

RECORD OF PROCEEDINGS

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Meeting

DAYTON LEGAL BLANK INC. FORM NO. 13149

Held

Thursday, June 2, 2011

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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, absent; Deputy Mayor Smith, absent; and Mayor Flaute, present.

Staff present was as follows: Bryan Chodkowski, 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:** Mayor Flaute said he received a call from Mr. Schock who said he would be either late or absent at tonight's meeting due to problems at his work following the recent storm. He asked if anyone had heard from Deputy Mayor Smith and no one had.

A motion was made by Mr. Denning to excuse absent member Mr. Schock. Mrs. Reynolds seconded the motion. All were in favor; none were opposed. **Motion passed.**

A motion was made by Mr. Denning to excuse absent member Deputy Mayor Smith. Mr. Fullenkamp seconded the motion. None were in favor; all were opposed. **Motion failed.**

**ITEM 4: ADDITIONS OR CORRECTIONS TO AGENDA:** Mr. Chodkowski asked for pending litigation to be added to Item 17, Executive Session.

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

**ITEM 6: WORK SESSION ITEMS:**

a. Discussion: Issue II Projects

Mr. Chodkowski said included in the packet are this year's Issue II grant applications and similar to previous years we looked at the submittal of Harshman Road and Burkhardt. He said in 2007 we put in application for a complete reconstruction of Burkhardt Road from Woodman to Granville and this has been modified to do a complete resurfacing from the Dayton city limit to the Greene County line. He said we selected those two roads because they have deteriorated more quickly over the past few years as opposed to some other roads we are trying to address. He said we plan to use permissive tax funds to do some crack sealing on Valley by Laws all the way to the Greene County line; Airway from Woodman to the Greene County line; Beatrice; and Community.

Ms. Campbell asked when the crack sealing would be done. Mr. Chodkowski said we don't know yet; the low bidder was American Pavements and we are working through that issue. Mayor Flaute asked if they were the ones that put slurry seal on Spinning and Mr. Chodkowski said yes. Mr. Denning said if we choose to accept that bid, we would have a lot more control over the repair this time. Mr. Chodkowski said correct; we are vetting through the process to choose the best, most qualified bidder and council will probably see that legislation July 7<sup>th</sup>.

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Mr. Chodkowski said he has been in discussions with the city's engineer LJB regarding the Issue II projects and they have made a couple of different recommendations to garner maximum points. He said their recommendation on the Harshman project is to increase our contribution by \$15,000 which would bump us up to the next point level which is the 8 point category. He said on the Burkhardt project we can reduce our local contribution by \$30,000 and still be within the 7 point category. Ms. Campbell asked how much of Burkhardt was being done. Mr. Chodkowski said all of Burkhardt which is in our jurisdiction. Ms. Campbell asked if we were getting a grant for that. Mr. Chodkowski said he is asking council to authorize submission of grant applications for the projects requesting \$1.0 Million for the Harshman project and \$700,000 for the Burkhardt project. He said in addition to that we are going to ask the OPWC Board to consider us for the revolving loan program; a zero interest loan which might elevate us in garnering the money.

Ms. Campbell asked if the grant application would be for re-modification of Burkhardt. Mr. Chodkowski said there is actual project detail and we will be doing a mill and fill which takes off about 3 inches of the current asphalt and replaces with 3 inches of asphalt. He said there would also be some minor base repairs; minor sidewalk work; and minor catch basin repairs. Ms. Campbell said if we had requested a re-modification when we did Valley Street, we would have gotten sidewalks. Mr. Chodkowski said there are a lot of things that go into how OPWC scores a grant.

Ms. Campbell had copies of maps she pulled up online and had highlighted areas where there were no sidewalks; she asked if those would be included as part of the project.

Mayor Flaute said the recommendation was for 3 inches but maybe we should go more than that; the road is really high and he would bet it been redone about 6 times. Mr. Chodkowski said they are going to try to fix the grade of the parts that are sloping off to address drainage issues. He said it appears to be an overlay where they didn't remove any asphalt; they just laid over the top of what was there.

Mr. Fullenkamp said the thing that really stood out to him is the absolute switch from an 80/20 grant application to a 20/80 approach comparing this year to last year. Mr. Chodkowski said in previous years we have tried to pledge the minimum local match required. He said while our projects have scored fair over all, the thing that holds us back is the amount of money we are asking them to give us. He said if there is only \$12 Million to give out and all jurisdictions in the county are applying for those dollars; we might score well but we won't get funded because we are asking for too large of a chunk of the money. He said the suggested match he put forth is because he isn't sure costs could be held down to this level if we go another season or two without making repairs. He said he tried to bring our applications this year up to coincide with projects which were previously successful at being awarded the grants.

Mr. Fullenkamp asked if this was the only type of grant money that was applicable to the Harshman Road project especially since it is a regional artery. He said he thought the county would be interested at a higher level than 20% to keep that traffic flowing efficiently. He asked if we didn't apply for other grants available. Mr. Chodkowski said that would be a question for our engineer; we can make available other dollars but they aren't significant. He said some sections of Woodman and Harshman might qualify for Community Development Block Grant dollars but it's not going to amount to a lot. He said you could apply the permissive tax dollars as well. He said a lot of the issue he has seen is that since we are part of a metropolitan planning organization, MVRPC, our ability to apply directly for State or Federal grants is limited because MVRPC acts as the clearing house for those grants.

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Mr. Fullenkamp said part of what drove him was the article in the newspaper on what Kettering has done and the amount of funding they have received for the projects they are working on. He said they are seeing federal and state grants through MVRPC of \$13.1 Million of the \$18.7 Million they are spending. He said he didn't understand the structure or what they applied for but they seem to be getting a 2 for 1 partnership and he wondered why they are being successful and we can't. Mr. Chodkowski said there could be a couple of different reasons for that but for the purpose for continuing discussions; he can have LJB address that matter in a communication to council. Mr. Fullenkamp said part of the reason for inquiry is it would be a major concern to see our reserves drop.

Mr. Denning asked if Harshman Road was a mill and fill or taking it all down and replacing concrete. Mr. Chodkowski said Harshman would be done similarly. Ms. Campbell asked if we were putting sidewalks in and Mr. Chodkowski said no.

Deputy Mayor Smith asked if this would be anything like the Spinning Road project. Mr. Chodkowski said no; Spinning Road was micro-seal.

Mrs. Reynolds said looking at the spec sheet, she wasn't sure she understood the difference between a 1 1/2 inch intermediate course and a 2 inch surface course and a 1 3/4 intermediate course and etc. She asked someone to explain that to her. Mr. Miller said any time you do a mill and fill project; any non-conforming concrete work has to be replaced, such as ADA ramps that aren't to current standards. He said there are several concrete repairs that need to be performed to existing sidewalks. He said most of the concrete work has to do with repair and bringing everything into conformance with federal and state statutes. Mrs. Reynolds asked if there were any grants we could apply for to do ADA compliance work. Mr. Chodkowski said he couldn't answer that. Mrs. Reynolds asked him to check.

Mrs. Reynolds said she is greatly concerned with the amount of dollars the city manager is requesting come out of the fund balance for this project and felt we were jeopardizing the well being of the city. She said we are looking at \$8.5 Million fund balance and taking I down to just a little over \$2.0 Million. She said we diligently worked on the budget this year so we could have a little breathing room and provide services to the city. She said the \$2.6 Million is going to take us out about 3 1/2 years. Mr. Chodkowski said give or take. Mrs. Reynolds asked what the plan was to rebuild the fund balance. Mr. Chodkowski said his understanding is that was what they were in the process of attempting to accomplish through our evaluation exercises. Mrs. Reynolds asked what his projection was to rebuild the fund balance; council was willing to give him the latitude earlier this year to use \$1.0 Million for economic development that didn't take place and she thought we all understood the circumstances of that. She said now you are asking us to approve spending \$6.0 Million on Harshman Road and Burkhardt Avenue and she's not sure we are going to be able to keep police officers on the street or firemen in our trucks. She said the city manager has mentioned several times we have capital needs and this is a real worry to her. She said she didn't think we've looked at every avenue for funding; she had an opportunity to talk with MVRPC this week and there are several municipalities in their 2011 through 2015 transportation improvement plan that have requested some dollars. She said we haven't requested anything and she asked if there was a reason for that.

Mr. Chodkowski said he had a conversation with Don Spang of MVRPC in late 2007 or earlier 2008 and we talked about Harshman Road. He said we discussed how we could make sure Harshman Road was on the radar of MVRPC for reconstruction and at that time Mr. Spang indicated that from the size and scope of traffic level held by Harshman, anytime we submitted a project, it would be in consideration. He said to that extent in talking with Mr. Spang in 2007/2008, Harshman Road was our primary concern at that time. He said as far as the long term transportation aspects beyond

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Harshman Road, we haven't given much consideration to those because we still had operational issues that needed to be addressed. He said we acknowledged early on that with the dollars we had, you couldn't put the dollar in column A - operational issues and still be able to put it in column B - capital improvements. He said we continued to put dollars into column A knowing at some point in time conditions would deteriorate to the extent that column B would have to be addressed. He said that is in essence where we are.

Deputy Mayor Smith said looking at both projects; Harshman Road appears to be the worst in his opinion. He said if we apply for both projects, we aren't obligated to fund the projects and go forward, are we? Mr. Chodkowski said we are not required to do so but it is considered bad form to apply and then decline. Deputy Mayor Smith said if we picked the worst of two evils, Harshman Road, what would that cost the city? Mr. Chodkowski said approximately a \$5.0 Million contribution from the city. Deputy Mayor Smith asked if there was any where else we could go to seek funds. Mr. Chodkowski said to the best of his knowledge, no; we have deferred to LJB to identify grant opportunities for projects we want to accomplish. He said in follow up to Mr. Fullenkamp's previous question, we will have LJB here or at least provide documentation that would highlight what other avenues are out there or what other avenues are out there that we aren't eligible for.

Deputy Mayor Smith asked if we had permissive tax money available for this project. Mr. Chodkowski said we do; internally we had tried to keep those dollars separate from these projects to do maintenance on other streets such as the crack sealing discussed earlier. Deputy Mayor Smith asked how much was in that fund. Mr. Chodkowski said about \$400,000.

Mr. Denning said Safe Routes to School funding could be used as matching funds if the timeline worked out. Mr. Chodkowski said the OPWC board will make its evaluations and recommendations in October or November of this year for projects next year. Mr. Denning said there maybe a pocket of money that could backfill some of the matching funds.

Mayor Flaute said tonight is the first time we've heard of the zero percent interest loans and he asked if it was certain we could get that. Mr. Chodkowski said he couldn't say for certain; fewer communities apply for the revolving fund dollars but the dollars still come from the same source. Mayor Flaute asked when the applications had to be in. Mr. Chodkowski said August. Mayor Flaute said so we could find out if we could get the loan. Mr. Chodkowski said correct; we still have 2 or 3 meetings to review, evaluate and discuss the projects. He said the value of the dollar required from the city is not lost on him. Mayor Flaute said if we could get zero percent interest on a loan, that would be something and it could help us a lot. Mr. Chodkowski said the first time he heard about this loan was this week and he is unfamiliar with the terms of the loan program other than it is zero interest and while it draws against the collective dollar, the fact that you are capable to repay it in the short term is what is appealing for the district board to want to award that grant. Mayor Flaute said as stated earlier, if we don't do these roads, the deterioration is going to be much worse and much more rapid. Mr. Chodkowski said the cost to Band-Aid the roads is going to continue to escalate as well.

Mr. Fullenkamp said as far as the scope of these projects; would the city manager consider these middle of the road projects and don't we assess people for the curbs. Mr. Chodkowski said that is an option; his overall assessment of the capital infrastructure is that the replacements and the repairs of those is going to continue to be middle of the road with an estimated life of about 15 years. He said if you prepared a full scale reconstruction it would increase the cost of the projects exponentially. He said the trade off is long term cost over short term cost; if repaired correctly the cost

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would double but the estimated life would be 20 to 25 years. He said at some point the cost to continue to do the moderate repair will eventually exceed incurring the cost to repair it correctly.

Mr. Miller said another thing to consider is if you look at the spec sheet, there is a term gilsonite which is a hardening agent to extend the life of blacktop. He said it is mixed in and deceases the shifting that blacktop does. He said the gilsonite is designed to be put at key locations such as bus stops or intersections where there is truck traffic. He said it will have a more favorable impact than what is there right now.

Mr. Fullenkamp asked if it was a consideration to assess for the curb and sidewalk repairs. Mr. Chodkowski said if council wanted to adopt that as a policy that would be a reasonable and legal policy to adopt. Mr. Fullenkamp asked if LJB could give council an idea of what that cost savings might be. Mr. Chodkowski said there is not a lot of sidewalk on the Harshman project. Mr. Fullenkamp said he was thinking more of the Burkhardt project. Mr. Chodkowski said he would look at that number.

Mrs. Reynolds said Mr. Chodkowski stated that he and Mr. Spang of MVRPC had a conversation about Harshman Road in 2007; she asked him to contact Mr. Spang and find out why this fell off his radar. Mr. Chodkowski said he didn't want to mischaracterize their conversation; it was about - we need to repair this road, what do we need to do to make sure the funding is available. He said he was told that based on the size and the scope of that road, we just needed to apply and it will get on there. He said to the best of his knowledge the long term planning is just that; here's our list of streets and the order in which we want them repaired and to the best of his knowledge, it does not guarantee funding if they are on the list.

Mrs. Reynolds said if we look at what went through the clearing house at MVRPC last year, we had the Woodman project, the Spinning Road project, and several other small projects. She said we applied for three projects we received money for and then didn't follow through on them - the entryway signs was one we didn't claim dollars on according to MVRPC. She said we also have a \$200,000 grant that is outstanding right now on a comprehensive study. She said according to the state, none of those dollars have been encumbered. She said she had PID numbers and they have something to do with the street repair plans. She asked if that would be something Harshman Road would be playing a part in. Mr. Chodkowski said he didn't know and would have to look. Mrs. Reynolds said the reason she's asking is a mill and fill is going to cost \$5.0 Million lasting roughly 15 years and a complete repair would cost \$10.0 Million lasting 20 to 25 years, but the city manager stated that the repairs on the mill and fill would bring the cost up to the \$10.0 Million cost over the additional years a complete repair would last. She said she always felt that our streets were one of the most important things in our community but she also realizes that we cannot spend every dollar we have to make sure that people passing through our community have a soft and fluffy ride. She said we have people in the community that we have to provide services for and she needs to make sure we can do that everyday. She said she didn't know that by spending upwards of \$8.0 Million if she could insure the community that's going to happen. She said that is her worry. She said she knows we have to take care of this road but she wants to be able to provide services when necessary; she can't gauge which is more important. She said she understands we can't keep patching those roads but we need to look at alternative ways of doing this. She said she didn't think we had all sat here and diligently tried to make every cut possible to maintain the financial stability of the community and then say we are putting \$6.5 Million out there.

Mr. Denning said he thought that was the purpose of the fund; put money there so we have the funds when we have large projects. He said he thought \$2.0 Million is a good point to be at but to keep growing it is like continuing to grow a retirement account

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and never retiring. He said the police officers need to be able to get from one end of town to the other as quickly as possible and as safely as possible – that's parts of the roads too.

Mrs. Reynolds said when we started the budget last year our fund balance was \$6.0 Million, now we are up to \$8.5 Million fund balance. She said there is \$2.5 Million that she doesn't know where it came from; last year alone we found a million dollars one time and she is very uncomfortable with our numbers; she doesn't know when it's not going to be there. She said today we are hearing we have \$8.5 Million but tomorrow we might hear we have \$5.5 Million. Deputy Mayor Smith said it took 17 years to get \$8.5 Million and we shouldn't blow it in one year.

Mayor Flaute asked for an explanation of where we got the extra \$2.5 Million. Ms. Campbell said it was \$4.0, then it was \$6.0, and now it is \$8.5 Million. Mr. Chodkowski said there are two things that led to the increase to the fund balance at the end of the year as opposed to the projected decrease. He said one of those is capital; we have always budgeted local match dollars to go to capital improvement projects and when the budget is approved, that is recorded as a real expense. He said what has happened every year is the grant has gone unfunded, so at the end of the year the approximate million dollar withdraw doesn't take place. He said that has consistently happened. He said he also projects at the beginning of every year that every employee will make their wage plus three percent whether or not the wage increase happens at the beginning of the year, middle of the year, or whenever. He said we also assume that every collective bargaining unit member will be paid the maximum amount allowed to them under the contract for that year. He said there all kinds of other things that go in such as plus pay for officer of the day or foreman of the day or lieutenant on call. He said finally, we always calculate that employees are receiving family health insurance. He said we do that to make sure all employee costs are going to be covered. He said at the end of the year every employee did not make the top rate; not every employee took out family health insurance; not every employee worked the projected hours as a supervisor for their shift; etc. He said there is also a percentage of it where we didn't buy as many paperclips or shovels as we thought we would. He said there is no lost money and there's no found money.

Mrs. Reynolds said council all sat at a table in mid March 2011 and we placed a call to the city manager to ask a very specific question – what is our fund balance. She said we were told \$6.0 Million; now we get this paper that says we have \$8.5 Million dollars. She said she understood all of his explanation but she needs to see some actual numbers; where we were at and where we are now. She said if you are allowing "x" number of dollars for all of these expenses, she would like to see actual numbers for everything. Mr. Chodkowski said that's what this budget is for 2011; when we prepared the budget for 2011 and you called to ask what the balance was, we were still preparing the 2011 budget in 2010. He said we assumed all the expenses for the remainder of the year would be valid expenses. He said the final corrections were made in late January or February which is when the projected fund balance went from \$6.0 Million to the actual balance of \$8.5 Million. Mrs. Reynolds said we spoke to you in March when we were doing your evaluation which is when you gave us the \$6.0 Million number.

Mr. Fullenkamp asked if the assumptions had changed going into this year. Mr. Chodkowski said council asked us to be as accurate as possible so all of the protections we had put in previous years do not exist in this budget. Mr. Fullenkamp asked if that was the result of the \$2.5 Million more dollars projected to the end of this year. He said when we were done with the budget, we all got a folder and in that paperwork the projection was \$6.4 Million. Mr. Chodkowski said correct. Mr. Fullenkamp said that was correct at that point in time, October. Mr. Chodkowski said yes; at that time there was a concern of whether the fund balance would be \$4.0

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Million or \$6.0 Million. Mrs. Reynolds said correct; originally you said there would be \$4.0 Million and everything was based on the \$4.0 Million scenario; then it went to \$6.0 Million and we had a discussion at that time; now it's \$8.5 Million. She said the numbers are not consistent and she can't follow them anymore. Mr. Chodkowski said he did not come prepared to have a budgetary discussion but he would have Mr. Gillian summarize that in a memorandum for council to understand how we incrementally climbed that ladder.

Mayor Flaute said he thought there had been enough questions to have this discussion again at the next meeting.

Mr. Chodkowski said Mr. Fullenkamp asked why Kettering was able to leverage their dollars a little bit better and we'll use them as a specific example. He said additionally to that - what are the other grant opportunities and if we are eligible why aren't we applying and if we aren't eligible, why is that. He said Mrs. Reynolds' question was related to if there were dollars available for ADA improvements separate from any of the other issues. He said council also asked for a summary explanation of why the fund balance increases occurred. He said there was also clarification requested on the loan program.

Mayor Flaute said he wanted to know everything about that program. Mr. Denning said to find out if the loan is for the full amount or just the grant money. Mayor Flaute said in addition to that Mr. Denning asked about using the Safe Routes to School money. Mr. Denning said his question was about the timeline because it can be used to do sidewalks as well as it can be used for matching funds as long as what you are doing was part of the original plan.

Deputy Mayor Smith said his concern is with the trucking companies we have utilizing the Valley/Harshman intersection; why can't we look at replacing the asphalt with concrete so it won't shift and it will last longer. Mr. Chodkowski said it is more expensive. Mr. Denning said he thought the hardening material Mr. Miller told us about helps with that. Deputy Mayor Smith said it will still shift, right? Mr. Miller said we have some areas where it is currently in place such as Airway and there hasn't been any shifting in 8 years. He said it is more expensive than blacktop but it seems to prove itself and it's less expensive than concrete.

Mayor Flaute said Mrs. Reynolds asked MVRPC be contacted about the status of Harshman Road. Mrs. Reynolds said she wanted a call made to check on that as well as dollars that we had not accepted on projects that had been approved and to check on the fact that we had nothing in the 2011 through 2015 transportations improvement plan.

Deputy Mayor Smith said he thought we needed to talk about another option, which he isn't excited about, and that would be putting a road levy on the ballot for road improvements. He said it's not something he wanted to do but something he thought we needed to look at; \$5.0 Million is too much money to take out of our general fund. Mayor Flaute said he thought it was something to discuss but this year the school is putting on a levy and we need to be real careful this year. Mr. Denning said the school levy is going on in August. Mayor Flaute said then we could maybe go on in November. Mr. Chodkowski said he would assume as a point of reference that Deputy Mayor Smith's topic will be discussed later on as part of the budget process. Deputy Mayor Smith said he just wanted to look at the money that would be generated if a levy were to pass and what would be imposed on our residents.

Mr. Fullenkamp said he thought a levy like that would be a broader scope and we would really have to look at our needs. Mr. Denning agreed and said before we have that discussion, we need a comprehensive plan of what we are going to spend. He said

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we are going to want this to be a five year levy and people are going to want to know what we are doing with the money. He said he thought if they knew that, we can get it done.

Mrs. Reynolds said there was an article that stated the feds are looking at putting some resurfacing money out there so we need to contact some of our senators and talk to them about freeing up that money. Mr. Chodkowski said at this point he is not applying for anything because council hasn't given direction; tonight's exercise was to have the discussion and get questions.

Ms. Campbell asked if we could just wait on the grant instead of spending these funds. Mr. Chodkowski said the grant we are asking for is \$1.0 Million out of a \$6.5 Million project. Ms. Campbell asked why we didn't ask for more. Mr. Chodkowski said there aren't enough dollars to fund more and the more money we ask for, the less we score and the less chance we have of receiving the grant. He added there is only \$12 to \$18 Million per round to give out and we are in competition with all other jurisdictions in the county.

Mrs. Reynolds asked if there was any way to save on this project; MVRPC has STP dollars, CMAQ dollars, and the landscaping/beautification piece. She said the CMAQ is for pollutants and she asked if there was any way this would reduce emissions. Mr. Chodkowski said we can ask; an example of a qualifying CMAQ project would be the SPUI (Single Point Urban Interchange) that is planned for Woodman and Rt. 35 which will eliminate congestion therefore eliminating emissions. He said we are not making any physical change within the roadway but we can call MVRPC and find out if the project qualifies. He said he wasn't familiar with the STP. Ms. Campbell suggested the well field board might help and Mr. Denning said there might be grants available through RTA for portions of sidewalk. Mrs. Reynolds said RTA also does grants for concrete pads at the bus stops. Mr. Denning said a bus stop pull off might give us an opportunity to get us additional funding or a bike lane; it might increase the cost of the project but it could also de-obligate some of our money.

Mrs. Lori Luckner, an audience member, asked if Harshman was originally supposed to be done in three phases. Mr. Chodkowski said yes. Mrs. Luckner asked why it was combined into one. Mr. Chodkowski said because in prior years it was easier to delineate the bad section from the worst section and now, that is not the case. Mrs. Luckner said it's still delineated - the Harshman/Valley intersection is the worst; at least that's her view as a citizen driving those roads everyday. She suggested breaking it into two phases as a way to not ask for so much money at one time.

Another audience member said we seem to be putting bike lanes out in the traffic and we have two sidewalks that nobody is on. He said you could make one side a bike path and the other side a walkway.

b. Discussion: Service Delivery Expectations - Fire

Mr. Chodkowski said pursuant to council's discussion on evaluating service delivery, you will find a memo regarding the fire department and he will be happy to answer any questions.

Mr. Fullenkamp asked why there was a spike in our requests for mutual aid from 2009 to 2010 and does this cost us anything. He said it jumped by a factor of 3. Mr. Chodkowski said mutual aid is requested universally and there is no costs incurred to us because the expectation is if someone helps us today, we will help them tomorrow. Chief Turner said a few years ago, we stopped calculating based on number of calls and based it on the number of apparatus which could be part of the calculation you see that is different. He said we also added a line on the monthly report showing the

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number of calls and the number of apparatus. He said on average we have 2 or 3 apparatus per call. Mr. Fullenkamp asked if he was suggesting the number of calls hasn't risen very much. Chief Turner said he doesn't know without looking at the numbers but historically they have not. Mr. Fullenkamp said if it's a change in the accounting, he understands that but he thinks whenever that is done there ought to be a parallel path showing how the two compare. Chief Turner said another thing we were capturing is sending a safety officer.

Deputy Mayor Smith asked what we were going to do differently than what we are doing now. Mr. Chodkowski said that's the answer we need from council; he and Chief Turner are of the opinion that the department at its current strength will continue to meet the needs of our community for quite some time. He said we need to hear from council if that is the level council wants it to be at. He said there are reductions that can be made which is true for all departments across the board and that's part of what this process is; is council satisfied with the level of service and staffing in the departments and if so, understand what that means expense-wise. Deputy Mayor Smith said 2 meetings ago you were telling us we had to hire a Fire Chief, we were going to have to replace an engine, and etc. Mr. Chodkowski said we are going to have to hire a Fire Chief, he doesn't see any way around that. He said we appreciate Mr. Turner stepping up to do his part for the department and for the city but he has confessed he has more gray hair than before. He said the part time force can be reduced, there are components of the full time force that can be reduced but understand that can have an impact on revenues because we do bill for EMS runs but that has a reciprocating value in cost. Deputy Mayor Smith asked if we were making more on EMS and mutual aid calls vs. what it is costing us to fund the part timers. Mr. Chodkowski said utilizing the part time staff to run 3 medics just breaks even; to staff 4 medics provides more revenue than the part time program expense. He said the fire department still requires a subsidy from the general fund but in utilizing part time firefighters and paramedics and being able to provide 4 medics in service more than covers the expense of the part time program.

Deputy Mayor Smith asked why we would make a reduction. Mr. Chodkowski said to Mrs. Reynolds' point earlier, if you want to be able to do \$7.5 Million worth of road work, it leaves a minimal fund balance and we can't afford to do both. He said the issue is if there are staffing levels you want to have then that is going to heavily impact your ability to seek capital funds for road improvements.

Ms. Campbell asked if when the levy passed, didn't it require us to keep the same level of staffing for both police and fire. Mr. Chodkowski said the 2010 replacement levy only applied to the police department, then there was a 1/2% increase in income tax several years ago which is for police / fire / EMS and it is split approximately 60% police and 40% fire.

Mrs. Reynolds said the \$2.62 Million left in the fund balance we talked about earlier will continue to decrease until there isn't anything and we have no where to go. She said she saw the top 4 areas for fire and EMS responses were the same as the areas on the Police Chief's report. She asked if it was because of an aging population in the Avondale area and if there was something that could be done with an outreach effort. Chief Turner said it is a big mix looking at the statistics, a wide variety of age groups with the injury side of things being the younger population.

Mr. Fullenkamp said of the 4 areas selected, are those approximately equal in populations. He said that would have an impact on how he read the statistics. Mayor Flaute agreed and said he would like to see percentages too. He said the number of calls for Overlook homes surprises him because there are only about 800 people there. Mrs. Reynolds said there are 742 units but there is a far greater number of people. Chief Turner said that's probably what you see in those areas, a higher concentration

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in a smaller area. Mr. Fullenkamp said his concern is he doesn't have a way to compare one region to the other. Mr. Denning said it would be nice to see a per capita and Mayor Flaute said a percentage. Mr. Fullenkamp said that would be his suggestion.

Mayor Flaute asked what our personnel numbers were now. Mr. Chodkowski said we staff 9 full time employees on duty at any given time. Ms. Campbell asked if that was enough. Mr. Chodkowski said yes, he and Chief Turner felt that staffing level will work for an indefinite time period. He said we can cover our calls and provide mutual aid to surrounding communities without compromising service to our citizens. He said based on a 4% increase in call volume, it will be 11 years before we are so busy internally that we cannot provide mutual aid to other communities.

Mrs. Reynolds asked if they considered the additional growth in population from the piece of legislation they would be working on later tonight. Mr. Chodkowski said we did not factor that into our calculation. Mrs. Reynolds asked if Ms. Wood was one FTE or is she split. Chief Turner said we do count for her during the day.

Mr. Denning said so we are basically at optimum; this is a well oiled machine, it's running great, and as long as nothing happens, we can run like this forever. Mr. Chodkowski said yes.

Ms. Campbell asked why we were discussing this if it was where it should be. Mr. Chodkowski said it has to do with the budget; if this is what you want, there is a cost to provide this service, so when we begin to prepare the budget and you begin to see the required operational deficit increase, we will all be on the same page.

Mrs. Reynolds said when we hire a Chief the FTE will be at 15. Mr. Chodkowski said we typically don't count the Chief as a responding member of the department. Mrs. Reynolds said but when we look at the budget, a Chief will be included. Mr. Chodkowski said correct.

Mayor Flaute asked if everyone was happy with the outreach programs such as knocking on doors after a fire to make sure everyone has smoke alarms. Mr. Chodkowski said everyone was satisfied that the minimum expectation of outreach was being met; some thought we should be doing after the fire calls, some thought we should be doing some senior health, some thought maybe a little more juvenile outreach, but the bottom line was for a whole on the resources we have to offer that our outreach capabilities were meeting or exceeding expectations.

c. Zoning Ordinance Review Schedule

Mr. Chodkowski said Planning Commission finished their task of a complete update to the city's zoning code which was delivered to you with the packet along with a review schedule at the council level. He asked if that schedule was amicable. Council agreed the schedule was fine.

Mayor Flaute asked when the general public would know that these discussions are taking place, especially our Chamber of Commerce. Mr. Chodkowski said at the end of the review, council will pass two pieces of legislation; one is a text amendment which will be published in the Dayton Daily News announcing that amendment and there will be a public hearing for the map amendment; other than that there is no required means or measure to notify directly or indirectly any citizenry or property owners through this process.

Mrs. Reynolds said it will appear on the agenda as a work session item. Mayor Flaute asked to include the titles of the articles on the agenda.

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**ITEM 7: RECESS:** The Council took a recess at 7:38 p.m.

**ITEM 8: RECONVENE:** The meeting was reconvened at 7:50 p.m.

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

**ITEM 10: MINUTES:** Consider approval of the minutes of the May 19, 2011 Council meeting.

A motion was made by Mrs. Reynolds to approve the minutes as written. Mr. Denning seconded the motion.

Deputy Mayor Smith said he would be abstaining since he missed the last meeting due to illness.

With no further discussion: five were in favor; one abstention – Deputy Mayor Smith. **Motion passed.**

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

**ITEM 12: CITY MANAGER'S REPORT:**

(1) FYI Items

- a. Council Request Sheets.
- b. Council Agenda Calendar.
- c. Weekly City Manager's Report.
- d. Minutes of the April 18, 2011 Planning Commission meeting.
- e. Minutes of the April 26, 2011 Board of Zoning Appeals meeting.
- f. Minutes of the April 28, 2011 Health and Safety Commission meeting.
- g. Minutes of the April 19, 2011 and the May 17, 2011 Parks and Recreation Commission meetings.
- h. Memo from Robert Gillian, Finance Director, with May's Income Tax Scorecard.

Mr. Chodkowski said you have my report and he would be happy to answer any questions.

Mayor Flaute asked if they were going to talk about condensing the minutes. The clerk said Mr. Chodkowski had her move that forward to the next meeting and it is scheduled for June 16<sup>th</sup>.

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Mrs. Reynolds asked if there was a new round of CDBG dollars we were going to be applying for. Mr. Chodkowski said council just approved an application for CDBG dollars at the last meeting for nuisance abatement. Mrs. Reynolds said correct but is there a new round of money coming out; she received an email. Mr. Chodkowski said he wasn't familiar with that; it might have arrived and he just hasn't seen it yet. Mrs. Reynolds said this is an off schedule so if there is additional funding, we will apply, right? Mr. Chodkowski said yes.

Deputy Mayor Smith said he thought that money was from the reorganization of the CDBG money. Mr. Chodkowski said it could be or it could be previous reserves or dollars that were encumbered but not spent that they are now distributing in light of potential changes in the program from the fed. He said he is not familiar with this but he and Mr. Murray are meeting with Mr. Tusk from the county on June 22<sup>nd</sup> and he will talk with him about that.

Mrs. Reynolds asked if we had something we could apply for quickly. Mr. Chodkowski said there is always something we can come up with; we are trying to trim down the expenditure on roads so we might be able to get \$100,000 to \$200,000 closer on that. Mayor Flaute said we do have a plan though. Mr. Chodkowski said typically at this point all our applications are related to nuisance abatement issues. He said as far as capital or economic development projects, he is sure Mr. Murray has a few ideas we haven't discussed yet. Mayor Flaute said if council has any ideas; please forward them to the city manager.

Mr. Fullenkamp said we were in the paper about tax receipts and he sees in the report that we were up a little this month, but do we have a feel on where the shortfall is occurring? Mr. Gillian said the shortfall for this year is due to large refunds. Mrs. Reynolds asked if those refunds were for corporations. Mr. Gillian said yes, businesses and corporations. Mr. Fullenkamp asked what the potential change in the projection would be for the end of the year. Mr. Gillian said he would think anywhere from 3% to 5% depending on how things go. Mr. Fullenkamp said about \$200,000 to \$300,000. Mr. Gillian said that is his most pessimistic prediction.

Mayor Flaute said we are up for May, so that means it was a good month for businesses. Mr. Gillian said along with everybody else; collections for May from individuals were much higher than prior months.

Mrs. Reynolds said with the refunds made; now everyone is even looking at next year. Mr. Chodkowski said in theory. Mr. Gillian said people could overpay and request it back next year, we won't know until then. Mrs. Reynolds said she can understand businesses wanting their money back; good business sense on that. Mr. Gillian said generally when times are tough people want all their cash back; when times are good they tend to leave it on deposit.

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

**ITEM 14: NEW BUSINESS:**

**I. RESOLUTIONS**

- a. Resolution No. 11-R-1563 authorizing the City Manager to enter into a contract with A to Z Asphalt, the lowest, responsive and best qualified bidder for the 2011 Water Main Break Repairs.

Mr. Chodkowski said this is annual legislation for the repair of water main breaks.

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A motion was made by Mrs. Reynolds to approve Resolution No. 11-R-1563. Mr. Denning seconded the motion.

Deputy Mayor Smith said this is basically a wash; we get this money back from the county, correct? Mr. Chodkowski said yes.

Mayor Flaute said when the repairs get older they start sinking and the streets are in bad shape, is it then our responsibility. Mr. Chodkowski said yes. Mayor Flaute asked when the winter repairs will be done. Mr. Chodkowski said we have a list that A to Z Asphalt bid on and will start repairs. He said we will start a new list for anything that occurs from now forward which the contractor will be given later in the year. Mayor Flaute said there probably won't be any because those normally happen during the freeze and thaw. Mr. Chodkowski said it depends.

Deputy Mayor Smith said there's a sink hole on Spinning Road and he sees there has been a water line repair there; does the sink hole have anything to do with the repair. Mr. Chodkowski said it is our opinion that it does but the county has a counter opinion that it does not and the county will only pay to repair what it believes is its issue. He said since there is no water in the hole and no asphalt in their sewer line, they do not believe this is their responsibility so that will be a cost incurred by the city to repair that.

Deputy Mayor Smith asked what the county's opinion was of the water on Crestmont. Mr. Chodkowski said he can't say; he knows he's been asked to look into it and it is on his list of things to check on tomorrow.

Mrs. Reynolds asked if we have normally done the purchase order for the asphalt repairs all at one time. Mr. Chodkowski said typically, yes; we will encumber the full amount then the contractor will patch several and submit an invoice and then patch several more and submit an invoice until they are done.

Mayor Flaute said on the description, there is one curb repair required. Mr. Chodkowski said the attachment is the county's price per issue list. Mayor Flaute said this just covers everything in case we need it.

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

- b. **Resolution No. 11-R-1564 authorizing the City Manager to accept transfer of real property with Parcel I.D. I39-00520-0033 from the Riverside Community Improvement Corporation.**

Mr. Chodkowski said this authorizes him to accept transfer of real property from the CIC to the city and is in relation to the upcoming resolution regarding the Brandt Pike property project. He said council has been briefed through his manager's reports and last week in executive session. He said to make sure that council was fully aware of what this arrangement entails he asked representatives from CESO DDC, LLC to be here tonight. He introduced Mr. David Oakes and Mr. Mark Caruso and said if these gentlemen could address council it might answer some questions council might have.

Mr. David Oakes, representative from CESO, said we are engineers and developers out of the south Dayton area. He said we are engineers and surveyors first off but we also develop properties, mainly residential, between here and Cincinnati. He said we also get in to the building of homes as well. He said this evening we have the property on Brandt Pike which is approximately 19 acres in size and we roughly did a layout which he displayed. He said we did some preliminary investigation work and due

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diligence work just to see what was potentially possible on the property. He reviewed the layout of 59 lots and said there was one issue they had had to work around on the lot which is a large gas line easement they had to take into account.

Mr. Oakes said as you know, in recent years the housing market has deteriorated and 3 or 4 years ago the market dropped out nationwide. He said since that time it has been slow but things are starting to come back, especially in the eastern portion of the Dayton area – Riverside, Beavercreek, Fairborn, and Huber Heights; and because of the BRAC there is a need for housing. He said we've been working in other communities with a national builder, Ryan Homes, the largest home builder in the southwest Dayton market as well as Cincinnati and Columbus. He said we've been working on a half dozen different developments in Dayton and Cincinnati and we are starting to go into Indianapolis and Columbus. He said a project that is similar to what we are proposing here is a project we just kicked off late last year in Fairborn called Waterford Landing at the St. Rt. 235 interchange. He said it is very similar to this in that it was put in for the same type BRAC relocations we are looking for and the project has been very successful. He said Fairborn has been working with us and cooperated on that project as well but that project entails a mixed use and is a larger project on a piece of property we've held for a number of years. He said we are developing the single family portion of that at this time and have already started another section because of the activity.

Mr. Oakes said these projects only make sense if we can get public / private partnering and what we are proposing is CESO would play the developer, Ryan Homes would be the builder, and we are asking the City of Riverside to TIF (tax increment finance) the project on order for it to make economic sense. He said based upon the TIF, we ran the numbers and we get our money back on the tail end but if the project is successful, we can recover our money over a number of years. He said we think we have the ingredients for success because of the need for housing in the Riverside area and the builder has been very successful. He said as long as we create activity and volume, we would plan on trying to build this project out within a couple of years. He said if the project took 5 to 10 years to build out, which we don't think will be the case, then we wouldn't have a successful project.

Mr. Caruso said this is the first time Ryan has seen this and Council has seen this and what they would have seen earlier was a site with 70 home sites. He said unfortunately when we started doing our research with the county we found the gas line which reduces the density for the 19 acres. He said we are going straight zoning on this project rather than come back with a Planned Unit Development. Mr. Oakes said the Riverside code requires 60 foot frontage lots and these would be 60 feet.

Deputy Mayor Smith asked what the median price range would be for the homes. Mr. Caruso said from \$160,000 to \$180,000. Mr. Oakes added that was similar to what they are achieving at Waterford Landing in Fairborn right now.

Ms. Campbell asked what time frame they were looking at to have this all built. Mr. Oakes said it was somewhat dependent upon us going through your approval process but we are going to start doing our part by getting the engineering drawings ready so that if and when we get approval with you folks, we would be able to immediately start construction. He said we hoped to be able to build a section of the development this year; the Ryan people are waiting for lots. Ms. Campbell said she wanted to make sure they weren't going to drag it out. Mr. Oakes said it's imperative for us to move through this quickly because the longer it takes hurts us; we have to get the homes there in order for the TIF revenue to be generated.

Mr. Fullenkamp said there will be shovels in the ground this year. Mr. Oakes said yes; we started Waterford Landing in August/September of last year, the homes sold

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through the winter, and they have 40 homes sold. Mr. Caruso said there is a current model in a development down the road from here Ryan would like to keep in place to do pre-selling for this development and they have asked us to go through the development process and get the streets in before the end of the year. Mayor Flaute said the BRAC folks are coming now and if you wait they are not going to be coming at all. Mr. Caruso said we recognize the window is very tight.

Mr. Oakes said another thing of interest to us is to expand the size of the development onto adjacent properties if those became available.

Deputy Mayor Smith asked what they estimated the infrastructure will cost. Mr. Oakes said for the 59 lots we have a \$1.5 Million budget. Deputy Mayor Smith said streets, curbs, sewers, and so forth. Mr. Oakes said yes; excluding any land purchase. Deputy Mayor Smith asked if they expected the city to put that in for them. Mr. Oakes said no; the way the TIF is structured is we aren't looking for any bonding from the city standpoint, we are willing to upfront the costs and pay for the infrastructure ourselves and hopefully the city will TIF the project in order for us to get reimbursed those costs on the tail end through the property taxes. He said it's not a traditional TIF and it would be a non-school TIF. He said we had to get this far before working out the particulars on the TIF.

Mr. Chodkowski said provided council approves these two pieces of legislation we would then make changes to the proposed TIF that has been submitted. He said the current draft was prepared by their legal counsel and there are some technical issues that have to be changed. He said there are also some other provisions we would like to see inputted so the terms and conditions of the TIF agreement will be negotiated outside of tonight's discussion. Ms. Campbell said before we vote on this, shouldn't we have the final TIF language. Mr. Chodkowski said tonight's purchase agreement stipulates that if we cannot work out amicable TIF language that the deal is void. Ms. Campbell said there are some things that she thought were going to be changed. Mr. Chodkowski said our legal counsel has not seen the TIF; it's a document our law director will review and comment on but that is the next step in this process; you are not voting on the TIF tonight.

Mayor Flaute said it was his understanding that this was part of a much bigger project but he heard that they were going to try to get adjacent land. Mr. Oakes said they have made contact with the landowners but they don't have any agreements yet. He said in some respects we feel we have to get the activity going before we can tie down additional property. He said at this time all we have is the 19 acres before you but we would like to make it a bigger project.

Ms. Campbell said if the people can sell for a higher price or you don't use the land, the language will keep others from getting a TIF so they really need to change some of this. She asked if somebody else would still be able to tie into the water and sewer. Mr. Caruso said our intention isn't to do just this small area; to maximize the opportunity for the city and for us is to get additional property. Ms. Campbell said that also would need a TIF. Mr. Oakes said it may or it may not; time is of the essence to get this rolling and we can't wait on agreements with adjacent property owners. He said that's kind of where we are at.

Mr. Fullenkamp said he can't speak for Ms. Campbell but he thinks one of the things she is referring to, and he tends to agree, is Section 3.5 that says the city can't give a TIF to any of the adjacent properties for five years. Mr. Oakes said the rationale is for our folks to be able to make this a larger project and we are taking the risk.

Mrs. Reynolds said you talk about taking a risk but this is a sweetheart of a deal; you are protected in every aspect. She said this agreement limits any other developer from

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coming in and doing what you all are doing; you want exclusive rights to 150 acres of prime property in our community so please don't say you are taking all the risk; you are also reaping all the benefits. Mr. Oakes said we understand that.

Mayor Flaute asked how many years payback does the city anticipate that we would receive by selling the property to them at this price. Mr. Chodkowski said excluding the TIF, total return time on the initial investment would be 65 to 70 years.

Ms. Campbell asked about the portion of the agreement that states seller is reimbursed \$50,000 if they sell to someone else. Mr. Chodkowski said the financial cost of providing infrastructure is theirs to bear which will eventually be turned back over to the city as public infrastructure; the way the deal is structured is if they acquire any of the adjacent parcels and begin construction onto that parcel and they incur a minimum of \$50,000 in expense, they can submit that invoice to the city to be reimbursed for that infrastructure.

Ms. Campbell said the agreement says the city shall not extend to any other owner a TIF. Mr. Chodkowski said within 5 years; that is correct. Ms. Campbell said what if they don't sell them the land for 5 years. Mr. Chodkowski said when the 5 years expires, any one of the adjacent property owners could set up an agreement just like this one. Ms. Campbell asked if they would be able to tie into the water and sewer. Mr. Chodkowski said that's an issue that needs to be clarified; to the extent that we can make that commitment we are making that commitment as part of this agreement but we have no control over the water or sewer or any other utility that is in the ground. He said based on this agreement the city would not approach the developer to have them make a stub available to someone else but Montgomery County can call them and tell them to make a stub available, it is Montgomery County's water system not ours. He said we can only warrant that promise and commitment to the extent we are legally able to do so. Ms. Campbell asked if they could wait to hear back from the law director on this.

Mayor Flaute said if we do the adjacent properties, have you calculated the payback on that. Mr. Chodkowski said no.

Deputy Mayor Smith said Section 3.5 states we can offer a TIF to adjacent tracks in the event the purchaser is able to acquire them. Mr. Chodkowski said correct. Mr. Denning said it gives them exclusive rights for 5 years.

Ms. Campbell said Section 3.6 says the city cannot offer a TIF. Deputy Mayor Smith said that's to any other purchaser. Ms. Campbell said won't we be responsible to pay the \$50,000 if someone else starts building. Mr. Oakes said that only comes into play if we buy an adjacent property.

Ms. Campbell said she is all for this but wants to see the final TIF agreement and she was under the impression they were going to have a discussion with the law director. Mr. Chodkowski said he wasn't aware there were any issues with the purchase agreement and the legislation for the TIF won't come forward until June 16<sup>th</sup> or July 7<sup>th</sup>.

A motion was made by Mr. Denning to approve Resolution No. 11-R-1564. Deputy Mayor Smith seconded the motion. Five were in favor; one (Mrs. Reynolds) was opposed. **Motion passed.**

- c. Resolution No. 11-R-1565 authorizing the City Manager to enter into an agreement for the purpose of selling property on Brandt Pike under certain terms and conditions to DDC, LLC.

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Mr. Chodkowski said this resolution is to authorize him to enter into a purchase agreement with DDC, LLC for acquisition of the Brandt Pike property.

A motion was made by Mr. Denning to approve Resolution No. 11-R-1565. 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, no; Mrs. Reynolds, no; and Mayor Flaute, yes. Motion failed.

Ms. Campbell said she wanted to get the language on the TIF agreement final and was willing to have a special meeting if that's what it took. She said she wanted to get both sides covered. Mr. Chodkowski asked if her concern was with language in the purchase agreement. Ms. Campbell said no, the TIF agreement has language that counteracts one another and we need to go over it with the law director.

A motion was made by Ms. Campbell for Council to discuss the TIF agreement language with the Law Director.

Mr. Denning asked why they needed to talk to the law director on the TIF agreement if they are not voting on the TIF agreement tonight. Ms. Campbell said she was just trying to cover our hind ends in the future. Mr. Denning said he didn't disagree that they should understand the exact wording of the TIF but it has nothing to do with the sales agreement. He said if they don't come to an agreement on the TIF the sales contract is dead. Mr. Oakes said if the TIF language can't be agreed upon then what you are voting on now would go away.

Motion failed for lack of a second.

Mr. Fullenkamp said he was honestly having trouble seeing what's in this for the city other than more homes. He said he knows the point is we will get some revenue from property taxes and maybe some revenue from income taxes but he's getting the feeling that this is better than nothing. He said he didn't know if that was a very good criterion to go by.

Mr. Oakes said we were approached by the city to find out what the highest and best use of the property would be. He said it's obvious after the research we found that it was purchased and for a number of years it was an industrial area which wasn't successful for numerous reasons. He said we know of the pain the city has gone through for a number of years and we were asked to evaluate this site; we do a topographical look from 10,000 feet and assess what makes good business sense for the lay of the land. He said we do some surveys, talk with major builders, we have a successful development in Fairborn, we did some surveys with WPAFB regarding number of jobs coming in, and looked at your school system and did some interviews there. He said we saw a need for housing in the \$130,000 to \$220,000 price range. He said that's when we went to the builder with the data and they did their research. He said they came back with housing in this location and the price point. He said we worked the numbers and found a way to do this with a TIF. He said people are leaving Riverside because there is not enough new housing stock; Ryan shared their data with us and it shows there are people born and raised in Riverside that want to stay here. He said we were approached 9 months ago to research this and that's why we are looking to come to Riverside.

Mayor Flaute said more building could occur because of this. Mr. Fullenkamp said it's possible but he's not sure he sees it for us in terms of the amount of revenue; he is hearing 60 years to realize. Mr. Chodkowski said from the administrative perspective when you look at the directive that was provided by council a year and a half ago regarding several parcels, this being one of them; and when you look at the conditions when the city invested in the property compared to the conditions that exist today; and

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you add to that, the public/private partnership aspect of projects is what is making them viable today. He cited an example in Huber Heights and said what we are doing is not dissimilar to what is being done in other communities and the return is not being looked at in the short term, it is being looked at in the long term. He said how you want to value that return is up to council to decide if the intangible returns are more valuable than the actual return particularly what was already invested and how the investment has been in its current condition. He said those are all things that everyone has to evaluate from their own perspective in the way they feel is most appropriate. He said should council take this deal because it is the best deal, because it's the only deal, that's up for council to decide; is there something better that could come along, is there another project that might offer a financial return, there might be. He said if you look at the history of that property, there were several opportunities that were passed up because something better might be out there and the property exists today in its condition because that's what the value choices and financial choices were; not that those were right, not that those were wrong, its just what it was and today this is the choice. He said he can't tell council if it's the right choice, it's for them to decide but he can tell them that governments are being asked to contribute more to these deals than they have before and the returns are smaller today than have been before only because of the economic conditions that exist. He said it's not just something you see here; he and Mr. Murray have seen this in their travels and conferences universally. He said he didn't know if that helped some of your concerns, and they are very valid concerns.

Ms. Campbell said she is all for this and she was just trying to get the language changed before they did anything and she hoped nothing happens in the future on this because we didn't get the language taken care of now.

A motion was made by Ms. Campbell to reconsider Resolution No. 11-R-1565. Mr. Denning seconded the motion. A roll call vote was as follows: Ms. Campbell, yes; Mr. Denning, yes; Mr. Fullenkamp, no; Mrs. Reynolds, no; Deputy Mayor Smith, yes; and Mayor Flaute, yes. **Motion passed.**

Mr. Denning said something to remember is its economic development because when restaurants want to build something new in the area the one thing they look at is how many rooftops are in the area. He said they won't build if there are not enough rooftops. He said to him putting more rooftops in the area helps to build other businesses that will help us with more opportunity for income taxes and other taxes. He said he also sees with this being BRAC many of the folks moving in those homes will be coming from the base so we will get that income tax that we aren't now counting as part of our payback and our payback will be sooner. He said the folks that will buy in that price range house will have a significant income that will be helpful to the city. He said that was his rationale; he lives close to that property and he's not thrilled about a lot of new houses but it is in the best interest for the majority. Mayor Flaute said we zoned it residential for a reason.

Deputy Mayor Smith said in his opinion, it was a bad decision for the city to buy the property in the first place because it is on a well field and you were limited on what you could put there. Mayor Flaute said there were 4 or 5 other offers to put something there and past councils said no to those – they were voting no and he was voting yes because we needed to move the property.

**ITEM 15: PUBLIC COMMENT ON NON-AGENDA ITEMS:** Mr. Willard Morgan of Rondowa asked questions regarding personnel and if they were salary or under contract. Mr. Chodkowski said he is employed by the city but the terms of his employment are under a separate contract above the personnel policy manual that applies to all employees. He said all other personnel for the city are directly employed by the city and are required to abide by all the rules, terms, and conditions outlined in

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the personnel manuals. He said he is directly employed by council. Mr. Morgan asked how many are employed by the zoning department. Mr. Chodkowski said Mr. Murray is the Economic and Planning Director; directly under him is Mr. Williams the Planning and Zoning Administrator who oversees compliance to the code; and directly under him is the Code Enforcement Officer Ms. Dubose who is responsible for ensuring code compliance for violations that are identified through several different departments. Mr. Morgan asked how much money we were spending on the 3 employees. Mr. Chodkowski said he couldn't tell him specific numbers off the top of his head, he would have to look it up.

Mr. Morgan said he is concerned with the way Code Enforcement Officer Vaughn handles situations; she goes after the people who are trying to improve the cosmetics of their homes and yards and it seems like these folks have a job. He said the people who don't have a job and their homes are deteriorating, she just goes on by. He said concerning the guys who want to put in a development on Brandt; people aren't just going to buy a house without looking around the area and in the neighborhood right across the street, they will see a lot of deterioration as well as in other areas of the city that has been neglected for years. He said he felt our zoning people weren't putting forth the effort that needs to be put forth and he thinks that needs to be addressed.

Mr. Morgan said he had a discussion with Mrs. Reynolds and she told him she had been to court but the judge allows these people to get away. He said the judge doesn't live here but council is our leaders and you are supposed to help Riverside; he suggested council send the judge a letter expressing your concerns that he is not helping you clean up the city; it being allowed to deteriorate because of him and he needs to address that problem with more authority. He said lets clean Riverside up and treat everybody as a whole; we need to make a total effort and not just pick on the people that have an income.

Mrs. Sara Lommatzsch of Hunters Ridge said she wanted to compliment the city; a week ago there was a severe storm which created a lot of havoc and a lot of stress for a lot of very elderly people and it was very nice to see the Riverside Police Officers showing up to check on the residents who had a tree through their roof. She said the officer also checked on residents whose front window was knocked out and were concerned about the security of their home for that night. She said right after that a fire truck came out and they were very concerned about the well being of a lot of people in the neighborhood. She said it was very nice to see them.

Mrs. Lommatzsch said people were also concerned about debris in the street being placed in their yard and she assured them the city would take the debris. She said the service department did show up at 9:30 the next morning. She also complimented DP&L and said with major damage in our neighborhood, we had power the next morning by 10:30. She said it was a scary situation and a lot of people were frightened and our staff members were very, very professional and are to be complimented.

Mrs. Lommatzsch asked all of council to visit the housing development at Valley and Union Schoolhouse; then walk around and talk to some of the people that live in those houses and ask them if it's the quality houses you want in Riverside. She said she knows some people that live there and she believes those houses won't be here in 60 years.

**ITEM 16: COUNCILMEMBER COMMENTS:** Mayor Flaute said the Bike Rodeo was great and we have another one this Saturday at Rohrer. He said the National League of Cities and Mrs. Obama still want any stories we might have about National Kids to Parks Day; if anyone knows of anyone who participated in that please share your stories that will highlight Riverside. He said regarding Habitat For Humanity, we now have our new residents on Lane Garden and they are very happy.

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He thanked Deputy Mayor Smith, Mr. Fullenkamp, Mrs. Reynolds, and everyone who participated in helping that family move to Riverside.

Mayor Flaute said we welcomed everyone to the Community Oriented Police Conference held at Stebbins; about 400 people attended and we had some great publicity from the news organizations. He said at the Miami Valley Bike Summit, Mr. Murray did an excellent job as a member of a panel discussion on becoming a Bicycle Friendly Community. He said we would like to have that designation and the Multimodal Transportation Commission will continue to work on our application.

Mayor Flaute said he attended some events at the base, one being a grand opening for a huge building the 445th has built and they are going to hire a bunch of people there. He said the BRAC is kicking in. He said he had several weddings at the Wedding Connection and it is working out really well,

Deputy Mayor Smith said in reference to their Habitat for Humanity building day, he forgot to mention Mrs. Reynolds and thank her for bringing the great breakfast treats.

**ITEM 17: EXECUTIVE SESSION:** A motion was made by Mr. Denning to enter into executive session for the purpose of discussing attorney/client privilege and pending litigation. Mr. Fullenkamp seconded the motion. A roll call vote was as follows: Mr. Denning, yes; Mr. Fullenkamp, yes; Ms. Campbell, yes; Mrs. Reynolds, yes; Deputy Mayor Smith, yes; and Mayor Flaute, yes. The Council entered into executive session at 9:10 p.m.

**ITEM 18: ADJOURNMENT:** The Council came out of executive session at 10:05 p.m. and a motion was made by Mr. Denning to adjourn. Deputy Mayor Smith seconded the motion. All were in favor; none were opposed. The meeting was adjourned at 10:05 p.m.

William R. Flaute, Mayor

Clerk of Council