

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, P.C.G. FORM NO. 10143

Held

Thursday, May 5, 2011

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ITEM 1: CALL TO ORDER: Mayor Flaute called the Riverside, Ohio City Council Meeting to order at 6:02 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; Bob Turner, Fire Department; Bob Gillian, Finance Department; Bob Murray, Economic Development; and Mitch Miller, Service Department.

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

ITEM 4: ADDITIONS OR CORRECTIONS TO AGENDA: The agenda was revised prior to the meeting to remove the executive session.

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

ITEM 6: WORK SESSION ITEMS:

- a. Discussion: Agenda Format and Minutes Content

Mr. Chodkowski said this item is on the agenda per the Mayor's request and as he understands, there are several items on the agenda that reoccur such as communications, presentations, and public hearings – items that are place holders based on a format approved by council. He said there has been discussion on whether or not those items are necessary to occur on every agenda if those items are not on the agenda. He said in addition to that is the content of the minutes; our minutes tend to be detailed and lengthy and there have been previous discussions with several members of council, Mayor Flaute, previous mayors, and Clerk Brane has been involved in those conversations to a certain degree on what exactly needs to be in the minutes and how detailed the minutes need to be. He said that is another issue the Mayor wanted to discuss tonight as well.

Mayor Flaute said another item he wanted to add to this discussion is whether or not we need to have a roll call every time we have a motion; a lot of cities don't, they do a voice vote which moves the meeting along a little quicker and we get the same thing accomplished.

Mayor Flaute said for the agenda, does anyone have any qualms about taking those three things off that don't need to be on there. Deputy Mayor Smith asked what three things. Mayor Flaute said communications, presentations, and public hearings – whatever is not necessary for the meeting.

Mr. Denning said the agenda keeps everybody on the same page and if we aren't doing something, it shouldn't be there when it's not necessary. He said you put it on when we have something in that category for the meeting. He said it's confusing to the people in the audience. Mr. Fullenkamp agreed and said we've had an understanding that if there's not something associated with an item, nothing is going to happen.

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Deputy Mayor Smith said he agreed if it's not going to be in the meeting, then it doesn't need to be there. He said it also gives you a quick glance at what's going to be discussed and you can determine approximately how long a meeting is going to be.

Mrs. Reynolds asked if we were under any obligation to have the full agenda format listed. Mr. Chodkowski said there are different ways you can look at it; you are not legally bound to list the item based on our procedures and based on the administrative code. He said the discussion when that was brought forward and the agenda format was amended was that if it was in the administrative code that was what you had to do. He said if he remembered correctly the resolution indicated "if necessary" on several of the items which in his opinion would imply if it wasn't needed, it doesn't need to be listed on the agenda. Mrs. Reynolds asked if we needed to rescind the ordinance that changed the administrative code. Mr. Chodkowski said the ordinance stated that council will set the agenda format via resolution. Mrs. Reynolds said she couldn't remember everything that was in that ordinance. Mrs. Brane said it took the order of the agenda out of the administrative code and established that the agenda format could be changed by resolution.

Mr. Fullenkamp said the template seems to imply that we can excise items when they are not going to be active during that meeting. Mr. Chodkowski said correct; he interprets the language to say this is the order in which items occur.

Mrs. Reynolds said the way she reads the legislation is that we've had the opportunity all along to strike any of these that we did not want to use, so we aren't doing anything different.

Deputy Mayor Smith said there is a "whereas" clause that states the Riverside City Council wishes to adopt a meeting agenda template which they feel best accommodates their desire. He said he felt that clearly gave them the right to put items in or take items out.

Mayor Flaute said if it's okay with everyone, we will try it and see how it goes. He said next we will talk about the minutes.

Mr. Schock said he likes the minutes detailed. He said there are a lot of people out there that read the minutes online and they enjoy the detail Mary Ann does. He said they don't have to be like that but he did like them. Ms. Campbell agreed and said she didn't think we should take anything out. She said not everything is in the minutes; Mary Ann is doing a great job and tries to do it so none of us look bad.

Mr. Fullenkamp said there's a difference between what you legally can do and what the public wants to be done. He said he is leaning towards what the public wants even though he understood some of the City Manager's concerns. Mayor Flaute asked if Mr. Fullenkamp thought it was best to leave as is. Mr. Fullenkamp said he believed so; he didn't like taking away information from the public which is his biggest concern. Mr. Denning said they can come to the meeting.

Mr. Schock said that is why cities are televising their meetings now so people don't have to spend gas money to come to a meeting when they can sit home and see it. He said same for the minutes; they can sit home and read those on the internet.

Mr. Denning said he thought we were killing a lot of trees and it's taking a lot of extra time for her to type them all.

Mr. Schock asked what the purpose was in changing the amount of work. Mayor Flaute said he had this put on because it's a lot of typing and a lot of paper. He asked the clerk how much time she spent typing minutes. Mrs. Brane said for every hour of

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tape it took 3 to 4 hours to transcribe it. Mr. Fullenkamp asked if it would take less time if council told her to be less specific. Mrs. Brane said she didn't want to be in the position where she had to decide what's important and what's not; she thought that's what you get into when you reduce content and to her it's all important.

Mr. Schock said she's making a good point because she doesn't want to feel like she is censoring the minutes. Deputy Mayor Smith said the tape will still be available. Mr. Chodkowski said that is incorrect; keep in mind that the more detailed you are with your minutes, the more liability exposures you have; a prime example is another body of this government - litigation was enacted because of a detailed statement that was incorporated as part of the minutes. Ms. Campbell said like what. Mr. Chodkowski said he couldn't get in to that in an open session.

Mr. Schock said if it's in the minutes you can; it is no different than the Dayton Daily News guy sitting out in the audience recording the meeting. Mr. Chodkowski said council's official record is the minutes you approve; no recording, no video, no other format is the official record of this council or any of its subdivisions other than the minutes you approve. He said in the previous instance there was a comment made by a member of the Board of Zoning Appeals that exposed the city to litigation and it was because the minutes were detailed. He said he's not saying that any of the comments you've made tonight are untrue or invalid but there is a trade off; the more detailed you are, the more aggressive of a defense the city would have to enact on any type of claim made against them.

Mayor Flaute said he knows Mary Ann doesn't mind typing the minutes and we were talking after her conference and it was suggested the minutes should be detailed. He asked her to expand on that. Mrs. Brane said she attended the Ohio Municipal Clerk's Association Conference and there was a public record retention class presented by an attorney that stated minutes should be detailed because the written record is the only recognized record. She said he stated that it is the only readable copy and if you don't make them detailed then you need to attach a tape or the medium which isn't considered the record because technology changes.

Mayor Flaute said there is both sides of this, the clerk spends four hours for every hour we do and that is a considerable expense he wasn't sure we needed. Deputy Mayor Smith said based on what Mrs. Brane just stated, it sounds like that is what we need.

Mr. Chodkowski said that depends because the City Manager and the Law Director are going to tell you no. He said we're going to say that it is our opinion the minutes should say a general discussion was held on this matter, council inquired specifically or directed specifically, and a motion was made for the vote. He said then if a person states someone said something in a council meeting that exposed the city to liability, our response will be prove it. He said a plaintiff has to prove their claim and with detailed minutes, we automatically have to be on the defensive. He said the clerk's job is to make information available but his job and the Law Director's job is to limit your liability exposures.

Ms. Campbell said that can go either way - we might have to prove something and it wouldn't be in the minutes.

Mrs. Reynolds said she thought the thing they needed to consider is what's important - is the discussion important or is the vote important. Mr. Denning said the vote. Mrs. Reynolds said she has long preferred minutes that state a general discussion was held and the vote because people can read the minutes and construe whatever they want but it doesn't change the vote which is the important issue. She said if anyone wants to know why she voted the way she voted, they all know they can call her at anytime. She said she believes in being able to talk with the constituents and telling them why

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she voted a certain way. She said she understands the liability and we need to do what we can to prevent any litigation coming our way, frivolous or otherwise.

Ms. Campbell said sometimes she refers back to the minutes to remind her about things discussed at a previous meeting. Mrs. Reynolds said she guessed she didn't look back to see the discussion, she looked back to see how we voted. She said to look back at discussion after we voted doesn't mean a hill of beans. Ms. Campbell said there might be an explanation that she wants to go back and check; not in regards to voting but on certain items we have discussed. Mayor Flaute said Mr. Schock made a comment a couple meetings ago about changing parties and he was looking for that in the minutes but it wasn't there. He said he was going to show it to some folks; look at what minutes can make you do or not do.

Mr. Denning said the other thing is we could be having a discussion about a subject you were opposed to when you came to the meeting but after the discussion, your mind has changed and you vote differently. He said people read the minutes and all of a sudden, you are a bad guy and it doesn't matter how you voted; it's what you said and that's bad. He said your mind has changed and you've moved on but it doesn't necessarily reflect that in the minutes. He said he thought the vote was the important part; they need to know we discussed it and we went through the process but he didn't think we needed everything in the minutes.

Ms. Campbell said sometimes there will be a discussion in the minutes that we are going to vote later on and people want to read about it. Mr. Denning said then they can talk to us, maybe we will get more interaction. Mr. Fullenkamp said so you are suggesting that by limiting information in the minutes, the residents will become more active. Mr. Denning said he hoped that was the case. Mr. Schock said they are too busy. Mr. Denning said then it's their fault, it's not ours. Mr. Fullenkamp said no, we've demanded information be available to them so we do have some responsibility if we want to be transparent. Mr. Denning said he would call them limited liability minutes. Mr. Fullenkamp said he understands the liability but he's not been given examples where it has been a problem.

Mayor Flaute said people can call us or email us; he knows we don't want to go on TV but even if we could get online. Mr. Fullenkamp said that would be the nice compromise; if we are going to limit our minutes and we could share the content through recordings. He said he would be fine with that if we are going to offer that but he doesn't hear that discussion.

Mrs. Reynolds said the tape recordings have always been available to anyone who's asked for them. Mayor Flaute asked why the manager said no to that. Mr. Chodkowski said the official record of council is the minutes and he has expressed his opinion to the clerk previously that he thought that information should be destroyed because it is not an official record of the city. He said the tape recording or whatever is used to produce the minutes is a work product and when the work product is no longer needed it can be destroyed. He said the fact that those tapes are available creates another liability because if he has it in his possession, he has to produce it.

Ms. Campbell said then why don't we video the meetings. Mr. Chodkowski said it would be the same thing, once the video is transcribed and council has approved the written word, then the video is to be destroyed. Mayor Flaute said council has had that discussion and we said no. Ms. Campbell said we should at least do video in case there is an incident.

Mr. Schock said he does remember a meeting we had when we were at the church and the City Manager talked about that, and the Law Director said no, you can't destroy the tapes. He said it's not official but it's still a public record. Mr. Chodkowski said it

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was because that item was not contained within our official record retention policy and that issue has been addressed. He said we have a draft version of a record retention policy that has been updated which will be sent to the State.

Ms. Campbell said Ms. Mitchell asked her a question earlier and she asked Ms. Mitchell to repeat it. Ms. Mitchell said she was just pointing out that it sounds like you don't want people to know what you said. Ms. Campbell said the question was directed to her and she would be happy to talk with anyone who calls her.

Mayor Flaute asked Mr. George Lynch, Chair of the Planning Commission if he had any comment. Mr. Lynch said he would just remind the council members that they represent 25,000 people and the minutes are read online; he asked they keep that in mind. Mr. David Cole said he wanted to echo that same sentiment; he can read pages of minutes in a short time rather than come to a three hour meeting and it's more efficient for his life to read the material online.

Mayor Flaute said he agrees with Mr. Denning that the vote is the most interesting. Mr. Cole said he thought the arguments are what are most important. Mr. Chodkowski said this is what gets lost; Council Member Schock has no power, Mayor Flaute has no power, and etc. He said Mayor Flaute plus three votes has power, Council Member Schock plus three votes has power, any Council Member plus three votes has power to influence and set direction and that's what the minutes are supposed to reflect, the will and the direction of council. He said that's where the Law Director and I come from in our position, is that, we appreciate the fact that every council member, every staff member, and every citizen that attends the meeting has the right to express their opinion or belief on a topic; but it is the will of council that sets the direction, provides policy, and provides guidance to staff and not the opinion of just one council member by themselves.

Mrs. Reynolds said no one is trying to take away transparency - that is not even the issue here; we are looking for the best and most efficient way we can conduct the business of this council. She said that is her goal and to make sure taxpayer dollars will never be used again to litigate a statement that should not have been made. She said that is as clear and simple as she can make it; we are charged with protecting your tax dollars and to her it is good common business practice. She said she went out and looked at several other cities to see how they do their minutes and it was just discussion was held and motion was passed by whatever vote. She said it's a shame that sometimes people use things in other ways; we are all big boys and girls up here and we learned a long time ago that people are going to do whatever they want to do whenever they want to do it. She said it has nothing to do with what we are doing here tonight.

Mr. Schock said the Village used to do streamlined minutes, maybe they covered two pages but he liked the detail; if you say something stupid, it's your fault. He said he likes for people to know exactly what is going on when they open up our website and read the minutes. Mr. Denning said they are going to get what went on, they are just not going to get all the discussion; we do represent 25,000 people and we have to look at limiting their tax liability in this situation. Mr. Schock said to watch what you say. Mr. Denning said that not what he meant; the problem is the stuff taken out of context is where we run into trouble. He said the same thing can happen in an email; you can't put the emphasis and the way you are saying things and the context into that and they read the email completely different - all of a sudden you have an enemy instead of a friend.

Deputy Mayor Smith said he would like to take off the council hat and put on the citizen's hat; to sit down and read the minutes of a council meeting, he can tell who is an active participant of council and who is skating more or less. He said you can tell

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who is involved. Mayor Flaute said not necessarily. Mr. Schock said there are a lot of times when he doesn't comment. Deputy Mayor Smith said you can kind of get an idea of how an individual thinks about a particular idea and how they vote. He said it can give a person a better perspective on a certain individual. Mr. Denning said that is not the purpose of the minutes. Mayor Flaute agreed. Deputy Mayor Smith said he was speaking from a citizen's point of view but as far as a councilman, he can understand where we'd want to go with the generalization – saves time, saves money, but the downside is if somebody says a person said something, we might not be able to remember. Mr. Chodkowski said again, it is the vote of what the entire council wants. He said just looking at the last minutes there are three pages on the Wesley Community Center which could have been reduced to a few bullet points. He said he's not advocating doing away with all detail but there could be generalizations; to Mary Ann's credit it's almost verbatim. He suggested using bullet points instead of conversation and said he thought there was a medium point somewhere.

Deputy Mayor Smith said he like bullet points as opposed to general discussion which is just so vague. Mr. Chodkowski said you wouldn't be removing the important information that is recorded in the minutes but there won't be specific paragraphs of what each of you said, it will just be bullet points of what council as a body is trying to get across.

Ms. Campbell said a younger person might not be interested in reading all that but an older person that can't get around might be very interested in reading the detailed minutes. Mr. Chodkowski said he won't disagree that his personal opinion as a citizen is a different opinion than that as a manager; but we are a business and this is where the business gets done by the executive board. Ms. Campbell said as far as minutes go there could be sections that people of different ages are interested in; she doesn't want to see just two lines because that won't interest an individual.

Mr. Denning said we can make the motion and move forward with this and if we don't like it, we can always go back. Mayor Flaute said that's right, if we hear from the citizens. Mr. Denning said if we don't know what it looks like, we are going to keep doing the same thing we do forever. He said that doesn't make it wrong and it doesn't make it right but he thought they needed to see what it looks like; there may be enough information there that it's not going to make a difference.

Mr. Fullenkamp said we could do that simultaneously, right. Mr. Denning said that will increase her workload not decrease her workload. Mr. Fullenkamp said he didn't know if the clerk considered her workload excessive or not. Mrs. Brane said she normally works about 42 hours in a two week period. Mayor Flaute said about twenty hours per week and we could cut about 8 hours out. Mr. Fullenkamp said he didn't know how long it would take to condense the minutes vs. typing them the way they are done now; he didn't know if there would be any time saved. Mrs. Brane said she thought it might be easier to condense them with bullet points and she would do whatever council wanted her to do.

Mrs. Reynolds said the clerk could have a form to make notes of the bullet points during the meeting and type the minutes from that. She asked if the notes would be a public record and are we going to determine if we are going to destroy the tape if we go to the condensed minutes. Mr. Chodkowski said it's not the format that makes it a public record; if notes are taken to create a formal document, then once the formal document is produced the notes are work product and can be destroyed.

A motion was made by Mr. Denning to go to the condensed minutes. Mrs. Reynolds seconded the motion.

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Deputy Mayor Smith suggested Mary Ann bring forward an idea of condensing the minutes. Mayor Flaute said he would like to try it twice and see what it looks like and if we don't like it we can go back. Mr. Fullenkamp suggested producing two products for a couple meetings; it will be more work but will give us something to evaluate. Mr. Denning asked which set will be passed as the minutes. Mr. Fullenkamp said what we are doing now; he will go online to see what other minutes look like. Mr. Denning said you knew we were going to have this discussion so you should have done your homework ahead of time. Mr. Fullenkamp said he's done his homework but we hadn't talked about what we were going to produce such as bullet points. Mayor Flaute agreed; all the agenda said was minutes content.

Mrs. Reynolds said she doesn't have a problem asking Mary Ann to run a parallel program for a couple meetings just to see but her concern is which would be the official minutes at that point in time. She said that would be her only reason not to do a parallel program.

Mr. Chodkowski suggested going back and simplifying existing minutes of two or three meetings and scheduling this as a work session item again.

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

Mr. Chodkowski asked if would be the will of council to bring forward some minutes for comparison.

A motion was made by Ms. Campbell to bring forward condensed minutes of the past two meetings for comparison. Mr. Denning seconded the motion.

Mr. Chodkowski said the June 2nd work session would be a good time to put this back on.

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

Mayor Flaute said since we've been a city we've always had roll call votes and he's not sure that's necessary. He said he would like to hear everyone else's opinion before he gives his.

Mr. Schock said he does like this change and things will go far more quickly when we have several resolutions but if any member of council would like to have a roll call vote then we should be able to recognize that. Mr. Denning said if there is a division of the house then you go to roll call. Mr. Chodkowski said if there is any dissention, the Mayor can have the record reflect who voted in opposition.

Mr. Denning asked if there was anything that states we have to do roll call votes. Mr. Chodkowski said you have to have a roll call vote to go into and come out of executive session and on legislation involving finances. Mr. Denning said we are just working on what has always been done and it is the Chair's decision on how they want to call the vote. He suggested if there is discussion and it looks like it will be a weird vote, then do a roll call vote.

Mr. Fullenkamp said regardless of how the vote is taken, you will still say who dissented and who did not. Mr. Schock said no, not really. Mr. Chodkowski said that's an operational decision by the Chairman and he gave an example of the last vote

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where the Mayor would say let the record reflect Mr. Schock voted in opposition to the last vote.

Mr. Fullenkamp said correct, because we just had a conversation that the vote is the most important thing we do so we should reflect that. He said his wish would be that our votes are reflected in the minutes; he doesn't want to lose that.

Mayor Flaute said the decision was that it is up to the Chair of whether or not there is a roll call vote so he is going to start this meeting. He said if he doesn't like it he will go back to roll call votes.

b. Discussion: Budgetary Forecast / Long Term Planning

Mr. Chodkowski said at the previous meeting we had discussions about doing some significant long term planning about our organization: what we want our organization to be able to do, in particular as far as personnel goes; making sure those personnel are provided the equipment to their job; and capital needs. He said the memo in the packet relates to the services we provide which are personnel driven. He said he broke the city down into four departments – police, fire, public services, and administration and scheduled each to be discussed in a work session. He said starting with the next meeting, he would like to have input from council as to what they want to see the police department to be able to do based on conversations council has had with our residents, based on the results of the citizen's survey, based on what experiences council knows about in other cities, are our people polite enough, do we have enough people on the road, do you think we need more people on the road; and etc. He said it is an exercise in what council wants and he won't be preparing any information to tell council; he wants them to tell him what they think we should have. He said talk to him about service or availability or an experience in another community council thinks should be mirrored here.

Ms. Campbell said when the Police Levy passed we promised to maintain that Police Department and she thinks we should follow that. Mr. Chodkowski said to the extent we are able to do so and we continue at this point in time to do that. Ms. Campbell asked how many employees we had in the Police Department. Mr. Chodkowski said off the top of his head 28 total. Ms. Campbell said she thought it was 35 or 36. Mr. Chodkowski said it's not about numbers; it's about how we provide service. He gave the example of not having a Fire Chief and said we couldn't go on without a Fire Chief but even though we are down a full time Firefighter we are meeting the expectations of the community. Ms. Campbell asked how many he thought we needed. Mr. Chodkowski said he was going to respond to that with the information Council gives to him; he will take council's input and put it with the actual situation. Ms. Campbell said she didn't think the Police Department should do the zoning violations. Mr. Chodkowski said then you should tell me that.

Mr. Fullenkamp said he was curious as to how we compare to surrounding communities and the service surrounding police departments provide; he doesn't have that information. Mr. Chodkowski said he can't get that information from other cities because everyone is different; Centerville meets our population demographic but the socio-economic status of Centerville allows them to have resources that we don't have. He said they meet that minimum criterion. He said he has contacted other cities in the State that meet our socio-economic demographic but have different tax structures or participate in a Council of Governments so it's difficult to say what's similar.

Mr. Fullenkamp said from the citizen satisfaction survey that was done in 2010 it tells us, from his perspective, that residents are reasonably happy with the service, at least from the Police Department and Fire Department but that doesn't tell him how to

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efficiently run an organization like that. He said he's assuming we are running the organization efficiently but he doesn't know what the right shape is, maybe he have the right shape. He said he doesn't know what that really is, what percentage of time do we spend on crime prevention vs. solving crimes or stopping traffic or the standard day to day. He said he could come up with items for the discussion.

Mayor Flaute said he agreed that things were going well with what we are doing but the question is if we can continue doing what we are doing. He said the satisfaction was there but the next budget coming up is going to be a squeaker especially if we look at the income tax scorecard.

Mr. Chodkowski said he wants council to get away from "what is the bottom line for today" and we don't worry about what is the bottom line for tomorrow. He said mathematically there is no way for us to continue to operate even at the level we are and not eventually have the path of money going into the bank and money coming out of the bank cross. He said we need to be able to say we are providing the services, as council, that our citizens are demanding because at some point in time we are going to have to ask for money. He said we are going to have to have a plan and we will need to demonstrate we are meeting the expectations of the citizenry.

Mr. Chodkowski said he can't continue to run without a full time Fire Chief; that costs money, almost \$100,000 if he's going to be competitive when he makes the search. He said we projected \$250,000 in the red, we ran into the issue of the civil infraction which puts us \$500,000 in the red with no viable revenue stream available to us, plus pending reductions in property tax and pending reductions in the local government fund; add that to having to have a Fire Chief and our projection of \$250,000 goes to \$1.0 Million.

Mr. Fullenkamp said you talked about being down a full time firefighter and not seeing any affect but is that something that can be predicted - no affect on services if we make reductions. Mr. Chodkowski said we can effectively make predictions relative to maintaining levels or increasing levels based on personnel but not necessarily requiring the same personnel we have today. He said the missing firefighter position is being backfilled by part time personnel which is significantly cheaper. He said the issue becomes, is it full time you want, is it just the hours, is it just the service, etc. Mr. Fullenkamp said since we are backfilling the hours for the full time firefighter with part time hours then he would expect a negligible decrease in services but you didn't say before that we were backfilling with part time and he knows the costs are lower for part time workers. He said if those are the types of decisions we are going to be making then so be it.

Mayor Flaute said he thinks it going to get harder when for example, the income tax, he doesn't know exactly what our staff is doing and do we need as many staff as we have in our finance department. He said he goes to these meetings and hears that if we do our own income tax collection, you get so much better service, then we bring RITA in and they say we are doing that for you. He said that's what makes it difficult to know how many people we need in the finance department or do we need an Assistant City Manager, those kinds of things. He said at least if we have a discussion, we will know some of those answers when October hits.

Mrs. Reynolds said she hopes she is looking at this series of questions in the right way because she believes this is the opportunity we take to build our city. She said we aren't comparing it to what we have or where we are at; we are building a city and saying this is what we want to citizens of this community to have. She said just as the city manager stated, our services are personnel driven and when we look at building this city we have to know that; we are going to be assessed by the numbers and we are

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looking at citizen demand. She said she assumed this was a cumulative piece that the city manager was going to put together from all of us.

Mr. Denning said a piece that says this is what it's going to cost, this is what we have to ask for in order to make this happen, and this is what we are going to give the citizens for their money. He said that's good because if we put seven officers on the road at one time instead of three then crime is going to go down and maybe we need an extra code enforcement officer instead of having our police officers doing that because that would be less expensive than extra police officers. He said we need to look at what we want this city to be in five or ten years. He said what he is more concerned about is we are balancing our manpower now but what happens if several get injured at a fire in some sort of accident and have to be off work for an extended period. He asked if we had enough manpower to juggle and still keep our response time. He said we need to make sure we have enough of everything so we can keep things running.

Deputy Mayor Smith said our city is already built and he believed we wanted to fine tune what we have. He said with budget restrictions it's going to be a monetary issue and we have to look at how to fine tune areas that are out of sync. He said Mrs. Reynolds has an excellent idea but the city is already built.

Mr. Chodkowski said a lot of it has to do with what council wants to see long term; a prime example is Mrs. Knisley's departure, we have been able to accommodate the work and we will continue to accommodate the work but how we've had to do that means there is no proactive managing, there's reactive managing. He said if you want to have proactive management, then we need to determine if an Assistant City Manager is the way to do that or an Executive Secretary to the City Manager or a Human Resources person to help shift the load. He said these are all very nebulous conversations -- do we need three people in the finance department; they seem to stay very busy but maybe the Mayor is right, maybe we set up the structure for when one of them decides to retire. He said we set things up so that this is how we are going to reassemble that department and this is where some of that work is going to move to, so when someone retires we are not in a reactive mode.

Mrs. Reynolds said regarding Deputy Mayor Smith's point, she doesn't see it as refining; she sees it as building a city because this may be a point that we don't have certain departments; we farm it out. She said we are at the point now where we need to look at that. Deputy Mayor Smith said that a complete restructure though. Mrs. Reynolds said we need to look at what we want to do and where we want to be; five, ten, fifteen years out -- where we need to be and the structure for all the citizens of this community.

Mr. Schock said he looks at this as setting us forward in the twenty first century because we have been operating in the twentieth century. He said the economics are a lot different and this is setting us up for the twenty first century.

Ms. Campbell said the last levy the people voted for was to maintain the police department without cutting anything. She said we should stick to that because what good is our word if we don't follow that line. Mrs. Reynolds said she didn't think there were any intentions to do anything like that; we have always tried to make sure the citizens know exactly where we stand and where we are on any levy issue we've ever put forward. Ms. Campbell said times are rough; how many of those people still have a job to pay taxes or how many still have their homes -- can they tolerate another increase.

Mr. Denning said he thought the manager was asking us for is what services we expect; how many officers on the road at a time, response times; the manager wants

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broad strokes and he will come back and tell us for example, if we want this much service from the police department, we are going to have to add five officers and how we are going to do that. He said then we will discuss if we want to refine from there. He asked the manager if he was getting the homework assignment correct. Mr. Chodkowski said yes.

Mayor Flaute asked when council could expect the code rewrite from the Planning Commission. Mr. Chodkowski said the Planning Commission will have their final review May 16th and once they make a recommendation, he will get a hard copy of the document to council. He said he would have them take it home, digest it, and then at the next meeting they would talk about how they would cut it up for discussion. Mayor Flaute said it could interfere a little with these discussions but we will try to adhere to the schedule as best we can.

ITEM 7: RECESS: The Council took a recess at 7:30 p.m.

ITEM 8: RECONVENE: The meeting was reconvened at 7:47 p.m.

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

Mayor Flaute said today is National Day of Prayer and he asked for a moment of silence to observe that.

ITEM 10: MINUTES: Consider approval of the minutes of the April 21, 2011 Council meeting. A motion was made by Mrs. Reynolds to approve the minutes as written. Deputy Mayor Smith seconded the motion. All were in favor; none were opposed. The motion passed.

ITEM 11: COMMUNICATIONS: There were no communications.

ITEM 12: PRESENTATIONS: There were no presentations.

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

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

ITEM 15: 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 March 22, 2011 Board of Zoning Appeals meeting.
- e. Minutes of the March 21, 2011 Planning Commission meeting.

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

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Mayor Flaute said last month our income tax collection was way down and this time it is way down again; he asked if we were doing anything to address it or if there was a problem. Mr. Chodkowski said he thought it was a reflection of the times with folks filing and adjustments from year end; so there are a couple different factors. He said council should ultimately be concerned probably if the trend continued through June or July. He said from a cumulative standpoint there could be several reasons why it is down but it may not have an impact when we look at all twelve months.

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

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

ITEM 18: NEW BUSINESS:

I. ORDINANCES

II. RESOLUTIONS

- a. Resolution No. 11-R-1557 authorizing St. Helen's Parish to place temporary promotional signs in the public right of way under certain terms and conditions.

Mr. Chodkowski said this legislation is reoccurring before this body and is a request to place temporary promotional signs in the right of way.

A motion was made by Mr. Denning to approve Resolution No. 11-R-1557. Mr. Schock seconded the motion. All were in favor; none were opposed. The motion passed.

- b. Resolution No. 11-R-1558 declaring the necessity of improving certain streets between certain termini in the City of Riverside, Ohio by lighting the same with electricity.

Mr. Chodkowski said this resolution is to establish an assessment for the Valley View subdivision for the purposes of street lighting.

A motion was made by Mr. Schock to approve Resolution No. 11-R-1558. Mrs. Reynolds seconded the motion.

Mr. Denning asked if we had a petition. Mr. Chodkowski said this is lighting that was approved pursuant to their plat.

Deputy Mayor Smith asked if the residents agreed with the assessment on that. Mr. Chodkowski said yes; starting next year.

Mayor Flaute said he thought this was reoccurring legislation. Mr. Chodkowski said it will be reoccurring; the subdivision was approved with lighting. He said last year council accepted the first portion of roadway as a public thoroughfare and now that the subdivision is being transferred from private to public ownership, we don't feel it's appropriate for the city to continue to pay for the lighting. He said this resolution will establish the assessment for those residents to pay for their lighting. Mayor Flaute said the residents know all about this. Mr. Chodkowski said they will when their tax bill comes next year.

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Mrs. Reynolds asked if lighting was always part of the plan in a subdivision. Mr. Chodkowski said yes; under our code it is.

With no further discussion, Mayor Flaute called the question. All were in favor; none were opposed. The motion passed.

- c. Resolution No. 11-R-1559 authorizing the City Manager to enter into a lease agreement with the Mad River Pee Wee Football Association pertaining to certain facilities in Community Park.

Mr. Chodkowski said pursuant to previous discussions with council and with Mad River Pee Wee Football Association, this resolution is to authorize a contract for lease of the city's Community Park. He noted a few items that were changed: in Section 2.03 the insurance provision of the contract refers to claims of \$5,000 or more and that should be \$500 or more which is in relation to our deductible with Wells Fargo; and the other item is in relation to the attachment describing a 120 square foot shed that is due north of the scorer's box which he missed when he originally prepared this. He said those are two changes in the contract that were not in your packet.

A motion was made by Mr. Denning to approve Resolution No. 11-R-1559. Ms. Campbell seconded the motion.

Mr. Fullenkamp said there is a reference to non-leased areas of the park; he asked if there was a specification for the non-leased areas. Mr. Chodkowski said any areas that are not included in the exhibit, for instance, there is a play structure on the east side of the park which is not part of the lease and is not subject to their oversight. Mr. Fullenkamp said but they can exclude people from other areas that are part of this lease. Mr. Chodkowski said yes.

Mayor Flaute asked what if a resident want to use the park on a certain day and Pee Wee Football wants to use it on the same day; does Pee Wee Football automatically get the park. Mr. Chodkowski said yes, based on how this lease is set up and based on the Parks & Recreation Commission's use of the parks prioritizing. Mayor Flaute asked if we knew when they were using the park. Mr. Chodkowski said yes, all organized sports teams are required to submit a schedule at the beginning of the year.

Mr. Schock asked if this was the first time we've ever done this. Mr. Chodkowski said we have a lease agreement that is similar for the concession stand at Rohrer Park. Mr. Schock said this is the first time for Pee Wee Football, correct? Mr. Chodkowski said yes, this written document mirrors what had been a handshake agreement through the years. Mr. Schock asked what generated this. Mr. Chodkowski said council's discussion with them relative to improvements they want to make to the restrooms.

Mrs. Reynolds said this is a one year agreement, right? Mr. Chodkowski said yes and it automatically renews unless we provide notice or any other terms of the contract are breached. Mrs. Reynolds said council had talked about the color scheme previously and she would like to have the words "or associated with the Mad River Local Schools District (scarlet and gray)" stricken from the lease agreement in Article 5.03. She said we talked about staying with the blue and white theme and she is still confused why the scarlet and gray colors were referenced because this is on city property, not school property. She said she understood their concerns but she hoped they all understood her concern as a member of the city council; our color scheme is blue and white and you are in a city park. She said we are trying to brand ourselves.

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Mr. Denning amended his motion to strike the words "or associated with the Mad River Local Schools District (scarlet and gray)" in Section 5.03 of the lease agreement. Ms. Campbell agreed.

Mayor Flaute asked what Mrs. Lommatzsch's explanation was of why the colors changed. Mr. Jim Hatton, President of the Pee Wee Football Association said scarlet and gray are our team colors which go along with the school's colors and everything else that is in Community Park. He said they would be out a substantial amount of money to go back and change all the other buildings. Mr. Chodkowski said he drafted this language specifically for this purpose understanding that council wanted a facility to represent the city. He said there is a concern that based on the color scheme of everything else in the park this particular structure would warrant additional attention not being in line with the other structures.

Mrs. Reynolds said she also remembered the conversation we had that they are going to be making some changes to the current structure and she thought that would be the opportunity. Mr. Denning said what we really mean is for any new structures we want to use the blue and white and we will grandfather anything that is currently up. Mr. Chodkowski said by the terms of the agreement, in the event that they were to rehabilitate or relocate based on some of those items that would be an issue that we, as the lessor, could then dictate. He said his attempt was to provide uniformity but to also provide the opportunity for change based on what conditions might prevail in the future.

Mr. Denning said our answer is we want the new building to be blue and white and we are okay with the scarlet and gray until a structure is changed, then we want it to also be blue and white. Deputy Mayor Smith said also if a building needs to be painted then the colors should change.

Mr. Hatton said our kids come out representing the colors scarlet and gray; Centerville, for example, wears black and gold and the buildings on their field project those colors; same for Kettering - blue and silver and for other teams. He said it will be an awkward look for our children in this community to come out in scarlet and gray and everything around them is blue and white - the appearance will be unusual. Ms. Campbell asked if they played in the park or on school property. Mr. Hatton said they have played in the park for many years.

Mayor Flaute said Riverside has five different school districts and he wondered if more than one district participated, for example, he lives in the Dayton School District; would his kids be able to participate. Mr. Hatton said all our kids are from Mad River Local School District and the league they participate in is governed by the school districts. He said he lives in Forest Ridge and there are areas in Forest Ridge that are in the Fairborn School District; those kids that participate in our league play for Fairborn. He said it is governed by the league they are in.

Mr. Hatton said they went from being the Tomahawks to being the Indians and they invested a lot of money to switch the uniforms to scarlet and gray but the thought was as long as the kids went to Mad River Schools, they would always be an Indian and portray those colors. He said that is pretty much a consistent process throughout the sporting community. Ms. Campbell asked how many buildings were scarlet and gray. Mr. Hatton said the press box, all the current sheds, and the building they want to update is actually gray in the front.

Mayor Flaute asked the clerk to read the motion. The clerk read: to approve Resolution No. 11-R-1559 with a contract amendment to Article 5.03 to strike the scarlet and gray color scheme on the buildings.

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Ms. Campbell asked how long they would have to get all that done. Mr. Denning said this would just apply to new buildings. Mr. Hatton said his personal opinion is that it will look like a sore thumb. Deputy Mayor Smith said it will look odd and will definitely stand out.

With no further discussion, a voice vote was taken: 4 were in favor; Mr. Schock was opposed; and Ms. Campbell and Deputy Mayor Smith did not vote. The motion passed.

ITEM 19: REPORTS: There were no reports.

ITEM 20: PUBLIC COMMENT ON NON-AGENDA ITEMS: Mr. Robert Maxwell of Union Road, Trotwood, Ohio said he took over the Zodiac Lounge about nine months ago and he has remodeled and tried to clean it up. He said he is trying to hire different people to work there and it is basically to help people; he accepted God twenty years ago and he's tried to help people ever since, providing jobs to the community. He said he spent what equity he had in his house on this, about \$50,000 so far.

Mr. Maxwell said he didn't know what all was said at the last meeting but he has only made a call to the police once when he felt the safety of the people in the bar was at hand - a guy stated he had a gun and he wouldn't leave. He said before that, Diane Hinton had called the police when she was trying to break up a fight among two female customers in the parking lot and she got hit in the face. He said as far as he knew, those were the only calls made to the police in the last year. He said there have been stolen cars recovered in his parking lot and they are saying we attract people like that. He explained other situations and said he was working with the police the best he can.

Mr. Maxwell said he has heard statements that he is a lawless person and he does wear outlaw t-shirts from people that he rode with in the past but he does not belong to any club. He said he knows a lot of people and they come in to see that I acquired a bar - they are proud of me. He said he tries to help the girls step up to another way of life; get them to go to school and he has paid for drug treatment for them. He said he is trying to help the people in the community that need help like that and he is not a lawless person. He said he was and he got help; he is asking for clemency for the mistakes he has made in the past.

Mayor Flaute said he knew no one on council called him lawless and he didn't believe anyone on staff would have either, at least not to his knowledge. He said you should call the police when you have trouble and we are going to be there when we suspect there is a problem - nothing you can do about that except not serve those folks.

Ms. Campbell asked if he was here because of what was written in the paper. Mr. Maxwell said yes; he was also here around Christmas because he wanted to donate some money he collected at the bar for the disadvantaged. He said he has been upset ever since he read this in the paper.

Deputy Mayor Smith said he did go through the minutes since they spoke outside before the meeting and he didn't see anything in there that said he was lawless. He said public record doesn't mistake that.

Mr. Fullenkamp said Mr. Maxwell can be involved in this process; he can talk with the Police Chief and try to understand where we are coming from. He said one of the things that were important to him when we made this decision was that a process would be available for the owners to work with the Police Chief and the City Manager to see if there are problems that can be resolved. He said the opportunity is there to

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begin a discussion today about what we perceive as being bad and the steps you can take to resolve those things. He encouraged Mr. Maxwell to start a good faith effort.

Mayor Flaute said we do have many good establishments in Riverside that serve alcohol and most are doing very well. He said there is a way to do it; a way to solve this. Mr. Maxwell said he is open to any suggestions.

Ms. Campbell said in her opinion, some of the incidents on the reports we saw were beyond the owner's control. She said when an officer goes in to check on the owner's license, that's not the owner's fault - it's just them doing it. She said it needs to be looked at. Mr. Maxwell said the officers told him they were going to police his parking lot and he was more than glad to hear they were going to do that. Ms. Campbell said as long as you are making an effort to work with the Police Department; she thought they would probably work with him too.

Mr. Denning said to understand this, we made the decisions we made based on the information we had and when we had our discussion it was not about any specific bar, it was about all five bars in general. He said if you read the newspaper the part that was in quotes was what I said; the part you read where it said lawless was the opinion of the writer that I said that - that it was my meaning. He said in general, what he was saying was when we have bars that are not abiding by the rules that we want them to live by then we need to do something. He said that's all this is, notification that we are watching; don't take it personal because it was directed at all five. He said we appreciate your input because it helps us make our decisions next year.

Mayor Flaute said it is only our recommendation; the State makes the final decision. He asked the city manager when that would be. Mr. Chodkowski said we haven't yet been notified of the date of the hearing. Ms. Campbell asked if the information council got was sent to the State. Mr. Chodkowski said the resolutions council passed filing the objection and requesting a public hearing was the only information sent.

Mayor Flaute thanked Mr. Maxwell for attending the meeting and asked him to get with the Police Chief and City Manager to resolve this so he doesn't have to go through this next year. Mr. Maxwell said he would and if it gets out of his control, he will close the bar himself.

Mr. Schock said it kind of seems like Mr. Maxwell is jinxed with the past history of the bar and it sounds like he will make a great effort to turn it around to a decent family bar.

ITEM 21: COUNCILMEMBER COMMENTS: Ms. Campbell said she thought they were going to take Councilmember Comments out of the agenda. Mayor Flaute said he didn't think this item was meant to be taken out. Ms. Campbell said it should be; we have the whole meeting to talk and this just makes the meeting longer; we don't all have stuff to comment about.

Mrs. Reynolds said 149 years ago today, 5,000 ill equipped, very poor peasants fought a battle - they fought the French. She said Napoleon III sent his French soldiers into Mexico to take control; those 5,000 defended their country and defended their rights. She said they already were independent but Napoleon III wanted his part. She said today we celebrate Cinco de Mayo with our friends from Mexico and no matter where we are in this world; we are always ready to defend our home. She said she hoped it will always be that way.

Mrs. Reynolds reminded everyone that Sunday is Mother's Day and said be good to your Mom. She said if your Mom is not with you anymore, be good to her memory - it's one of the most important things you will ever have in life.

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Mrs. Reynolds said we had a wonderful time at the Volunteer Dinner last Saturday night. She said we want to thank all our volunteers and it's always exciting to get them together. She also thanked Council, the Clerk, and all of Staff. She thanked Chief Reiss for the time he spent speaking with a resident this evening.

Mr. Fullenkamp said we had a journey with Habitat for Humanity and we got the best compliment we could possibly get from our supervisor who stated he didn't think he had to fix anything. He said he took that as a compliment and the time we spent was enjoyable.

Mr. Fullenkamp said the Volunteer Dinner on Saturday was great and it was good to see people out. He said we have great volunteers and we need them more than ever these days.

Deputy Mayor Smith said to follow up on the Habitat for Humanity, he organized that and it was very nice. He said the Mayor was there and did an excellent job working on the floors - he was the cardboard man. He said Mr. Fullenkamp really surprised us laying a tile floor in the bathroom and he was amazed; then Mr. Fullenkamp told me he was a carpenter. He said you probably all saw my picture in the paper where I got to do the house numbers; that important and those will probably be there 20 years or so - they should outlast Mr. Fullenkamp's floor.

Deputy Mayor Smith said he was at the Volunteer Dinner we had Saturday night and it was very nice. He said it was nice to meet and greet the volunteers and we do appreciate everything they do.

Deputy Mayor Smith said today he attended the MVRPC meeting. He said the packet was 189 pages and made for a long meeting but we got through it.

Deputy Mayor Smith thanked Staff and thanked the audience for coming out tonight.

Mr. Denning said he attended the Easter Egg Hunt on Saturday and wasn't able to make it to the Habitat for Humanity home. He said it was the 30th Annual Easter Egg Hunt and there were 300 to 400 kids. He said it took us 4 hours to stuff the eggs, took us 1 1/2 hours to put them out, and it took the kids about 2 minutes to get all the eggs. He said the community had a good time; it was done at Beverly Gardens and we do it every year.

Mr. Denning said he also enjoyed the Volunteer Dinner and he hoped we kept doing that from year to year.

Mayor Flaute said we got a thank you note from the Chamber of Commerce for our Volunteer Dinner. He said he wanted to share that with all of Council, Staff, and especially Mary Ann and Crystal for putting that on.

Mayor Flaute said there was an article in the Business to Business Journal about InfoCision, one of our Riverside companies. He said the article was about how their business is booming; it's a big business and whenever we can recognize one of our companies, it's a great thing.

Mayor Flaute said he attended a Community Action Partnership luncheon and he offered their annual report to anyone who wanted to see it. He said they have some budget cuts but they are staying in business because of the great things they do for the poor people in the community.

Mayor Flaute said he went to the Fisher House dedication which is for the families of soldiers who have been injured. He said the new home has 15 bedrooms and it is a

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beautiful place. He said there was also a very good recognition of our troops and what they are doing for us in the field.

Mayor Flaute said he was invited to talk at a class at ITT Technical School about the Mayor's job and about our community. He said the class was very interesting and there were a lot of good questions.

Mayor Flaute said United Rehabilitation Services is having its 8th Annual Rubber Duck Regatta with a kick off on Tuesday, May 17th from 5:30 to 7:30 at the Dayton Racquet Club. He said if anyone is interested be sure you take part in that because URS is in the City of Riverside and any support we can give them he is sure would be appreciated.

Mayor Flaute said the First Suburbs Consortium would like for us to pass a resolution requesting the State General Assembly to not cut the Local Government Fund which has been in existence since 1934. He said First Suburbs sent a resolution stating to please not cut the fund anymore than 25% and they asked the individual cities to send a similar resolution.

A motion was made by Mr. Schock to bring forward a resolution to send to the State. Deputy Mayor Smith seconded the motion. All were in favor, none were opposed. The motion passed.

Mayor Flaute said he had 7 weddings; 4 at the Dayton Events Connection which is working out very well. He said it is a really cool place and if you know of anyone getting married, please tell them to visit that place -- it's right behind Bob Evans on Linden Avenue. He said they have photographers, caterers, everything you need all in one place. He said as you all know he was trying to get a Honeymooning in Riverside program going and thanks to our Chamber, we now have Riverside restaurants giving great deals to those folks getting married in Riverside and we will be giving those to people so they come back. He said he's done 125 marriages now and if all those people come back then we've done something.

Mrs. Reynolds reminded everyone to bring their checks to the next meeting; we need our Relay-For-Life money. Mr. Denning said make the checks out to the American Cancer Society. Mrs. Reynolds said the Mayor is going to take pies-in-the-face for the event and some of you might end up in jail if you don't bring in that check. Mr. Denning asked how you can get a chance to put a pie in the Mayor's face. Mrs. Reynolds said by purchasing an Illuminaire. Mr. Denning said he believed the school board was in on that as well as a couple other city officials. Mayor Flaute said he hoped chocolate was involved.

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

ITEM 23: ADJOURNMENT: A motion was made by Mr. Denning to adjourn. Mr. Schock seconded the motion. All were in favor; none were opposed. The meeting was adjourned at 8:44 p.m.

William R. Flaute, Mayor

Clerk of Council