

RECORD OF PROCEEDINGS

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DAYTON LEGAL BLANK, INC. FORM NO. 10143

Held

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

**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; Mark Reiss, Police Department; Joe Greil, Fire Department; Bob Gillian, Finance Department; and Mitch Miller, Service Department.

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

**ITEM 4: ADDITIONS OR CORRECTIONS TO AGENDA:** There were no additions or corrections to the agenda.

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

**ITEM 6: WORK SESSION ITEMS:**

a. Joint Work Session – Council/BZA/Planning Commission

Mayor Flaute thanked Mr. Chuck Childers, Chairman of the BZA, for attending tonight’s meeting and said we appreciate your service. He asked if any council members had any questions for Mr. Childers about what the BZA has been doing and asked if there was anything council could do for the group.

Mr. Childers said he thought everything had been going great; staff helps us tremendously and everything moves like clockwork. Mayor Flaute said that’s a good thing and we haven’t heard any complaints.

Mr. Denning asked if there were any situations that continuously keep coming up that council needs to re-evaluate in the ordinances. Mr. Childers said the only thing we see frequently is the overlay signage and one of the people who helped author the overlay Ms. Linda Gray is a BZA member. He said we had a case for the new Planet Fitness gym which the sign would have been small and you would have had to drive into the shopping center to see what the place was. He said there is also no marquee for them to have an identification sign, so we approved a variance for them to have a little bit bigger sign. He said the sign is very attractive and fits right in but because of the way the overlay is worded, it required the variance. He said Ms. Gray stated they wrote the overlay but they didn’t anticipate this situation.

Mr. Childers said that would be about the only thing that occasionally comes up and there are probably unintended consequences that can affect a business and how it promotes itself.

Ms. Campbell asked if the BZA is reviewing the proposed code rewrite. Mr. Childers said we discussed that at one of the meetings; having BZA look at it for their input but it was pointed out by the city manager that it would be inappropriate. Ms. Campbell asked why. Mr. Chodkowski said the BZA is the judicial body of the local government so it is not their job to help craft the law; it is their job to help interpret the law to determine if there are special circumstances that exist that would warrant a variance. He said from that standpoint, it’s not quite appropriate for them to assist in crafting the

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law; it's not their function, it is council's function. Mr. Childers agreed and said it would be like the congress going to the courts and asking them to look this over before they pass a law. Mayor Flaute said he was with Ms. Campbell in having the BZA look it over but that makes sense not to. Mr. Chodkowski said to keep in mind that staff sees all the applications and the cases that go before the BZA and we were very cognizant in what we prepared for the Planning Commission. He said to the extent we were able to accommodate ongoing issues, we did so based on our knowledge as the staff that supports that board, but there is no way you could conceivably write a planning code where you are not going to have people file for variances.

Ms. Campbell said she was hoping the BZA would be able to check it out and bring things to our attention. Mayor Flaute said we will have that opportunity and he hoped that our Chamber as well as our citizens will point things out to us as we start the review. Mr. Chodkowski said the review starts at the next meeting.

Mr. Fullenkamp asked if the specific issue Mr. Childers talked about in terms of signage had been addressed in the code. Mr. Chodkowski said to the extent that we were able to address it; the majority of the cases that have been before the BZA up until recently have been related to the number of signs or some pre-existing non-conformity such as the large Goodyear sign authorized previously by the county which is what many applicants want and refer to when they are before the BZA. Mr. Fullenkamp said that's not an argument that wins is it. Mr. Chodkowski said no, not to the best of his knowledge. Mr. Childers said we don't respond to that argument.

Mayor Flaute said council will have the opportunity to hear some of those arguments when we review the code and it would be nice to hear some of the BZA's comments but we will have to hear those through other people.

With no further discussion, Mayor Flaute thanked Mr. Childers and asked him to pass the thanks along to the other BZA members.

Mayor Flaute welcomed Mr. George Lynch, Chairman of the Planning Commission and asked him to talk about what the Planning Commission has been doing. Mr. George Lynch said Council has received a thick pamphlet which is the zoning code rewrite Planning Commission has been working on. He said we did spend some time on it and would ask that council spend some time on it as well. He said if council has any questions, pass us a note and we will answer it. He said he hoped the Planning Commission would have a chance to explain to council why they did what they did.

Mayor Flaute asked if the Planning Commission would have that opportunity; he thought council was going to go through it section by section like the Planning Commission did. Mr. Chodkowski said correct, that's how it's designed to work; council would have the opportunity to focus in on particular sections of the code for primary discussions similar to what the Planning Commission did. He said there are sections such as the platting process that are controlled by the Ohio Revised Code which he didn't think council would want to spend time delving in to as opposed to council wanting to spend time talking about home rule stipulations such as signage or parking requirements or storing of vehicles or those types of items. He said we have not made arrangements for the Planning Commission members to attend the council discussions but they are welcome to come to the meetings.

Ms. Campbell suggested special meetings to get through the review and not drag it out. Mayor Flaute said that's an idea we could consider later but let's see how it goes first; we might just decide its all okay, the Planning Commission worked pretty hard on this. Ms. Campbell said we could do a special meeting in between our regular meetings so we aren't rushed like we are during the work sessions. Mr. Denning said

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he thought having two weeks between sessions will be helpful in reading and digesting the information before having to discuss it.

Mr. Chodkowski said this isn't his first time in rewriting a zoning code and his experience has been that typically there is very little discussion on some of the more technical requirements of the code. He said when they come to the discussion points that are discretionary or controversial, such as signage or zoning districts, those might be the ones we set up a special meeting to discuss. Ms. Campbell said when she reads the code she might interpret it differently than someone else reading the code so we need to take our time when discussing it, so we understand it. Mr. Lynch said different interpretations happened during the Planning Commission's review too and he would strongly suggest everyone read it before the meetings. Mr. Fullenkamp said if we have to have special meetings, we could have those the same night as the Planning Commission meeting so we don't have to impose on them to come to a special meeting.

Mr. Lynch said the Law Director was provided a copy the same time as council was provided a copy, so she is also reviewing it. Mr. Fullenkamp asked what the Law Director's schedule was. Mr. Chodkowski said she was provided the same schedule as council. Mr. Fullenkamp asked if council would see the Law Director's analysis before the discussion. Mr. Chodkowski said yes. He said the Law Director's issues will be that correct sections are cited and that it is in compliance with case law; that's where her comments will be directed.

Mr. Schock said he knew what they went through putting that book together and the council is lucky they get to spend time looking at it page by page. He said being one of the authors of the city's first zoning book; we handed it to council and they passed it. He said being a new city, the council had so much to do and they just passed it and moved on. He said now council has a great opportunity to review it and Planning Commission did a great job.

Mrs. Reynolds said since we are on the subject, she asked the city manager if there was anything unique in the rewrite that they wouldn't find in surrounding communities and if we were uniform within our region. Mr. Chodkowski said we are not out of character with what we have recommended and every city is unique in its own right; there are certain things we don't have in our code just because we are different - we don't need codes for an historical downtown which might be needed in someone else's code - but as far as zoning districts, lot set backs are within parameters, building footprints are within parameters, etc. He said all those items are commonplace.

Mr. Schock said what he noticed was, for example, the zoning districts were brought to the twenty first century; it's similar to what everyone has now across the United States and it fits the format for our city.

Mrs. Reynolds said she has read quite a bit of it and so far she's not finding anything that is out of the ordinary. Mr. Chodkowski said a lot of our big issue was, under the current code we would find an issue and add language on at the end; it didn't flow and some of the references weren't correct. He said we had several zoning districts and what we did was try to establish a district for pretty much every parcel in the city to make it conforming. He said once you understand that zoning districts are for future development you will always have pre-existing non-conformities, so we were able to clean up and reduce a lot of those previous districts.

Ms. Campbell said before when the code has been changed, we asked for the changes to be in bold for comparison; did they do that. Mr. Lynch said in places. Mayor Flaute asked if the new book showed that. Mr. Chodkowski said the two codes are really not

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comparable; it's a totally different document in a totally different format so there's no way to be able to do that. He said we had some source documents that we tried to track early on for the Planning Commission and what we realized is this is going to be a document that is unique to us and fresh to us and we need to treat it that way, so tracking the source documents kind of went by the wayside. He said when council reviews the document and wants to make changes, we can highlight those so you can see what was in the original booklet you have as compared to the changes council makes along the way.

Mrs. Reynolds suggested everyone read it in itself, not referring back to anything else. She said you will be able to read and follow it and know from start to finish where you are at. Ms. Campbell said we need to be able to check to make sure that it's right. Mrs. Reynolds said she didn't know if there was any right or any wrong, it's whether you want it to be this way. Ms. Campbell said what if there's something in there that's not legal. Mr. Fullenkamp said that's where the Law Director comes in.

Mr. Lynch said one of the driving forces when we first started this rewrite was to make it more user-friendly and he hoped they had done that. Mrs. Reynolds said there have only been a couple places where she had to stop and think if something might be understandable to the average citizen but if she went back through the code she found where she missed something. She thinks it reads very well.

Mr. Denning said it's more logical in steps and you don't have to go to different sections to figure out what you want to do. He said we knew what we had to do when we first became a city and this is us becoming a more grown up city and doing what's right.

Mayor Flaute said council would try to get the Planning Commission a new member as soon as they could. He said he saw at the last meeting how necessary that is when someone is not there. Mr. Lynch said there will only be three members at our July meeting so if a matter comes up it will take three votes to pass whatever.

Mayor Flaute thanked Mr. Lynch and asked that he also thank the members of the commission. He said they are doing an outstanding job.

b. Discussion: Service Delivery Expectations – Public Services

Mr. Chodkowski said as part of council's ongoing discussions about service expectations and how we are going to craft some of the more operational needs of the city around those expectations, several council members submitted their thoughts and comments regarding our public service department. He said he did his best to summarize those to include in the packet. He said everyone was candid in their opinions about general perceptions as well as some of the service items. He said public service is one of the more complicated services we provide with a vast array of different tasks covering many different facilities; Mr. Miller and his crew are all over the board and we did our best to summarize those for you. He said they would be happy to answer any questions.

Ms. Campbell asked if they could set aside \$500,000 this year and \$500,000 next year to do basic maintenance in the neighborhoods such as slurry seal to prolong the life of the streets until other projects come along like mill and fill. Mr. Chodkowski said that's part of the direction we are asking council to provide; right now council has directed staff to trim our expenditures as much as possible to be inline with revenues. He said to do that dollars which would be set aside for maintenance have not been done because of that direction.

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Deputy Mayor Smith said that's a lot of money. Ms. Campbell said the money is there. Deputy Mayor Smith said it's there but we have a lot going on right now with the economy.

Mayor Flaute said as the manager stated our direction up to this point has been to have service delivery match our revenue. He said if we want to increase our revenues then we have to talk about how we want to go about doing that which is what this exercise is all about and the previous discussions about Fire and Police. He said our revenues are going down and if we want the services to be at least what they are now, we are going to have to increase revenues. He said we will have to discuss that when we finish this exercise.

Mrs. Reynolds said when we are looking at a suggestion such as Ms. Campbell's, setting aside "X" amount of dollars - an old Ken Curp term; she wonders what the manager and Mr. Miller see as a plan. She said she doesn't know what direction to give because first we need a plan; just putting slurry down on a street doesn't make a whole lot of sense not knowing where we are going to be and how long it's going to take to get there. Mr. Chodkowski said there are a couple different approaches; some streets in some neighborhoods such as Seville and Forest Ridge are in fairly decent shape and would benefit from crack sealing to prolong the life from heavier maintenance. He said Avondale and Floral Park would benefit from some streets being slurry sealed and others would benefit from milling the sides of the soft shoulders and instituting gravel shoulders all the way to the property lines. He said they would simply work against a dollar amount.

Mrs. Reynolds asked if they could stop looking at things like that for just a little while. She said we need to understand where we are city wide and what we need to do and then work from a comprehensive plan to meet that end. She said maybe it is \$500,000 every year which we all know would probably get us out to the parking lot and back but we also need to look at the avenues to get there, the grants and leverage we can use to do that once staff assesses this.

Mr. Miller said we do have a plan of sorts; every year when the Issue II application is submitted it has a 5-year capital plan schematic. He said we try to adhere to that somewhat but because of the nature of the funding; it is only for major thoroughfares. He said it doesn't address residential areas which is a real concern because his crew is always trying to Band-Aid those together. He said we do have a condition report that was done 4 years ago but it's not really accurate anymore. He said since then ODOT has come up with a road condition standard that they use but the problem is that the residential streets don't qualify for funding.

Mr. Chodkowski said we can make some generalized assumptions that the cost to mill and fill a 10-foot-wide lane mile at such a depth would be "X" amount of dollars; we can then measure the lanes and provide a total dollar figure to resurface residential streets, a dollar amount to replace curb and gutter where it existed, and a dollar amount to replace sidewalks where they existed. He said this would be generalized assumptions from our GIS information.

Mrs. Reynolds asked if there was a priority list of what streets are the worst. Mayor Flaute said also a list like Ms. Campbell suggested - what can get by with crack sealing and what can get by with slurry seal. Mr. Chodkowski said that information is not readily available but it is discernable from the inventory that was done in 2007. Mr. Miller said it does need to be updated; there are areas that have had problems with water main breaks and there has been considerable deterioration where you have storm water system issues and there are areas with major catch basin problems. He said its contingent upon what infrastructure is in place.

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Mr. Fullenkamp asked how long it would take to get it updated. Mr. Miller said we can start tomorrow if that's what you wish. Mr. Fullenkamp said he thought Mrs. Reynolds' point is that a long term plan will guide us in terms of what we will need to do these things; right now we don't have a clue.

Mr. Chodkowski said a typical 2 lane road that is 66 feet wide is about \$1.2 million per mile. He said the caveat to that is the \$1.2 million a mile is inclusive of substructure, water and sewer which we do not have, so the cost would be less per mile. Mr. Fullenkamp asked what percentage less it would be. Mr. Chodkowski said it's tough to say; maybe 30 to 40 %. Mrs. Reynolds said 40% less per mile. Mr. Schock said he thought that was low. Mr. Chodkowski said it all depends; the assumption is made that you are putting in 8-inch water and 8-inch sewer so it would depend on the price of pipe. He said he hadn't gotten that detailed, that was a figure he had used that he had multiplied from a construction index in a project from several years ago. He said asphalt prices have come down and labor prices have remained high.

Mr. Fullenkamp said he saw somewhere that we have 200 plus lane miles in the city. Mr. Chodkowski said 292. Mr. Miller said it is considerably more than that when you figure how many separate lanes a road has; for example some major areas are 5 or 6 lanes wide. Mrs. Reynolds said upwards of 350. Mr. Miller said that would be close.

Mr. Denning said so right now basically we are in the reactionary mode for road maintenance and not the proactive mode. Mr. Chodkowski said correct. Mr. Denning said he thought Mrs. Reynolds' question is what a proactive mode will cost and if there is a priority list on how we would do that. He said he would like to know what it would take to get everything done in five years or get everything on rotation which is where we need to get to. He said we need to take care of our worst roads and work towards our best and then when we get done we start the rotation over. Mayor Flaute said but we do want to include in that what can get by with slurry seal. Mr. Denning said first we need to know what it is going to cost either way and we may have to slurry seal some of the medium grade roads until we get there but we need to be more proactive for our citizens. He said the roads aren't going to get any better and eventually just fall out from underneath us; then we will really be in trouble. He said even if we have to say we need something from the citizens such as 1/2% or 1/4% income tax which will only be used for the streets; we tell the residents this is how the money will be used and by the end of whatever the time period is, all streets in Riverside will be done. He said then we will have to start over again but we have to get out of this reactionary mode; we have \$8 Million in the bank but that's only going to do 8 miles of road. He asked about the fuel tax. Mr. Miller said the permissive tax can only be used on county roads; not residential.

Mr. Chodkowski said he and Mr. Miller have attempted to start using permissive tax to do preventative maintenance on roads that have been approved. He said 201 and 202 were recently paved but we are making application to slurry seal those roads even though they are in good condition. He said we want to keep them in good condition and prevent alligating or potholes before those start. He said same way with Rt. 4, Valley, Airway, and Schwinn. He said we are trying to get into preventive maintenance but our big issue is the residential side of things. He said he thought they could say the streets of the Seville plat can be crack sealed for "X" amount of dollars and the streets of Avondale could be slurry sealed for "X" amount of dollars. Mayor Flaute said he thought that was what council was looking for. Mr. Denning said we might be able to work that into the budget.

Mrs. Reynolds said right; it's like Mr. Denning stated, we have to get out of this knee-jerk position we find ourselves in. She said we are constantly Band-aiding, constantly doing emergency setting aside whatever because of a problem. She said we don't

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have a plan and as long as we don't have a plan we will stay in the reactionary mode. She said that's not good stewardship and we can do better together.

Deputy Mayor Smith said several years ago, 2008 or 2009 or whatever, staff rated the streets on the condition they were in. He said staff returned the information to council and this council chose not to do anything. He said this is a problem we brought upon ourselves and yes we do have money in the bank and we do probably need to put "X" amount of dollars off to the side until we can work on these roads. He said the question is which roads we do. He said there is nothing proposed in this exercise. Mr. Chodkowski said to the extent we are having this discussion, we are talking about operations and once we define operations or how many bodies we need, that would dictate how much equipment we need and start the capital discussions. Deputy Mayor Smith said we are past all that; we have the people and we have the equipment. Mr. Chodkowski said some people would argue differently about that; some council members suggested we expand services including curbside leaf pick-up which would require more staff or less service elsewhere. He said we do need a plan to address infrastructure but that is something above and beyond this discussion and will come later. He said if you tell me that we are not plowing snow fast enough then that tells me I need to hire another person and buy another truck which drives the operational aspect. He said capital infrastructure has to be planned separately from the 2012 operating budget.

Mr. Denning said the thing he thought helped the most was when the manager sent the list of everything the service department actually does. He said it made him wonder how they did all that with this few number of guys and the one suggestion he has is – there are people with specific skills and he didn't think we needed a skilled person driving a lawn mower. He said he didn't know if it would be cost effective but we could look into hiring outside folks or seasonal employees to do the grass cutting and use our skilled laborers to do the more extensive repairs and maintenance.

Mr. Schock said at his work there are 17 people and over 70 pieces of equipment to maintain 168 acres; here we have 15 people in the city to maintain over 400 acres – they need more help. He said the problem with seasonal help is they don't take pride in the equipment so you do want experienced people on those expensive lawn mowers. Mr. Denning said when we are looking at the budget we should at least have the option to make it better; we have people with higher skill sets than what we are using them for.

Ms. Campbell said for jobs like grass cutting can we hire an outside source that uses their own equipment. Mr. Chodkowski said that work can be subcontracted, the issue you would run into is that you would have to allow for other increases in the service department operating budget because now that someone else is cutting the grass and if you want staff to be more proactive, you will need to buy more asphalt and buy more gravel to acquire more things to do. He said the only other option is to subcontract and reduce the work force.

Mr. Denning said that was the farthest thing from his mind; he is looking at using the positive skills we have in a more positive way.

Mayor Flaute said we do an excellent job at cutting the grass; we do an excellent job removing the snow; what he sees we don't do an excellent job at is fixing the streets, especially where the water main breaks are. He said the county takes forever and probably all that were broken this winter and were patched are still out there in the patched form. He said some that were done a couple years ago are in really bad shape and he doesn't understand why we aren't out there using our skilled people to make those repairs. Deputy Mayor Smith said it seems like we would want the county to come back and make those repairs. Mayor Flaute said after the first year it is the city's

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responsibility. Mr. Chodkowski said there are a couple different issues; we have the ability to make those repairs. He said the way the current system works is the county fixes a break, patches the hole, and then at some point in time we make a list of the temporary patches and give those to perspective contractors who will bid to make the repairs as a group. He said the issue you have is the county only pays a certain amount for a ton of asphalt or a certain for a valve or etc. and it is only cost effective to a contractor when there is a large number of repairs to be made. He said the repairs have to accumulate before the contractors will bid on them. He said our staff can do it but the trade off is who is doing their work now that they are doing the contractor's work. Mayor Flaute said he didn't know the answer to that but council can micro-manage if that's what is asked.

Ms. Campbell asked if we had people come in who are doing community service because they broke the law. Mr. Chodkowski said we used to utilize several programs through the county but our staff is simply not trained to deal with these folks. He said it became more work prohibitive to have an equipment operator deal with an 18-year-old's attitude so we stopped participating in that program. He said Mr. Miller has done great job in asking county corrections to send over what is commonly known as a chain-gang to clean along the roadsides but it is based on availability and whether the Sheriff has guard detail available and who else requested service. He said we take advantage of it wherever we can. Ms. Campbell asked if we could hire someone to watch over the juveniles doing community service. Mr. Chodkowski said we could but council hasn't authorized the funds to do that.

Mrs. Reynolds said we've gone through the police and the fire exercises; she asked if the manager was keeping a running total on the additional dollars. Mr. Chodkowski said for next year the deficit is up to about \$450,000. Mrs. Reynolds asked what the average salary was for a member of the service department. Mr. Chodkowski said probably right around \$65,000.

Mrs. Reynolds said she is really concerned with not salting the side streets during snow events like what happened last year. She said she didn't think that was appropriate for the residents. She asked about the standard. Mr. Chodkowski said the goal is for 4-inches of snow or less is removed gutter pan to gutter pan in 48 hours from the end of the snow event; anything over 4-inches is gutter pan to gutter pan in 72 hours. Mrs. Reynolds asked for a general idea of the cost for the other road miles that were not salted. Mr. Chodkowski said we still strive for that standard the difference is its difficult to see on the residential streets because we don't make the salt standard, so based on current staffing we can still meet those expectations in most instances. He said what makes it unnoticeable is the lack of salt; based on previous year's use, he would say \$50,000 to \$60,000 additional to the current salt allocation. Mrs. Reynolds said so if we budgeted \$150,000 for salt we could salt all the residential streets. Mr. Fullenkamp added with no labor increase and Mr. Chodkowski said correct. Mr. Miller said possibly but if you run out of salt you have to go back and get it to complete the run. Mrs. Reynolds said if we added an additional staff member and salted all the residential streets, we are looking at an additional \$105,000 to \$115,000.

Deputy Mayor Smith said what about a truck. Mr. Chodkowski said the crew usually ends up getting split; one crew member here doing prep work and working the backhoe and the other crew members are out plowing. He said at some point the crew gets cut in half because of safety requirements - half are sent home after the first 12 hours and the crews end up 5 at a time. Mr. Miller said you also have equipment issues; it's not a perfect situation.

Ms. Campbell asked if we lost someone in the service department. Mr. Chodkowski said not since he's been here; there have always been 9 laborers and 2 administrators. Ms. Campbell said she thought they did a good job last winter. Mr. Chodkowski said

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the issue specific to plowing is it isn't noticed due to the lack of salt application and Mr. Miller has also done a very good job of working within his allocated overtime, coming in under the allocation every year. He said if we beef up a little in overtime and add expense to the salt, we would notice those applications again on the side streets.

Mrs. Reynolds said her concern is we know we have repairs that need to be made to the roads; we're looking at not having sufficient people, and buying asphalt, gravel, and those types of things. She said we need to look at utilizing these 9 or 10 people to give the services back to the residents and make this a community good for them. She said we're looking at what we need to do and this is the time for her. She said we had some severe weather last year and she was concerned that we could not salt those roads; it was extremely dangerous. She said if there was any way we could prevent it, she didn't want to see it happen again and she didn't know that additional \$115,000 wasn't money well spent.

Mr. Denning said that would also give us an extra person in the summer to cut grass so we could use another skill set to repair roads. Mr. Chodkowski said if council were to authorize the addition of another laborer, he would recommend a 20% increase in the materials budget as well because now you will be able to accomplish more. Mr. Denning said the service department has a backlog of work as well so it's not like if we gave you 1 or 2 more laborers they would be sitting around. Mr. Miller said correct; they always have something to do.

Mrs. Reynolds asked what the additional materials would cost if we looked at a 20% increase. Mr. Chodkowski said probably about \$20,000. Mrs. Reynolds said we are up to roughly \$150,000 to add a staff member, salt all residential streets, and repair the water main breaks ourselves. Mr. Chodkowski said Mr. Miller and his folks came across a company that if you buy their slurry seal they will give you the machine to use free to apply it. Mr. Denning said that would actually help our other issue of getting our streets done a little sooner.

Deputy Mayor Smith asked if hiring just 1 person would actually help the service department; do they need 2 vs. 1. He said when they were looking at hiring an extra firefighter the Chief said just hiring 1 wouldn't help because of the way the shifts work. Mr. Miller said that's an excellent question; as a comparison he worked at a community down south with half the lane miles and twice the crew. He said we have to conserve the public trust; it is admirable and needs to continue but he would be lying if he said we couldn't use another person. He said we can make out with what we have if we have to. He said at some point in time we need to look at the equipment; salt has a huge impact on it and a lot of our time is taken up with logistics, trying to get a piece of equipment repaired and back into service. He said we could use twice the manpower and still be busy with the scope of work we have but at the same time, keeping things in line budget-wise with this economic condition; the city manager has done an admirable job of assuring that is continued.

Mayor Flaute said when we do the budget we are going to have all these notes that the clerk is keeping track of summarized for each department. Mr. Chodkowski said council would like for staff to assemble an estimate of maintenance work on the capital side with streets that can be crack sealed, streets that can be slurry sealed, and streets that can be milled and filled. He said we will bring that forward when we get to the capital discussion. He said in addition to that council would like for us to bring forward as part of our 2012 budget proposal, a service department budget that includes restoration of approximately \$50,000 in road salt, a 20% increase in materials, and a budget for a 10<sup>th</sup> laborer for the department. Mayor Flaute said he wasn't sure we could afford the 10<sup>th</sup> person and he's not really all in favor of that but it seems to be the consensus of council so he guessed they will talk about it.

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Mrs. Reynolds asked if everyone had an opportunity to look at the Fair Park, Ohio website on the storm assessment. She asked the city manager to talk a little bit about storm water utility. Mr. Chodkowski said the basic premise is that everyone in the community has to deal with surface water and the belief is that the more non-pervious surface you have, the more you contribute to storm water issues. He said some communities have created storm water districts so they come up with for example, every square foot of impervious surface you have, you are charged 25 cents. He said that is paid to the city and the city uses that money to make sure all storm infrastructures operate correctly. He said the more impervious surface you have, the more you pay because you contribute more to the problem. He said some communities have used the assessment to specifically fund their staff to address these problems and pay for materials needed. He said other communities use it very similar to the well field protection fund; it will give you money to take out an asphalt driveway and put in a paver driveway or to put in a rain garden to keep storm water on your property. He said it is a method that could be implemented in this city by action of council based on whatever reasonable justifications council can establish for utilization under specific programs defined by council. He said a good example would be Lilly Creek; instead of going to Montgomery County Soil and Water Conservation, that is a project a storm water assessment could pay for.

Mr. Denning asked if it could take care of the problem Ms. Campbell has brought up over on Ingleside. Mr. Chodkowski said yes.

Mrs. Reynolds said Fair Park has a grant program set up that is really neat and she is going down to talk with the people. Mr. Denning asked if this was a revenue stream. Mrs. Reynolds said it is a revenue stream that goes right back into the community. She said in the grant program, property owners can apply for dollars to assist them with any water issues they have on their property. She said she wished everyone would read about what Fair Park is doing. Mr. Denning asked if this would be collected by the county. Mrs. Reynolds said it's a fee; Huber Height does \$2 per month – something like that; Fair Park does \$28 per half year; it would be on the tax duplicate just like our trash. She said it's a neat benefit - what it can do for the residents to bring them into the loop and fix problems they have.

Ms. Campbell said she thought they had talked about an assessment to fix the flooding in the Ingleside/Marianne area. Mr. Chodkowski said we talked about a localized assessment district for that project but we did not talk about establishing a city-wide storm water assessment district. He said the way we look at storm water issues is that they are isolated because of geography and topography. He said if you look at the Ingleside/Marianne area, it is a very defined area; you can look at the maps and see where the water starts and that it drains to a certain point; those people would all pay for that. He said what Mrs. Reynolds is proposing is a storm water utility for the entire city to begin addressing those problems. He said there is no clearly defined storm water system in Riverside – pockets here and there; and if we went to a storm water utility we would have to begin garnering easements, purchasing those rights, and rebuilding systems that have been private for quite some time. Ms. Campbell asked if that would be like when we are getting ready to put sidewalk down on Burkhardt – is that assessed to people's property. Mr. Chodkowski said in the event we were to do that work on Burkhardt, it would not be assessed to the property owners unless council directed it to be assessed. Ms. Campbell said everybody else is doing that, why wouldn't we. Mr. Chodkowski said council has not provided that direction in previous years.

Mrs. Reynolds said she is just asking for information and it is really neat how Fair Park is doing theirs. She said she needed to know what all is entailed in a storm water utility and it could be beneficial to the residents.

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Mr. Denning said it could also be a revenue stream to do what we need to do in a lot of places; right now it's kind of a hodge-podge but if we did this, we could put a plan together and would have a revenue stream to fund that plan. Mr. Chodkowski said we would have to take some time to comprehensively think about it; previously in communities that did own the utility one of the things we consistently did was we always coordinated the construction of sanitary to the middle portion of the road because if you ever had to fix the sewer you had to dig out 2/3 of the road and you could use the sewer fund to pay for the asphalt. He said in this instance if you were to explore a storm water utility, you would want to explore a way to keep the utility in close proximity to the road so you could use the utility to not only make repairs to the storm water system but also the sidewalks and the street itself. He said the problem is when you put water in close proximity to concrete or asphalt, bad things happen. He said would it create revenue – yes; would it also create work that we are currently not obligated to do – yes; would it leave enough revenue to make it worthwhile – that he doesn't know.

Mayor Flaute asked if there was council consensus to investigate this further. Mrs. Reynolds said she thought it would be wise; we need to see our options to see if this is something that would be beneficial and address concerns of clean water mandates.

c. Discussion: Issue II Projects

Mr. Chodkowski said on the Harshman Road project, the 15-year repair to the Harshman/Valley intersection and a mill and fill on Harshman from near the Meijer store to Rt. 4 is estimated at \$3.5 million with \$1.0 grant funds, \$1.0 million direct from the city at the time of the grant award, and \$1.5 million from the city on the loan program. He said specific to the intersection is \$2.0 million at a 50/50 split from Transportation Drive south to the Pizza Hut on Harshman and from McDonald's to just past Speedway. He said the total estimated score would be 48 which is enough to be funded.

Mayor Flaute asked if council was okay with the numbers and if there was consensus for the project. Mrs. Reynolds, Ms. Campbell, Mr. Fullenkamp, Mr. Denning, Deputy Mayor Smith, and Mr. Schock all said yes. Mr. Chodkowski said the \$2.5 million commitment and council said yes.

Mr. Chodkowski said on the Burkhardt Road project our score would be around 42 or 43 which is close to the cut line based on the past three years. Mr. Fullenkamp asked how much the city would contribute and Mr. Chodkowski said \$750,000. Mayor Flaute asked what would be done. Mr. Chodkowski said a mill and fill on Burkhardt from the Dayton city limit to the Greene County line. He said it would also include some ADA ramp repairs and the sidewalk/apron repair program. He said he spoke to the engineer today and they can pull the sidewalk from the project but they recommended leaving in the aprons. Mr. Fullenkamp asked about the sidewalks. Mr. Chodkowski said there would be a sidewalk fill-ins. Mr. Fullenkamp asked if we could assess for that. Mr. Chodkowski said yes or they could be pulled from the project if necessary.

Mayor Flaute asked what it would take to score a little higher. Mr. Chodkowski said we would have to contribute almost \$1.2 million. Mayor Flaute said that road is in really bad shape and he asked council if they would go the \$1.2 million.

Mr. Fullenkamp said we could assess for sidewalks, curbs, and aprons. Mr. Chodkowski said yes.

Mayor Flaute asked if council agreed with \$1.2 million. Mr. Schock and Mr. Denning said yes. Mr. Fullenkamp said he was not sure he was comfortable with this and Mrs.

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Reynolds said she wasn't sure either. Mrs. Reynolds asked when this had to be submitted. Mr. Chodkowski said council will act on the application August 4<sup>th</sup> and there is discussion scheduled for this topic at the next council meeting.

Mayor Flaute said the first project was a contribution of \$.6 million just to Granville and now we are talking \$1.2 million for the whole road. He said he's just not sure that's not a wise decision; he thought we should think seriously about it.

Deputy Mayor Smith said we are already taking \$2.5 million to do Harshman; another \$1.2 million would be killing the budget. Mayor Flaute said the road is in really bad shape so think about it. Deputy Mayor Smith said he is thinking about it; he's thinking about the cuts the Governor is making and he's thinking about the shortfall in revenues from property taxes. He asked what he wanted to give up - fire or police or road service. Mayor Flaute said for \$400,000 he can't give up anything. Deputy Mayor Smith said it could come down to that. Mayor Flaute said if we can't get a good score on the project the road is not going to get done.

Mrs. Reynolds asked if everyone was willing to take out the sidewalks and do an assessment for those. Council agreed. There was additional discussion on sidewalk assessments regarding repairs vs. first time installations. Mr. Chodkowski said he would have a visual presentation for the Burkhardt project at the next meeting.

Mayor Flaute said we would continue the discussion at the next work session.

**ITEM 7: RECESS:** The Council took a recess at 7:51 p.m.

**ITEM 8: RECONVENE:** The meeting was reconvened at 8:02 p.m.

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

**ITEM 10: MINUTES:** Consider approval of the minutes of the June 16, 2011 Council meeting. A motion was made by Mrs. Reynolds to approve the minutes as written. Mr. Fullenkamp seconded the motion. All were in favor; none were opposed. The motion passed.

**ITEM 11: PRESENTATIONS:** Mr. Nubuo "Alex" Hara - Operation 1,000 Cherry Trees

Mr. Hara thanked council for the opportunity to propose a project and said the good news is there is no cost to the city. He said the project is to plant 1,000 cherry trees preferably at the old Wright Patterson Air Force Base where the museum is. He said there is vast land that looks unutilized and he would like to see the trees all planted together.

Mr. Hara said there are two reasons for the plantings; first to create a memorial for the 25,000 people who perished in the earthquake and subsequent tsunami in Japan.

Mr. Hara said more importantly for the second part, as a result of the earthquake, the U.S. Marine Corps based in Okinawa came in and cleaned up the airport so rescue planes could come in to deliver supplies. He said after that, the U.S. Navy, Air Force, and Marines all joined in the Operation Tomodachi. He said "Tomodachi" means "friends" and 20,000 participated in this search and rescue and afterwards the recovery. He said he would like to have the cherry trees be the expression of the Japanese people's gratitude and appreciation for the U.S. men and women in uniform. He said that is the more important part of this.

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Mr. Hara said also, the people of the United States – so many of them – donated so much money for the victims. He said in the Dayton area alone, we created the Japan Earthquake Relief Fund and collected \$30,000. He said this is the heart of the generous people of the United States and we would like to say thank you.

Mr. Hara said 1,000 cherry trees donated by 1,000 Japanese people – this is the project he would like to proceed with and the project is in the City of Riverside. He asked for a written letter of endorsement and said he has spoken with Greene County, Beavercreek, Centerville, Kettering, Huber Heights and he is expecting a good response back from them. He distributed a letter for council to look at. He said the project is to plant the trees inside the Air Force facility which may or may not happen because of the bureaucracy; therefore we may have to go with Plan “B” which is to plant the trees by the Eastwood Lake along Rt. 4.

Mr. Hara said you know of the famous cherry tree blossoms in Washington D. C. which were donated by the Japanese people in 1912 and next year is the 100 year anniversary. He said he attended the meeting in Washington D. C. with the Ambassador and it was decided we would like to have the cherry blossom festivals throughout the United States next year. He said this would be one of the festivals and eventually he would like for this city and region to be the Cherry Blossom Capital of the U. S. with more cherry trees in this area than even Washington D. C. He said that is his ultimate goal. He said 1,000 is a big number but a 1,000 miles of journey starts with 1 step, the first step – that’s the magic. He said he expected more than 1,000 people wanted to be a part of this.

Mr. Hara said that is the project and he is asking for the city’s endorsement of the idea. He said once he has the endorsements, he will take them to Congressman Turner, the Governor and to the Japanese Council General in Detroit who will take it to the Ambassador in Washington D. C. He said once that happens it will be out of his hands but it will be an easy project in his view. He said a couple million people come from all over the place even overseas to the Air Force Museum every year and they will all enjoy the cherry trees if they are lucky enough to come in April. He said cherry trees bloom every year and they will be a sign from the Japanese people to say thank you for so many years to come. He said our two nations have enjoyed a good relationship for 65 years and he would like to see another 65 years to continue and this unfortunate event really brought the two nations together and made the relationship so much stronger. He said this is a symbolic effort by 1,000 people and the result will be enjoyed for many years by many people.

Mr. Schock said he liked Plan “B”; the base is expanding and is pretty much land strapped around there. He said he would like to see the trees planted along Airway Road or even along Rt. 35. He said he would like to take a step further on the letter of endorsement and instead, do a resolution with all of Council’s signatures on it.

Ms. Campbell said she would like to see the trees planted some place like a park where people can come and have a picnic instead of planting them along the roadways.

Mr. Fullenkamp said he liked an aesthetic investment in our community; it’s a positive project and will make us stand out a little bit. He said he liked the idea.

Mr. Hara said he thought planting some of the trees inside the Air Force Base is highly probable but 1,000, he’s not so sure. He said the rest will have to find a place to go. Deputy Mayor Smith suggested along both sides of Springfield Street. Mr. Schock said we don’t want to block the view of our Center of Flight project but that could be done with proper spacing.

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Mr. Hara said the primary objective is to express gratitude to the men and women in uniform so he can't remove the component of the Air Force Base or somewhere around there. He said each community has their own interest in doing one or the other; this could be the heart of the project and the rest of the communities could join and do something similar.

Mrs. Reynolds thanked Mr. Hara for thinking of Riverside and for remembering something so tragic with something so beautiful.

Mayor Flaute asked if a resolution endorsing the project with all council's signatures on it was what council wanted to do and council members agreed. He thanked Mr. Hara for presenting the project.

**ITEM 12: ACCEPTANCE OF WRITTEN CITIZENS PETITIONS:** Mayor Flaute advised citizens to fill out a form if they wished to speak about agenda or non-agenda items.

**ITEM 13: CITY MANAGER'S REPORT:**

- (1) FYI Items
  - a. Council Request Sheets.
  - b. Council Agenda Calendar.
  - c. Weekly City Manager's Report.
  - d. Minutes of the May 16, 2011 Planning Commission meeting.
  - e. Income Tax Scorecard.
  - f. Draft minutes of the June Parks & Recreation Commission meeting.
  - g. 2011 & 2012 Financial Projections.

Mr. Chodkowski said you have my report and he would be happy to answer any questions. He said he had 2 things to add which were not in the report: first, on a bright note, the Montgomery County Soil and Water Conservancy District accepted the Lilly Creek Improvement Project petition at their board meeting last night. He said that will trigger a public hearing on the project for members within the watershed in the next 90 days. He said when he knows more about that he will share the information with council. He said we will make sure the information also gets on the website.

Mr. Chodkowski said on a gloomier note, today Mr. Miller had a meeting at the Fair Park/Fairfax bridge facility and the County Engineer has changed the assessment on the bridge and recommended its immediate closure. He said as a result we have made arrangements to have barricades delivered Monday afternoon and he is in the process of preparing a letter that will be mailed to the residents tomorrow. He said once we have a better understanding of the situation it will be included as part of our capital improvement budget discussion with a current estimate of \$250,000 to \$300,000 to replace the bridge. He said we will have a 48 hour traffic count so we will have some additional information on how many folks will be impacted by the closure.

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Mrs. Reynolds asked if this was the second time this bridge has been closed. Mr. Chodkowski said he was not aware that it had been closed in his tenure here. Mr. Miller said 2 1/2 years ago, we closed it to repair it but it was not permanently closed.

Mrs. Reynolds said regarding the speed counter on Sheller Avenue, is there any results from that yet. Mr. Chodkowski said the device was out for a few days but there was an interface problem between the software in the unit and uploading the data to read the results. He said the device was pulled in, the issues were addressed, and it was scheduled to be placed back on Sheller tomorrow; however, in light of our meeting with the county, it has been rerouted to the bridge until Monday when it will go back to Sheller. He asked Chief Reiss when they would have the results for Sheller Avenue. Chief Reiss said to give him two meetings. Mrs. Reynolds said she appreciated that.

Mrs. Reynolds said on the Parks & Recreation meeting minutes; she was confused by the strategy discussion for future park improvements on page 2. She said she thought part of the thought was missing. Mr. Chodkowski said the commission originally scheduled this item for their June agenda but it was changed to the July meeting.

Mrs. Reynolds said on the budgetary projections she was concerned because at the last meeting we discussed that we were going to start out figures with our carry-over and base everything from those numbers going forward. She said she also realized they indicated that this was just general fund, fire fund, police fund, and service fund but there is an \$804,000 difference and again, she is a numbers tracking person and she can't keep this straight if we start out with a different number. She said she needed to know how Mr. Gillian reconciled what he did; they talked at the last meeting that our new numbers beginning all budgetary processes from that time forward would be based on the \$8.6 million figure and we would work from that figure. She asked for the explanation of the \$804,000 difference. Mr. Gillian said it was for all the other funds that weren't represented in the report. Mrs. Reynolds asked why is it that difficult to put all those in when council receives projections and when we are talking numbers. Mr. Chodkowski said it's not difficult; specific to the discussion when he and Mr. Gillian talked about what the projections should be, his direction to Mr. Gillian was to limit it to the funds they were discussing. Mrs. Reynolds said we just had this discussion and council needs the full picture each time they talk budget to maintain integrity and transparency. She said she didn't think it was good when we put out the packet to the public and they start seeing this. She said they can read the minutes and see that she made a request that all budgetary projections start out with the \$8.6 million and she is making that request again. Mr. Chodkowski apologized and said he wasn't able to get to the minutes prior to assembling the packet but we will make sure that issue is addressed.

Mr. Fullenkamp said regarding the soccer games at Shellabarger Park on Sundays; are we doing anything to move the playing fields away from the residential area. Mr. Chodkowski said we have had some discussions with those folks. He said he did not have the Community Festival dates when he approved the soccer schedule and the final day of soccer is scheduled for the same day as the festival. He said we have been in contact with the soccer folks and informed them of this issue and they are more than amicable to work around how that is all going to come together. He said we are talking about them playing at Rohrer or Thomas Cloud or amending their schedule to not play that weekend. He said once we work through that we will be moving the one field up to the front of the park. Mr. Fullenkamp said so this Sunday will be status quo and Mr. Chodkowski said yes.

Mayor Flaute said his question is on the bridge; it can't be repaired - correct. Mr. Chodkowski said the support beams under the bridge have degraded to where they just can't carry the load. He said the bridge deck needs to be peeled off, the I-beams replaced, the deck laid back down, and then new asphalt. Mayor Flaute asked if we

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were looking for grants or help from anybody. Mr. Chodkowski said at this point, we are not quite sure what to do with it just from the stand point of it being a \$250,000 to \$300,000 repair; there are pluses to having the bridge and there are negatives to having a bridge at that location. He said those are things we need to talk about internally; what is the most cost effective way to repair the bridge or if it is cost effective to replace the bridge at all because one of the issues is it creates a dam, it's not designed for 100 year floods. He said we need to look at the trade off. Mayor Flaute said we had a situation with the Dora Street Bridge that went on for years and it was awful so we want to stay on top of this.

Mrs. Reynolds asked how traffic would be rerouted. Mr. Chodkowski said there are 2 access points from Smithville; the bridge makes it easier for the folks located on the west side of the creek to get out onto Springfield but the bridge is not essential because of the other access points. Mrs. Reynolds said the curve situated on Smithville right there is dangerous.

Mayor Flaute asked if when the people in the watershed for the Lilly Creek project are notified, will that include the people in Seville. Mr. Chodkowski said correct, it will include everyone within the watershed. Mayor Flaute asked if we knew if there will be a cost to them. Mr. Chodkowski said everyone within the watershed will be responsible for their proportionate share of the cost of that project.

**ITEM 14: PUBLIC COMMENT ON AGENDA ITEMS:** There were no public comments on agenda items.

**ITEM 15: NEW BUSINESS:**

## I. ORDINANCES

- a. **Ordinance No. 11-O-471 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.**

Mr. Chodkowski said this ordinance is to authorize supplemental appropriations to the current operating budget. He said an explanatory memo is included in the packet.

A motion was made by Mrs. Reynolds to read Ordinance No. 11-O-472 for the first time in its entirety and approve its first reading. Mr. Denning seconded the motion.

Mr. Fullenkamp said in the proposal is a \$90,000 investment for 4 interceptors of a model that is going to be discontinued this year. He asked if we looked at the operating costs comparing the Crown Victoria to the newer models. Mr. Chodkowski said there are a couple different issues: the Ford Crown Victoria interceptor is being replaced with the Ford Taurus interceptor and Mr. Fullenkamp sent an article which stated the Taurus is anticipated to be approximately 20% more fuel efficient than the Crown Victoria. He said it was implied through the article that it might be more beneficial for a city to wait and purchase the Taurus. Mr. Fullenkamp said the article didn't imply that, he did. Mr. Chodkowski said specific to this issue in real costs related to projected fuel budgets and the 4 vehicles subject to replacement; assuming fuel costs remain consistent in 2011/2012, the Taurus, in the event it were 20% more fuel efficient, would reduce the operational expense by \$17,000 overall current expense – for the 4 vehicles, \$6,000, give or take. He said total maintenance costs in 2011 on the 4 vehicles we are recommending be replaced has been roughly \$11,800 which represents 50% of projected expenditures for that line item. He said a problem that might occur if we delay is delivery of the new model would probably not occur until June or July of 2012 which extends maintenance costs on those 4 vehicles. He

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said also Ford can no longer guarantee the equipment in the Crown Victoria interceptors will transfer to the Taurus with the minor retrofit kits available today. He said lastly, Ford has not set a purchase price for the Taurus interceptor and based on the prices for the Caprice, the Impala, and the Charger, we are anticipating the Taurus will be from \$3,000 to \$5,000 more expensive than the Crown Victoria.

Mr. Fullenkamp asked what the state of the fleet was. Mr. Chodkowski said operational but in a condition that is not favorable; typically you want to cycle your fleet - 3 years for a cruiser with 60,000 to 65,000 miles and you are always replacing a third of the fleet every year. He said in this instance in 2006, following the approval of the police levy, Chief Johnson ordered 16 police cruisers. He said they all came at the same time and they all have approximately the same mileage. He said the cruisers we are recommending for replacement have 110,000 miles or more. He said the majority of the 2006 fleet that remains has 80,000 plus miles so we are going to start running into mechanical problems with those.

Mrs. Reynolds said the remaining cars are at 80,000 plus miles. Mr. Chodkowski said the remaining 2006 models. Chief Reiss said there would be 4-2006 models left and our intention is to recycle 4 annually. Mr. Fullenkamp asked how many were in the fleet. Mr. Chodkowski said 13 marked vehicles; 12 are Crown Vics - 4 with 110,000 plus miles, 4 with 80,000 plus miles, and the remaining 4 were purchased last year. He said the marked Impala is in reserve but it has mechanical issues.

Ms. Campbell asked if we would have to upgrade the computers in the cruisers when we change the dispatch. Mr. Chodkowski said we would have to reprogram as far as channels and mode of configuration but we would not be required to buy new equipment. Ms. Campbell said if we are going to spend the money we might as well purchase the best and upgrade. Chief Reiss said all the in-car computers were replaced last year through a grant so we have the most up-to-date equipment.

Mr. Fullenkamp asked how many cars are on the road at once. Mr. Chodkowski said typically between 4 and 5, then there would be a Sergeant that may or may not be on the road.

The Clerk of Council read Ordinance No. 11-O-471 for the first time in its entirety and Mayor Flaute asked if there was any further discussion.

Being none: All were in favor; none were opposed. **Motion passed.**

**II. RESOLUTIONS**

- a. **Resolution No. 11-R-1572 by the Council of the City of Riverside, Ohio authorizing the City Manager to enter into an agreement regarding Public Safety Dispatching with the City of Huber Heights.**

Mr. Chodkowski said this resolution is to authorize the city manager to enter into a contract with the City of Huber Heights for the purposes of providing public safety dispatching services.

A motion was made by Mr. Denning to approve Resolution No. 11-R-1572. Mr. Schock seconded the motion.

Ms. Campbell asked if the set dollar amounts per year included any upgrades. Mr. Chodkowski said all of our equipment is currently compatible; if our equipment breaks, it is our responsibility to repair it or replace it. Ms. Campbell said what if Huber Heights changes their system or upgrades. Mr. Chodkowski said we would

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have to pay but Huber Heights is not in any position to change the manner or method in which they dispatch until such a time as the county shuts down its countywide system. He said the only issue that would exist would be the CAD system; they are looking at changing that system and in the event they change that, we would have to make minor modifications to our mobile data terminals. He said other than our time, we would not be charged for those modifications to the software. Ms. Campbell asked if we would have to hire a staff person to be the computer person. Mr. Chodkowski said no, we use CDO Technologies to do all our computer work and Huber Heights has agreed to service our equipment at no cost provided they have the time to do it.

Mr. Denning asked how much we were saving per year. Mr. Chodkowski said over the next 24 months we are saving approximately \$340,000.

Mr. Fullenkamp asked if the annual increases were estimated inflationary costs. Mr. Chodkowski said he wasn't sure exactly what the mathematical multiplier was that Huber Heights used but those are actual costs guaranteed for the length of the contract.

Mrs. Reynolds said she had a question regarding Section VII, Unexpected Costs for planned special events. She asked if the city manager could cite an example they might have been thinking of -- she couldn't imagine such an event that would create the extra workload on dispatch. Mr. Chodkowski said he's not aware of any either but he would think they would notify them in advance of something like TATTOO or the Marathon. He said it wouldn't necessarily require additional resources on their end but based on the manner in which they dispatch, they would want to know that so they know where our personnel are and how to communicate with them.

Mrs. Reynolds said in the same section regarding an increase in the scope of public safety communication services from what is currently required shall not be binding on Huber Heights unless approved in writing. She asked for an example situation. Mr. Chodkowski said in relation to that specific provision, they might be talking about a natural disaster; for example if we had a tornado and Huber Heights did not, that might compel them to bring in additional dispatchers to handle call volume. He said in addition to that, we might want to utilize their "code red reverse 911" system which is not a provision we would utilize under the current contract.

With no further discussion: All were in favor; none were opposed. Motion passed.

- b. Resolution No. 11-R-1573 by the Riverside City Council declaring its intent to establish a Tax Increment Finance District pursuant to Ohio Revised Code Chapter 5709.

Mr. Chodkowski said this resolution is to declare council's intent to entertain legislation to establish a TIF in direct correlation to the Brandt Pike project.

A motion was made by Mr. Denning to approve Resolution No. 11-R-1573. Mr. Fullenkamp seconded the motion.

Mr. Fullenkamp asked what our negotiation position is as we enter into this process; how much are we giving. Mr. Chodkowski said at this point all council is doing is announcing its intent to establish the TIF, it does not set any terms or conditions other than the fact that such a district is being considered for the 30 year, 100% abatement provision. He said this does not obligate council to any term or condition. Mr. Fullenkamp said he understood this was a general statement but are we just going to say we are paying for all the infrastructure, is that going to be our position going in or will there be a discussion on that. Mr. Chodkowski said as part of this particular legislation, the developer was required to declare and we are required to acknowledge

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what the TIF is going to pay for; in this instance it is public infrastructure which is defined in exhibit "c". He said there is also language established in the legislation that clearly dictates the applicable term of the TIF which is either 30 years or until the TIF is no longer legally eligible to be in existence or until the total amount of the public infrastructure investment is repaid - whichever occurs first. He said the current estimate is approximately \$1.7 million; the reason he does not have the specific dollar amount is we have run into another issue with the project, in particular the sanitary sewer. He said at the time it was constructed for the business park none of the future tenants were projected to have a basement and because it was laid shallow and over the storm sewer, topography dictates that a lift station be constructed. He said the developer is getting estimates for that and currently those are running between \$150,000 and \$200,000. Mr. Fullenkamp asked if the developer was demanding full coverage for these items. Mr. Chodkowski said what the developer has agreed to and council has also agreed is that the TIF will be established for a 30 year period. Mr. Fullenkamp asked if they expected us to TIF the entire \$2.0 million. Mr. Chodkowski said if the TIF only generates \$1.3 million then the developer is on the hook for the balance of \$700,000 out of his pocket; if the TIF would generate \$2.0 million over 30 years but the developer only invests \$1.6 million, if the TIF generates \$1.6 million in year 22 then the TIF is done. Mr. Fullenkamp said so the developer is asking for the full amount. Mr. Chodkowski said they are asking for the TIF to be honored to its full term and they cannot make a profit on the reimbursement.

Ms. Campbell asked if the city would pay for sidewalks or will the residents be assessed on their taxes. Mr. Chodkowski said this TIF does qualify sidewalks as public infrastructure and those must be in place at the time the principal structure is completed. He said he won't say the residents are assessed for that but he would believe the cost of the sidewalk is included in the price of the home at the time of sale.

Mr. Fullenkamp said if we use \$1.5 million for 60 units, we are subsidizing these lots at \$25,000 apiece, so he didn't see how the home purchasers were paying for the sidewalks other than the money goes back to the developer. He said same discussion for curbs and we are having the discussion on sidewalks for Burkhardt as well; who should pay for that and we are saying the city should out of the revenue of the TIF. He said that's subsidy.

Deputy Mayor Smith asked if the TIF is paid off early, does it cease. Mr. Chodkowski said yes.

Ms. Campbell asked if we would be responsible for paying them \$50,000 to hook up to water and sewer. Mr. Chodkowski said we have agreed that in the event the developer acquires a neighboring parcel and the development of the first parcel is completed, we will provide them a \$50,000 reimbursement for the expansion of the utilities on the second parcel. Deputy Mayor Smith said it's an incentive for the developer to buy additional properties. Ms. Campbell asked if we would be responsible to pay someone else the \$50,000 if the developer sold the second parcel and Mr. Chodkowski said no, the agreement is with only with DDC, LLC and not with whomever they might sell a property to.

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

- c. Resolution No. 11-R-1574 authorizing the City Manager to enter into a contract with American Pavements, Inc., the lowest, responsive and best qualified bidder for the 2011 Crack Sealing Project.

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Mr. Chodkowski said this resolution is to authorize the city to enter into a contract with American Pavements, Inc. as the most responsive and qualified bidder for the 2011 crack sealing project.

A motion was made by Mrs. Reynolds to approve Resolution No. 11-R-1574. Mr. Schock seconded the motion.

Mr. Denning asked if they would be using the same amount of material as other bidders because their material costs were way down and their labor costs were up; if it's the same stuff it just doesn't make sense. Mr. Chodkowski said he didn't have the answer to that but what he does have is control of the performance bond.

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

**d. Resolution No. 11-R-1575 authorizing the purchase of road salt for 2011-2012**

Mr. Chodkowski said this resolution is to authorize the purchase of road salt under the terms and conditions of the SWOP4G bid.

A motion was made by Mr. Schock to approve Resolution No. 11-R-1575. Mr. Fullenkamp seconded the motion. All were in favor; none were opposed. **Motion passed.**

**ITEM 16: PUBLIC COMMENT ON NON-AGENDA ITEMS:** Mr. Dan Szonnell of 2703 old Troy Pike said on May 10<sup>th</sup>, he answered a knock on his door and was greeted by a representative from the City of Riverside who told him the city is interested in possibly buying his house. He said the appraiser came on May 11<sup>th</sup>. He said on June 29<sup>th</sup> he received a 41 page appraisal and was shocked at the appraised price. He said he took the weekend to look over the report and he is appalled.

Ms. Campbell asked who he talked to from the city. Mr. Szonnell said Bob Murray.

Mr. Szonnell said a few examples on the report are: the area is described as being on the northwest side of Dayton, Ohio – we are on the northeast; the area is described as being home to a large manufacturing base with a strong component directed to the automotive industry – there used to be a GM plant that is a vacant field now. He said on information regarding his house the report states: 8 foot ceilings – he has 9 foot ceilings; comparison sales were not good comparisons; condition states subject residence has been gutted to studs; and there are dozens more mistakes – errors and typos.

Mr. Szonnell said he spoke to Mr. Murray on July 6<sup>th</sup> and he asked Mr. Murray if he read the report. He said Mr. Murray stated no. He said he asked Mr. Murray how much the appraisal report cost and he did not know. He said in his opinion as a professional layman, he would say this report is not worth the paper it took to print it.

Mr. Fullenkamp asked if they offered him what he wanted. Mr. Szonnell said the county appraised his house 3 years ago at \$57,000 and this appraisal is \$8,300.

Mayor Flaute thanked Mr. Szonnell for bringing that to council's attention. Mrs. Reynolds said it should also be noted that the city manager needs to make sure we don't send an appraisal out until the city has reviewed it; she was sure we requested it and not Mr. Szonnell. Mr. Chodkowski said this appraisal is in relation to a project that is actually being funded by ODNR and the Montgomery County Conservancy District for the water access on the Miami at the Eintraght Club. Mrs. Reynolds asked if we would normally get a copy of the appraisal first if we were asking for it. Mr.

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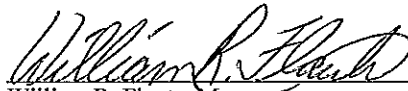
Chodkowski said how the project is composed is multi-faceted so whether council would or would not get a copy of the appraisal would depend on where we are in the project. He said for the purposes of being able to assemble the necessary parcels in conjunction with the Montgomery County Conservancy District the appraisal was needed for the property owner, for the conservancy district, and for us, but since the appraisal was less than \$25,000, council was not required to see it. He said we are not making a formal offer because the package grant has not come to fruition.

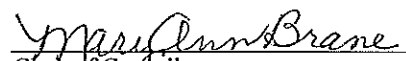
Mrs. Reynolds said she understands that but she is concerned a document that we requested we didn't even see and if we had seen it, she believes we would have caught the mistakes. Mr. Chodkowski said he would not argue the fact that the report is substandard and we should have caught the issues. He said since Mr. Murray is on vacation this week, we will address it when he returns to the office next week. Mrs. Reynolds said that is a shoddy piece of work product and we are not known for shoddy work.

**ITEM 17: COUNCILMEMBER COMMENTS:** Mayor Flaute said he attended three different changes of command at the base and he is making as many friends at the base as he can. He said the TATTOO was a great event and our police and services did a great job. He said he has heard nothing but positive things about what is going to happen in our community. He said in the TATTOO program the City of Riverside had a nice advertisement and he complimented the manager for whoever did the ad -- it turned out very well. He said he did about 14 weddings.

**ITEM 18: EXECUTIVE SESSION:** A motion was made by Mr. Schock to enter into executive session for the purpose of discussing pending litigation. Ms. Campbell seconded the motion. A roll call vote was as follows: Mr. Schock, yes; Ms. Campbell, yes; Mr. Denning, yes; Mr. Fullenkamp, yes; Mrs. Reynolds, yes; Deputy Mayor Smith, yes; and Mayor Flaute, yes. The Council entered into executive session at 9:21 p.m.

**ITEM 19: ADJOURNMENT:** The Council came out of executive session at 9:58 p.m. and a motion was made by Ms. Campbell to adjourn. Mr. Schock seconded the motion. All were in favor; none were opposed. The meeting was adjourned at 9:58 p.m.

  
William R. Flaute, Mayor

  
Clerk of Council