting so they will be able to see exactly what's being done.

Mrs. Reynolds said the last time you were here; you had talked about having some problems with gaining the right of ways needed; what's the story on that. Mr. Zimmerman said we have a very limited number of property owners considering the length of trail we have to acquire right of way for; we are working with the City of Dayton on language that addresses some concerns, as you had concerns, and developing easement language to resolve those issues. He said he didn't see any particular stumbling block with them, just a process. He said he didn't see any problems with the railroad; again just a process. He said in the City of Riverside, the owner of the hotel at the corner of Harshman and Springfield is a property owner he is in negotiations with. He said the easement from the United States Government for the Air Force property is working its' way up to the Commander's desk for signature and he doesn't see that to be an issue. He said the easement from the Miami Conservancy District is almost done. Mrs. Reynolds asked if he saw any of those being a stopping point. Mr. Zimmerman said any of those can be a stopping point; ODOT's process requires the trail be completely designed prior to contact with any property owners to acquire easements. He said the process is not well designed for the construction of recreation trails; it is designed for the building of highways and roads. He said highways and roads have eminent domain with a quick-take capability which means they can take the property, put money in escrow, and resolve cost issue later. He said MetroParks does not have quick-take ability; we do have eminent domain powers but not something we exercise lightly or intend to do on this project whatsoever. He said

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as Project Manager his challenge is to gain voluntary cooperation of all the property owners.

Mr. Zimmerman said the railroad has asked for some minor design revisions where the trail crosses their property to protect the structural integrity of the culvert underneath the rail line. He said his big challenge is Quality Team Management which is the hotel property. He said lack of any of those properties including the properties we are asking Riverside for would impact the project. He said to go back and redesign at this point - he can't see that happening. Mrs. Reynolds said at any juncture with the railroad or the hotel, you might have to redesign, correct? Mr. Zimmerman said yes. Mrs. Reynolds said so that wouldn't be a problem. Mr. Zimmerman said it would be an enormous problem of a magnitude that could cause the project to be cancelled. He said he couldn't imagine any circumstances under which they could obtain the funding to go through another redesign. Mrs. Reynolds asked if there was ever a plan "b". Mr. Zimmerman said we are on plan "c"; this is the third iteration because plans "a" and "b" involved properties we were not going to be able to cross.

Mrs. Reynolds asked when we became involved. Mr. Zimmerman said he took this project over in December of 2007 and the city was well engaged before that. Mrs. Reynolds asked when the city knew about the path that has now been chosen. Mr. Chodkowski said probably 90 days before the public meeting in June of 2009. Mr. Zimmerman said correct; we worked on the alignment in the months prior to the public meeting. He said we proposed an alignment that was rejected by the railroad and we started work on the current alignment in the fall of 2008 which was presented at the public meeting in June of 2009. Mr. Chodkowski said that would fit in our timeline of when we saw the final draft, 90 days before the meeting.

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

Ordinance No. 11-O-461 will be read for the second time on February 17, 2011.

II. RESOLUTIONS

a. **Resolution No. 11-R-1519 for Phase 2B of the US 35 interchange project further identified as PID #89130.**

Mr. Chodkowski said this resolution is the city's consent for ODOT to begin the design process for the addition of the 5th and 6th lanes of US 35 through the city.

A motion was made by Mrs. Reynolds to approve Resolution No. 11-R-1519. Mr. Denning seconded the motion.

Mayor Flaute said he needs a little explanation; this is for the project that will add a lane through our city and this was supposed to be done 5 years ago when they went to Smithville Road and stopped. Mr. Chodkowski said the project has always been phased and this is just the continuation of the project. He said ODOT is just being more finite in when they believe the money will arrive to construct the two lanes. Mayor Flaute said this will leave the Dayton-Xenia Road exit open. Mr. Chodkowski said yes; this is for the lanes and a few other right of way issues as well as the possible sound barriers. He said basically what this resolution does is that we agree that ODOT will be coming through the city and will be working within their right of way and that the city is responsible to pay for the cost of anything we ask them to do in their right of way or anything we ask to be done in our right of way.

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Mayor Flaute asked if this had anything to do with the raising of the bridge at Spinning Road. Mr. Chodkowski said next resolution.

Deputy Mayor Smith said if they erect the sound wall would it be along Share Drive. Mr. Chodkowski said he's not sure where it would be and he's not sure it has been finalized as part of the design. Mr. Miller said ODOT did a preliminary environmental analysis and whatever the results are will determine if the noise wall is necessary, then they will develop plans based on that. He said as soon as he finds out something he will make sure he gets the plans to everyone. Deputy Mayor Smith said he thought that was the logical location since it is the closest to a residential housing.

Mayor Flaute said his concern is he's heard the walls don't stop the noise but the noise goes over the wall and the noise is heard by people further down the road. He asked if there was any truth to that. Mr. Miller said supposedly the walls are designed to absorb noise but he has heard there are areas where people say it is louder than it's ever been. Mayor Flaute said that's what he has heard. Mr. Denning said the other thing is that technology is moving on and they are learning new ways with sound walls so if that has been an issue in the past, it may not be an issue now or in 2017 when they decide to put it up. He said also the people in the neighborhood can probably stop it from being put up if they really don't want it.

Mrs. Reynolds said on both of the resolutions, sections IV and V talk about the city's responsibilities; is this standard language. Mr. Chodkowski said yes. Mrs. Reynolds asked about the statement regarding utilities in the right of way and the city's responsibility of relocations. Mr. Chodkowski said that is specific to our utilities which we do not own. Deputy Mayor Smith asked if there was a gas line that traveled along the bike path. Mr. Chodkowski said he didn't know; we don't own any municipal utilities but if there is a cost to relocate, it won't be ours.

Mayor Flaute said we got into trouble with the Burkhardt Road project when they found a huge gas line under there; it hurt the project a lot and may be one of the reasons it never happened. Mr. Chodkowski said that happened before he came but his understanding of what made that an issue is the city wanted to reconstruct the intersection rather than a mill and fill or overlay. He said they wanted to change the grade which would have exposed the gas company's pipe and since we wanted it moved the easement dictated that the city would have to pay for it.

With no further discussion, 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.**

b. Resolution No. 11-R-1520 for Phase 3 of the US 35 interchange project and Woodman Drive/St. Rt. 835 project further identified as PID #90273.

Mr. Chodkowski said this resolution is similar in what it entails and authorizes. He said the project in this instance is the reconfiguration of the Linden/Woodman/35 eastbound exit and entrance ramps into the SPEWI configuration similar to the Austin Road interchange and the project anticipation date is 2017.

A motion was made by Mrs. Reynolds to approve Resolution No. 11-R-1520. Mr. Denning seconded the motion.

Mayor Flaute said he's been told there is going to be one traffic light. Mr. Chodkowski said there will be one traffic light to handle the on and off traffic which will be moved roughly to the center of the bridge. He said there will still be a light at Linden and

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Woodman. Mayor Flaute said he thought one of the lanes coming off eastbound 35 will be going away so maybe there will be room to develop on that corner.

With no further discussion, 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.**

c. Resolution No. 11-R-1521 authorizing the Mad River Youth Soccer Association to place temporary signs in the public right of way under certain terms and conditions.

Mr. Chodkowski said this is annual reoccurring legislation to allow temporary promotional signs be placed in the right of way by the Mad River Youth Soccer Association.

A motion was made by Mr. Denning to approve Resolution No. 11-R-1521. Mr. Schock seconded the motion.

Mayor Flaute said the only question he has is one of the spots is at Stebbins High School. He said he is concerned that Stebbins was having a pancake dinner and wanted to put up a sign and we told them no because they have their electronic sign. Mr. Chodkowski said correct; we are granting permission for the soccer association to place the signs in the public right of way. He said the school did not request permission to place signs in the right of way; they asked to place a sign on an existing apparatus on their property. He said the rules are different because of what the request was and how the request was made. Mayor Flaute said he just doesn't want any hard feelings.

Mr. Dan Teaford said he has been involved with youth soccer for years and the association always goes to the schools to ask permission, so the schools are always aware that the signs are going to go up. Mayor Flaute thanked Mr. Teaford for the information.

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

d. Resolution No. 11-R-1522 authorizing the reallocation of previously awarded Community Development Block Grant Funds and authorizing the City Manager to establish a new Community Development Block Grant project for the purpose of razing certain blighted properties in support of economic development.

Mr. Chodkowski said this resolution is to provide definitive guidance from Council on the allocation and appropriation of all existing Community Development Block Grant funds that have been awarded to the city which have not been previously expended on previously approved projects. He said going back to 2007, Council has authorized 4 projects and of those 4 projects, 2 have dollars remaining which can be reallocated or given back. He said then there is the Law's Trailer Park project where dollars were assigned and following some capitalistic purchases of the trailer park, additional dollars were needed to facilitate that project so the existing Springfield Pike dollars were transferred. He said the bid specifications for the project are now less than the dollars that were transferred so again the additional funds can be reallocated. He said we need council to move the remaining dollars from the Old Harshman project, the

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Neighborhood Stabilization Program project, and the Law's Trailer project to set up a new project which is the Circle K demolition project. He said this also amends the NSP project to include 3 additional property demolitions on Valley Pike, Pleasant Valley, and Huberville.

Ms. Campbell asked if there would be money left over for other places to be torn down. Mr. Chodkowski said we won't know until the bids come in and the projects get done. Ms. Campbell asked if any money was going to the guy that bought Law's. Mr. Chodkowski said yes. Ms. Campbell said he bought it so it's his responsibility to take care of it; can't those dollars be transferred. Mr. Chodkowski said we would like to see the project work that way but we don't have adequate work to expend the dollars in the time frame necessary and there would be a high probability that the funds would have to be returned to the county and the fed because we didn't spend the money in time. He said the money is still going to remove blighted and abandoned structures within Law's Trailer Park which was the original intended purpose. Ms. Campbell said she still didn't see why the funds couldn't be transferred. Mr. Chodkowski said if we had another viable project ready to go, we could do that; but we don't have time to identify another project because where the dollars can be spent are very specific based on federal guidelines. He said there are several properties we could use but most are occupied and the residents don't want to have anything to do with the city or the dollars; they want to be left alone which limits us to deal with vacant abandoned properties.

A motion was made by Mr. Denning to approve Resolution No. 11-R-1522. Deputy Mayor Smith seconded the motion. A roll call vote was as follows: Mr. Denning, yes; Deputy Mayor Smith, yes; Ms. Campbell, no; Mr. Fullenkamp, yes; Mrs. Reynolds, yes; Mr. Schock, yes; and Mayor Flaute, yes. **The motion passed.**

- e. **Resolution No. 11-R-1523 by the Council of the City of Riverside, Ohio, authorizing the City Manager to make application for the State of Ohio 2011 NatureWorks Grant for Glendean Park improvements.**

Mr. Chodkowski said this is to authorize staff to resubmit its original 2009 grant application for the Glendean Park Improvement Project.

A motion was made by Mr. Schock to approve Resolution No. 11-R-1523. Mr. Denning seconded the motion.

Mayor Flaute said just for clarification that is for a walking trail. Mr. Chodkowski said yes; a natural trail, plantings, 3 or 4 picnic areas, and a gazebo. Mayor Flaute said if we change our mind on the gazebo and wish to have playground equipment put up by volunteers can we do that. Mr. Chodkowski said you would not be able to purchase the playground equipment through the grant because that is not what was asked for. Mr. Schock said there is a park right down the street with playground equipment. Mr. Chodkowski said Virginia Stevenson School also has play apparatus. Mayor Flaute said the National League of Cities is trying to help Mrs. Obama really hard on her efforts to increase physical activity for children.

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

ITEM 19: REPORTS: There were no reports.

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ITEM 20: PUBLIC COMMENT ON NON-AGENDA ITEMS: Mr. Jim Wellman of Beatrice said he had 2 topics; some things he initiated a couple years ago and researched, and one regarded how the city dispersed storm water, mapping of the systems, and deterioration of the culverts. He said the information that was gathered was to be used to determine property assessments based on properties with open land and properties which are covered in blacktop. He said the City of Dayton is assessing for areas of blacktop and looking into possible tax credits for those who own large tracts of land that are permeable. He asked how close we are to having the map done, how close we are to doing assessments of some sort, and what we are doing to rebuild our infrastructure.

Mr. Chodkowski said the map identifying the inflow and outflow of the storm systems is complete; we are still in the process of identifying an illicit discharge but at this point in time we have not taken any of the information and used it to pursue any type of public storm district only because we do not have a unified public storm system within the city. Mr. Wellman asked how long before he would look at the establishment of a storm water district. Mr. Chodkowski said unless Council directs him to do so, he has no intention of taking the information and establishing such a district. He said that would create a significant long term liability to the city which he felt would not be matched by the revenue made available by a public storm district.

Mr. Wellman asked what the liability to the city would be. Mr. Chodkowski said it would become our responsibility to maintain the infrastructure which a vast majority is privately owned or unrecorded. He said we would have no way to identify or project long term costs in infrastructure replacement.

Mr. Wellman said for the second topic; when he was on Council the city contracted with the City of Dayton for trash collection and he knows when the City of Dayton reached a certain point of recycling, the residents would get money back. He said there are many people who are single or empty-nesters in the community and we are paying the same amount for trash pick-up as a younger couple. He said it takes him about 3 months to fill the container up and he also recycles a lot. He asked if anyone was looking into an incentive program; he doesn't like paying the same amount as a family with 4 or 5 kids that don't do any recycling. He said in a few years we are going to have to pay more to ship the trash further. He said there needs to be an incentive and he asked when the contract came due. Mr. Chodkowski said December of 2012 and we will be discussing this issue with Council in September or October of 2012.

Mayor Flaute said we might want to start talking a little earlier than that. He said one year we had a committee that looked into specific issues because he personally wanted to pay as you go. He said it wasn't popular at the time and we let it go. Mr. Fullenkamp said the bag system has a real down side; people tend to store trash.

Mr. Wellman said Waste Management was looking into incentives such as weighing your recyclables and weighing your trash and have one offset the cost of the other. Mayor Flaute said it was quite an issue and we did have a separate group of folks looking at it but they decided to go with what we have now. He said there are some things out there and we probably need to look at them a little earlier than September of that year.

ITEM 21: COUNCILMEMBER COMMENTS: Mr. Schock said he wanted to fall back on the Bower Avenue water project at Wright Point. He said he thought they had talked about it and every time it rains, it floods and goes into the neighbor's yard. He said he thought we need to look into curing that problem; after a rain you can't even walk on the yard. Mayor Flaute asked if it just started. Mr. Schock said it started when Wright Point III went up. Deputy Mayor Flaute said there isn't a dry detention pond down there.

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Mr. Schock said we need to execute a plan of attack to cure that and see how much it is going to cost to take care of that problem.

Mayor Flaute said we will keep on top of that and make some decisions as we go along. Mr. Schock asked what kinds of decisions. Mayor Flaute said we have been talking about Ingleside/Marianne for a long time and we haven't been able to cure that one. Mr. Schock said this is just a small area; it affects 2 houses.

Deputy Mayor Smith said Wright Point should be able to do something. Mr. Schock said they can't afford to do anything; he asked that the City Manager look into it.

Mrs. Reynolds said being ever watchful of the workings of the new Governor, House and Senate; and seeing some of the things coming out – proposed bills especially on public service employees and changes in their retirement, it brought to her mind the number of people that might decide to go quickly so as not to get caught up in that trap. She asked if we had any idea of the number of staff eligible for retirement that we did not plan on; we did plan for one in the budget. Mr. Chodkowski said we have one employee who is eligible to retire but pursuant to policy, any employee who anticipates retiring is required to notify us prior to the fiscal year in which they are planning to retire. He said we did not receive that notification this year so that employee is going to continue to remain with us. He said we have a few that meet service years but don't meet age and we have a few that meet age but don't have service years. He said he thought we are looking at 8 years before we have one employee who meets both those requirements. Mrs. Reynolds said she thought with the changes the State is proposing some might look to retire early. Mr. Chodkowski said he wouldn't be surprised if they have some sort of buy out or buy up provisions for military time which is currently not available. Mrs. Reynolds said that might put us in a situation and we need to watch that carefully.

Mrs. Reynolds thanked staff and said she appreciated them being here every day; she thanked the audience for being here and thanked Mr. Cory Frolik for the good article in yesterday's newspaper.

Mr. Fullenkamp thanked staff and thanked the audience, especially all the committee members for participating – we really do appreciate that.

Ms. Campbell thanked everyone as well.

Deputy Mayor Smith said with the possibility of the estate tax going away, will that impact our budget much. Mr. Chodkowski said based on our current situation as forecasted it won't have a significant impact; it represents an average of \$50,000 to \$150,000 per year with last year being \$130,000 or less than 3%.

Mayor Flaute said just to follow up on that, the Mayors & Managers are fighting that battle as well as the First Suburbs. He said the reason for why it is being taken away is what the battle is all about. Deputy Mayor Smith said some of our neighboring cities could lose a considerable amount of money if that is abolished.

Deputy Mayor Smith said he appreciates all staff does. He said the roads looked real good with the service we did keeping the hills, the intersections, and the main roads clear.

Deputy Mayor Smith said he attended the Miami Valley Military Affairs Association Get Acquainted reception this past week at the Hope Hotel. He said he talked with a lot of good people and saw some new faces as well. He said last night he attended the First Suburbs meeting along with the Mayor and Mr. Schock. He said there was a lot of good information; we talked about the inheritance tax and we talked about taking

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all of the knowledge we've gained over the years being on Councils and Committees and putting it to good use. Mayor Flaute said we also talked about land banking. Deputy Mayor Smith said land banking will be the answer to a lot of questions; its not taking property by eminent domain but taking blighted property which we can't find the owner of. He said it's a good program.

Mr. Denning thanked staff and said our streets have been looking great compared to some of our neighbors. He said the Relay for Life is May 13th and 14th at Community Park. He said something to think about is we did have teams a few years back and this is for the American Cancer Society; we've all been touched somehow by cancer in one way or another. He said we could possibility put the Fire Department up against the Police Department or something like that to see who can raise the most money. He said he's heard the Chamber is putting together a battle of the businesses and the winner of this whole thing is the American Cancer Society. He said it's a good time and it's a good way to meet people and to interface with Wright-Patterson. He said last year we were able to raise over \$35,000; it's the goal this year and he believes we can go over that.

Mr. Schock asked the clerk to send a reminder email for the February 7th meeting at 6:00 p.m. for the bikeway.

Mayor Flaute asked when the Council was going to meet for the City Manager's review; he said we set dates for that but he couldn't remember what they were. The clerk said they set dates for Walnut Grove that weren't available and right now there aren't any meetings scheduled. Mayor Flaute said we could go back to InfoCision. Council agreed and asked the clerk to set a date for February 10th at 6:30 p.m.

Mayor Flaute distributed information about Youthworks and said there will be summer jobs that pay \$7.45 per hour for 14 to 17 year olds. He said if there are any businesses in Riverside that want to do this then our Riverside kids will get matched up with those companies. He said the problem is these people have to call in on February 1st. He said it's a federal program and the companies don't pay anything.

Mayor Flaute said the other thing with the Appalachian Board is the Unsung Hero Awards; Ms Campbell has received the award, Mr. Doan received the award, and last year, Mr. Chodkowski received the award. He said it's for people who don't normally get recognized for all the work that they do. He said it's for anybody that has Appalachian blood in them and he has forms for nominations.

Mayor Flaute thanked Mr. David Brown for the new display on the welcome board. He said it's through Mr. Brown's efforts along with the Historical Society and there will be occasional changes to the information.

Mayor Flaute said he spoke to 42 junior high school folks at Spinning Hills and they have a project on how their future cities are supposed to look. He said they wanted to know how our city operates so they can take what we've done and apply it to their future cities and improve on it. He said it was a fantastic time and the kids loved it. He said they are having competitions and they asked me to come back and be a judge.

Mayor Flaute said someone nominated him to be on the National League of Cities First Suburbs committee as Mr. Schock is on. He said he has accepted the position but has told them he would not be able to come to all the meetings because of the issues we discussed with Mr. Schock. He said they still want me on there so I am humbly pleased. He said we are the only city in the United States of America that he knows of that have two people on one national committee. He said that is very exciting for Riverside and hopefully he and Mr. Schock will make everyone proud of our city. He said it is quite an honor.

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Mayor Flaute said last thing is he had 6 weddings and we are up to 73. He said he didn't have many in January but Valentine's Day is coming up.

Mr. Denning asked who owned the fence in front of the cemetery on Old Harshman and said it's really looking bad. Mr. Miller said we did have someone drive into it but his crew reconstructed most of the fence. Mr. Denning said he is more concerned with the area that is overgrown with honeysuckle. Mr. Chodkowski said he would make sure we get out there.

Mr. Denning said also the Jaycees are planning to do some more work on the Glendean property, probably late March before the leaves come on so it's easier to chop down and chop up.

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

ITEM 23: ADJOURNMENT: A motion was made by Ms. Campbell to adjourn. Mr. Denning seconded the motion. A roll call vote was as follows: Ms. Campbell, yes; Mr. Denning, yes; Mr. Fullenkamp, yes; Mrs. Reynolds, yes; Mr. Schock, yes; Deputy Mayor Smith, yes; and Mayor Flaute, yes. The meeting was adjourned at 9:40 p.m.

William R. Flaute, Mayor

Clerk of Council