

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM 120 10143

Held

Thursday, November 17, 2011

20

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

ITEM 2: ROLL CALL: Council attendance was as follows: Ms. Campbell, present; Mr. Denning, present; Mr. Fullenkamp, present; Mrs. Reynolds, present; Mr. Schock, present; Deputy Mayor Smith, absent; and Mayor Flaute, present.

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

ITEM 3: EXCUSE ABSENT MEMBERS: A motion was made by Mr. Denning to excuse absent member Deputy Mayor Smith. Mr. Schock seconded the motion.

Mayor Flaute said Deputy Mayor Smith did call Mr. Schock and said he would be late.

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

Deputy Mayor Smith arrived at 7:08 p.m.

ITEM 4: ADDITIONS OR CORRECTIONS TO AGENDA: The agenda was revised prior to the start of the meeting to include an additional discussion item for the executive session; purchase of land.

A motion was made Mrs. Reynolds to table item 13 (a) – Public Hearing regarding a rezoning of property located at 3810 Old Troy Pike and to table item 16 (I) (b) – Ordinance No. 11-O-480. She said she didn't think we had any answers yet on CESO and she is still concerned that we will put ourselves at jeopardy with this legislation. Mr. Denning said all it says is we are rezoning the property; it doesn't say we are doing it for CESO. Mrs. Reynolds said she realized that but she was at the Planning Commission meeting and there were two property owners that raised concerns at that meeting. She said she didn't know if we were jeopardizing their properties in any way.

Mr. Chodkowski said in relation to Mrs. Reynolds comments about the neighboring property owners; Mr. Theis expressed a concern about notification of the hearing which was a technical snafu that we were able to remedy for at least all public hearings going forward, tonight being one of them. He said another concern Mr. Theis had specific to the CESO project is that the development will increase the negative impact of storm water run off on his property as opposed to holding storm water run off as it currently is. He said we require by code that whenever you develop a parcel, you can allow no more storm water to drain off of your property onto your neighbor's property than what was occurring prior to the development. He said Mr. Theis was not able to offer anything specific other than it was his opinion that this would be detrimental to his property. He said offered to share the storm water calculations that have come in from CESO as well as the storm water calculations that will be done by our engineer, LJB, but Mr. Theis declined to accept the offer.

Mr. Denning said he didn't want to table this; he wants to move forward.

RECORD OF PROCEEDINGS

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20

Mayor Flaute said he didn't know where Mr. Theis was getting his information from; he knows Mr. Theis sees it everyday but when you start putting in storm sewers it just makes the situation better. He said he thought Mr. Theis would be surprised.

Mr. Fullenkamp seconded the motion to table items 13(a) and 16 (I) (b). A roll call vote was as follows: Mrs. Reynolds, yes; Mr. Fullenkamp, yes; Ms. Campbell, no; Mr. Denning, no; Mr. Schock, no; and Mayor Flaute, no. **Motion failed.**

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

ITEM 6: WORK SESSION ITEMS:

a. Discussion Items from the Proposed Code Rewrite Request Sheet

Mr. Chodkowski said we have been reviewing the proposed zoning code over the last several months and through that discussion the clerk has kept a running tab on some of council's concerns, some of which are subjective and some of which are objective. He said tonight we assembled the objective information for you which highlights 5 items: gentlemen's/hobby farming; accessory structures; recreational vehicles; fencing materials; and roofing materials for accessory structures. He said we took a look at our neighbors to see what they are doing since they represent the best comparison as far as how that may or may not make our community different. He said we did a sample of provisions that we thought were relevant to the information council was seeking and assembled that into a document. He said the items that weren't covered are items he and Mr. Murray felt were subjective and we will make those changes as we go through the document but if council feels the need to discuss those items, we will be more than happy to do that.

Mayor Flaute said on the hobby farming he felt Huber Heights or Kettering seemed to have the parcel language he would like to see in our code.

Ms. Campbell said we went through this before and anybody that has a hobby farm is going to attract skunks big time - they are honey eaters. Mr. Denning said he didn't believe that was true; the purpose of this is we have folks out there that have land. He said we aren't just residential and there are 10 to 20 properties just on Harshman that are over 2 to 5 acres. He said he thought the purpose of this was to not put them into the same category as the folks in the plats and give them a little more leeway to do more with their property. He said he thought the big thing is as long as they are keeping their property clean; a person can have 3 dogs and not keep the property clean but there are people that could have 2 horses and you wouldn't even know they are there. He said the big thing is that we protect the neighbors from the bad parts of anything that would be agricultural; we allow people a little flexibility when it comes to that or we limit the types of animals they can keep, if their property is large enough and they keep it clean.

Ms. Campbell said shouldn't it be if you have an acre or more. Mayor Flaute said Kettering's code is 5 acres and then you are allowed to have agricultural animals. He said this is limited language but Huber Heights' code states defined agricultural animals; he asked the city manager what that meant. Mr. Chodkowski said he does not have that language but from what he could recall they were things like horses, donkeys, any bi-hoofed animal, chickens but not roosters, some other types of specialty fowl such as emus and ostriches. Mr. Denning said that was probably written back in the 1980s or 1990s because raising those specialty fowl was becoming a big thing.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10143

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Thursday, November 17, 2011

20

Ms. Campbell asked what about living quarters; chickens would need a chicken coop and they wouldn't be allowed to do that. Mayor Flaute said if we were to allow chickens then they would have to be allowed to build a place for them to stay. Ms. Campbell said what if they want baby chicks, wouldn't they have to have a rooster. Mr. Chodkowski said they would have to order fertile eggs.

Mayor Flaute said he was all for the chicken thing but he's beginning to back off that mostly because of a story of some friends that have chickens in Bath Township; they went to the Turtle Creek Flea Market and bought 12 chickens making sure to ask if they were all hens. He said there was only 1 hen out of all of them and now they are making soup out of the roosters that their children became attached to. Mr. Denning said that's their personal story and it has nothing to do with the regulations. He said if folks have enough property to be able to do that then they should be allowed. Mayor Flaute said roosters are loud. Mr. Denning said you can make rules that the building the chickens are kept in has to be at least 200 feet from any other housing; you can put all that in the code. He said we have properties in our community that are large enough that people should be able to do that if they choose.

Mr. Fullenkamp asked how many people this sort of legislation will affect - 50 or 40 or 100. Mr. Chodkowski said he can have Mr. Williams pull a GIS map to identify the parcels. Mr. Fullenkamp said he would assume the number is relatively small. Mr. Chodkowski said he thought maybe there are a dozen parcels with 10 or more acres where you could actually have a full agricultural use; and that number times 2 would be the 2 to 5 acre range but that is a pure guess. Mr. Murray said we can produce those maps. Mr. Fullenkamp asked what the demand for this was; if there is no demand for it today, why should we put it in the code. Mr. Denning said because he would like to be able to put chickens on his property. Mr. Fullenkamp asked how many acres Mr. Denning had. Mr. Denning said 2 acres and there are probably 10 or 15 properties along Harshman that are that large or larger. He said all he's saying is don't close the opportunity; if somebody new moves in and sees those properties - especially that close to the base, they may want to do something like that and he didn't think they should stop them from doing it.

Mayor Flaute said he got 2 calls this summer from people who had chickens but had to get rid of them. Mr. Chodkowski said every person we dealt with regarding chickens lived in a platted area; most of them were in Floral Park, had a hen house with 2 or 3 hens for fresh eggs, and a few did admittedly let their fowl run free. He said there hasn't been anyone that has come to us from Highland where the lots are larger and asked to set up a hen house; we haven't had that type of request.

Ms. Campbell asked if a person could have a raccoon or a possum or a skunk. Mayor Flaute said no, the State of Ohio outlaws those because they are wild animals. Ms. Campbell said they can be tamed. Mr. Chodkowski said based on our code they are not recognized as domestic animals. Ms. Campbell said she trained raccoons to come up and take food from her hand. Mayor Flaute said he tried to keep one as a pet and it was fine until it got bigger. Ms. Campbell said there are skunks in her neighborhood that will eat with the cats and as long as she doesn't make any sudden moves, they are fine.

Mrs. Reynolds asked Mr. Denning if he thought 2 acres was sufficient. Mr. Denning said 1 1/2 acres. Mayor Flaute said Huber Heights has 1 acre. Mr. Denning said that would be fine but he did think they needed to put in stipulations requiring certain distances from your neighbor's home and your property line so you aren't intruding on other folks.

Mrs. Reynolds said so going back to the city manager's estimate of 10 properties that are 10 acres or more; what would be the number of properties that would be 1 acre or

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10143

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20

more. Mr. Chodkowski said if you don't mind tabling this particular item we can come back with a map that will identify the properties with 10 or more acres, 5 to 10 acres, and 1 to 5 acres; we'll also include a count so you can actually see it. Mrs. Reynolds said she thought it would be good if they could get an idea of what those numbers are.

Mr. Murray said the other thing about those maps is that you'll quickly see the delineation of the city and how much of the city is rural; it's very apparent in the maps. He said one thing we are getting requests for is horses on those 2 acre lots and there are more of those in the city than we might suspect. Mr. Fullenkamp asked how many requests. Mr. Murray said 4 or 5 and they are coming more and more frequently. He said he thought that did bring a certain character to the city. Mr. Denning said positive character and Mr. Murray said very positive.

Ms. Campbell said if this is allowed, do they have to let the city know or get a permit. Mr. Chodkowski said yes. Ms. Campbell asked if there was also a clause that they would have to build cover for the animals like a barn so the animals wouldn't be left out in the open. Mr. Chodkowski said we would have to craft language if council wanted to do that; that would piggyback off the next discussion item which is accessory structures. Ms. Campbell asked how many regular sized lots is 1 acre. Mr. Chodkowski said it depends on where you live. Mayor Flaute said his lot is 3/4 of an acre. Mr. Chodkowski said the lots in Avondale or Byesville are about 1/5 of an acre. Ms. Campbell said she agreed with what Mr. Denning suggested earlier - 1 1/2 acres. Mr. Chodkowski said for the lots on Highland and on Union Schoolhouse, most of those are 1 to 2 acres.

Mr. Schock said along with the map could staff bring the complete language for Huber Heights for council to review. Mr. Denning said he thought Huber Heights pretty much mirrors the personality of our community. He said he works with a person who has 2 acres in Huber Heights and he has 4 ponies and 3 dogs and he doesn't have any problems at all - he keeps it clean and shovels it out every day. He said if they can do that in Huber then he doesn't understand why we couldn't do it here. Mr. Schock said he was all for anything over 1.2 acres on this and wants to see how Huber's code is structured.

Mayor Flaute said in Kettering's code they allow beekeeping on lots of 1/4 acre or more. He said he didn't know what was in Huber Heights' code but he hoped they could talk about having that as part of our code.

Ms. Campbell said she thought all this should depend on the size of the animal; horses need to run. Mr. Denning said that's the Humane Society and they have standards for that; we just want to regulate where they can go and where we can allow people to do it. He said there are already State laws about how much you have to have and all that; he didn't think we needed to get too deep in to it, he just wanted to open our regulations up a little to allow people to do something.

Mrs. Reynolds said Mr. Schock asked for some additional information and she would also like to see the enforcement arm of how we would make sure there are worthy chicken coops or what the city manager would propose as appropriate language for housing facilities for those animals. She said we all have to abide by the Humane Society and the State requirements for coop size and whether they need to be air conditioned or fan fed or whatever - those are things we are going to have to be concerned with.

Mayor Flaute said the next item is accessory buildings and as the manager stated, a lot of this is going to depend on what we do with the farming business but in general is there any solace about the different things the other cities have done compared to what we do. Mr. Denning said in his opinion the 2 were tied together in that the larger lots

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK P.C. FORM NO. 10143

Held

Thursday, November 17, 2011

20

over an acre should be given a little more leeway on the size and number of buildings they can have because they have more space. He said that was his thought behind adding accessory buildings for discussion because we have such a tight code now. He said he understands that for the smaller lots; we don't want someone covering the whole lot with roof and having 10 sheds in their backyard but if somebody has 3 acres of land and they want 4 sheds, it doesn't look bad, and they meet all the other regulations – that was his thought process. Mayor Flaute said what you are suggesting might mirror what Kettering's says which is 35% of the total.

Mr. Chodkowski said he would caution them to be careful of what they wish for, and he understands what Mr. Denning is after in his request, but keep in mind that part of what makes a lot of value is what the principal use is. He said he might have a residential use and he might have a residential parcel and the parcel could be 5 acres; based on this type of language it's possible that the total square footage of the structures on my property will be significantly larger, all for accessory purposes. He said now the principal use of the property is storage rather than residential and if you look at the language, we are actually fairly liberal compared to other restrictions that do exist.

Ms. Campbell said she doesn't have a garage so she needs a bigger shed or two sheds. Mayor Flaute said if we put 35% of the total area, do we care if it's one building or two. Mr. Chodkowski said we would; a prime example is around Glendean and Virginia Stevenson – as you drive in the turn, there is a huge brown pole barn that's twice the size in square footage of the principal structure on the lot. He said that is the potential you are opening up for every lot to have or a great deal of lots that are outside the traditionally platted neighborhoods. Ms. Campbell asked if we could do a study on that and see what looks best.

Mr. Fullenkamp asked if we could put a stipulation in that says it shouldn't be bigger than the principal structure; 35% doesn't exclude accessory structures from being larger than the home. Mayor Flaute said what we have now is 864 square feet and that's not much larger than most structures. Mr. Chodkowski said if you look at the revisions in the code, accessory structures started out much smaller and through the course of the BZA and amendments to the zoning ordinance they have increased in size to this number today. He said in some of the rare instances in the older neighborhoods – Riverside Terrace, Floral Park, Byesville – there are a couple lots where mathematically you would be able to have accessory structures that would be larger than the principal. He said it is in the new lots, circa 1960 and forward, started to become 1/2 acre, 3/4 acre, etc. that's where if you changed this language you could start to see accessory structure on a regular basis exceeding the square footage of principal structures.

Mr. Denning said if we have a zoning district that's residential/agricultural for an acre and a half or more, would that change what they are allowed to put on that property based on the accessories ordinances. Mr. Chodkowski said you could draft it that way and probably the best way to handle that issue in its entirety would be to make gentleman's farming and associated structures, conditional uses. He said that way they would have to come before the city and we can establish certain terms and conditions as far as the unique nature of the property, what is the appropriate location, maximum size, etc. He said you could say that on parcels that are approved for conditional use the BZA may approve an additional 100 square feet for animal housing – something such as that to provide that flexibility. Mr. Denning said he wasn't looking for carteblanche because to him the agricultural/gentleman's farming and the accessory building kind of go together, and what you came up with is sort of what he was looking for – give those folks a little more leeway to be able to do that. He said he could see a barn being bigger than the house; you may have a 2,400 square foot house but a 3,000 square foot barn in order to do what you need to do. He said it wouldn't do

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10143

Held

Thursday, November 17, 2011

20

anything to the property and it wouldn't look bad in a neighborhood where there is 1 1/2 to 2 acres.

Mrs. Reynolds said she wasn't disagreeing with Mr. Denning but what might not look bad to you, might look bad to someone else or another neighbor. She said that's her concern; we could be creating a situation. She said just looking at a lot size, going along with what was stated earlier about the accessory structure becoming the principal use of the property and if we allow for horses, goats, and sheep and provide for the accessory structures for those and there's not sufficient room in the yard or the property for those, we are creating a situation. Mr. Denning said he agreed but he thought the conditional use of the property was the way to go and we would have a little more control. Mrs. Reynolds asked if we would be able to deny a permit for an animal if there was not sufficient housing space on the property. Mr. Chodkowski said state law requires that the BZA consider 7 factors for variances and 9 factors for conditional uses but that doesn't preclude the BZA from having other conditions that they can stipulate of their own choosing provided those are reasonable. He said if you want to have hobby farming and allow for an additional structure for that, he thought the conditional use method was the best way to do it. He said he could tell them of 2 instances where the best of intentions led to the road of debauchery - 2 parcels in the city where significant structures were built for hobby farming; one barn is now a storage facility which has had several abatement issues and the other which was sold and the new owner is basically running an auto repair shop out of it. He said those are things you need to be conscious of; that may be one of those things where through the conditional use, maybe we require the print for the accessory structure so we can see that it has stalls and walls which would make it difficult to be used for other purposes beyond that. He said he would have to spend time with Mr. Murray and Mr. Williams to see if that language could be crafted and if we would have the ability to regulate it and enforce it. He said those are all things that have to be accounted for; does that mean all properties are going to suffer that fate of the 2 he is aware of - no - there are 9,000 + parcels in the city but again something to consider. He said if hobby farming is something council wants to consider and acknowledge that there might be a demand for additional accessory structures, he would advise them to go with the conditional use and we can tie that all together in the draft language. Mrs. Reynolds said she thought it all went together; you aren't going to be able to piecemeal it because those have to work in tandem with one another or we are going to create the situations that we would really rather not be facing.

Mayor Flaute said actually our code looks pretty good right now; he asked why we had 864 square feet as opposed to others that have 900 square feet. Mr. Chodkowski said that is a number we pulled from the existing code and he believed that was the size of a 2 1/2 stall garage. Mrs. Reynolds said that's correct, the legislation went through about 7 or 8 years ago; the BZA and the Planning Commission worked on that quite a while and came up with the 864 square feet. Mayor Flaute asked if they wanted to allow a 3 car garage. Mr. Chodkowski said bigger is not always better.

Mr. Schock said we are all talking about hobby farming and he's not really into the horses but he is into the horsepower; he likes his toys - Harley Davidson and automobiles, and there are some people here who feel the same way. He said the only way of being able to store all these toys he likes to have would require him to get a horse, then he would have enough area to put all his toys in. Mayor Flaute said a 2 1/2 car garage isn't big enough. Mr. Schock said no; it should be governing under acreage not the size of your main structure. He said if you have a 3 acre property with a 3,200 square foot home with the main 2 car garage attached and then you want an accessory structure that is a 5 car garage to put all your toys in a nice little line; that's what a car guy does. He said we're thinking of hobby farming but we're not keeping the motor-heads in mind. Mayor Flaute said we're back to the Kettering code again where 35% of the lot is structure and it doesn't matter how many structures you have. He said if

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANKING, FORM NO. 10143

Held

Thursday, November 17, 2011

20

you have 5 acres; 35% of the lot could be a big barn. Mr. Schock said it wouldn't be a barn – not taller than the principal home, but still have enough to put your vehicles in. Mrs. Reynolds said she still liked our proposed legislation. Mr. Schock said you are not a car buff; you are not thinking about the other people that really enjoy their automobiles. Mr. Denning said but if we do as the manager suggested and the people come before the BZA to get it okayed, then they can do it. Mr. Chodkowski said you can always go before the BZA for the exception to the rule but keep in mind that while there are parcels where agriculture can occur, we are a first tier suburban community and that's the expectation. Mr. Schock said so is Kettering. Mr. Chodkowski said we have to look at the rules that are right for us and it's nice to see, as a barometer, what other communities are doing, especially our neighbors, but it doesn't compel us to do what they do. Mr. Schock said but we look at the success of Kettering too, on their homes, we have to keep that in mind. He said you are suggesting going before the BZA but if you take me out of this suit, I am a mechanic – have been a mechanic for 30 years but I want a 5 car garage to store my toys in; first thing they are going to think is that I will be running a mechanic shop, repairing every John Doe's car down the line, not thinking about how a person might want to go home and work on his own stuff. Mr. Chodkowski said zoning is not about what you can do with your property; it's about how your property impacts your neighbor's property – that is what zoning is about. Mr. Schock said having an accessory structure for your nice cars is not going to ruin the neighborhood. Mr. Chodkowski said he would disagree with that assessment but if council wanted to include that use, we can include that use. Mayor Flaute said when Mr. Schock retires into a nice little condominium somewhere, somebody will buy the property and then they will have a big repair shop. Mr. Schock said he would pay to find a house like that but you don't find them. Ms. Campbell said you also find people who would like to have a workshop for ceramics or wood working. Mr. Chodkowski said right, and all that can be done in 2 buildings that don't exceed 20% lot coverage or 864 square feet. Ms. Campbell said so instead of 2 sheds, I should build a big garage.

Mayor Flaute said in Kettering you can do that but with our proposed language, you can't. Mrs. Reynolds said yes you can; you can build a garage. Mr. Chodkowski said we don't live in Kettering and we don't govern in Kettering, we are here in Riverside.

Mr. Schock said all he is looking for is an attached 2 car garage and a detached 4 car garage. Mr. Denning said and if you have an acre and a half of land; you should be able to do that. Mr. Schock said that's right, it should be about the acreage.

Mr. Fullenkamp said we are spending a lot of time talking about a very few people in this zoning code. He said he understood the point but we've spent a whole hour talking about probably a very unique number of people; even Mr. Denning stated he wants this because his yard is big enough. Mr. Denning said he bought the property big enough so he could do this kind of stuff.

Mayor Flaute said let's wrap this up; it looks like it is between Kettering and what we have proposed now. Mr. Chodkowski said the direction he has right now is that the sliding scale of structures would relate to the hobby farming/agricultural use; while Mr. Schock raises an interesting point, it's not a point to be considered as part of a conditional use based on what he has heard from a majority of council. Mayor Flaute asked if everyone agreed with what the manager just said. Mr. Schock said not really; he still thinks accessory structures should be governed according to the size of the lot. Mayor Flaute said at this point, let's have the manager come forward with the information and then we can discuss Mr. Schock's issue at that time. Mr. Denning said he understands Mr. Schock's point and if we are looking at the overall, he sort of agrees but he wouldn't want to see a 4 car garage in Mr. Schock's backyard. Mr. Schock said oh no, it wouldn't fit. Mr. Denning said we could go to BZA and get a variance, so he didn't know that what we have doesn't already cover that. Mr. Schock

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10143

Held

Thursday, November 17, 2011

20

said the odds of somebody coming in here and getting a variance is against them; everybody thinks a guy will be working on other people's cars. Mr. Denning said you may not, but the next guy that buys your house might.

Mr. Chodkowski said just to settle the issue, how about we pull a history of BZA cases over the last 5 years and see exactly how many requests we've had for accessory structures above 864 square feet. Mr. Schock asked for 10 years.

Mayor Flaute said the next item is front yard fencing materials; our newly proposed code prohibits the use of chain link, wire mesh, and solid board privacy fencing within the front yard. Ms. Campbell said if it's already there, you don't have to take it down do you. Mayor Flaute said he didn't think it had to be taken down but is it allowed to be replaced. Mr. Chodkowski said yes; maintenance would include painting or replacing the mesh roll, but anytime you would have to structurally replace components of the fence like the metal crossbars or the posts you would be discharging your nonconforming status and you would have to comply with the new code. Ms. Campbell asked what about areas without sidewalks, you still can't put a front yard fence in there. Mr. Chodkowski said we're not saying you can't put a fence in; all we're saying that is after this code is adopted you can not use chain link fence in your front yard. He said you can use split rail or picket fence made out of wood or vinyl - some material other than chain link. He said the one thing we came across that he would suggest adding which is in Beavercreek's code is the provision that if you have a split rail fence in your front yard, you can then use chicken wire or mesh wire behind that. Mayor Flaute said he thought Beavercreek's code was as good as any.

Ms. Campbell asked how high the fence could be. Mr. Chodkowski said in the front yard it is 3 feet and in the rear yard it is 8 feet. Mayor Flaute asked what Beavercreek's was. Mr. Chodkowski said theirs is the same; it's almost all universal anywhere from between 30 and 36 inches in the front for visibility issues so people in their cars can see at a corner lot when they stop or if someone is pulling in and out of their driveway.

Mr. Fullenkamp said he was a little concerned about no requirement for a setback from the front yard next to the sidewalk for all fences not just the chain link. Mr. Chodkowski said we currently do not mandate a setback; some communities do but depending on how you want to establish that setback, it could create more of a problem for maintenance issues. Mr. Fullenkamp said he is concerned about allowing this; the appearance of chain link really bothers him and is pretty hideous in a front yard. He said he thought what was proposed is reasonable and he understands the people that have them will be allowed to maintain them. He said he thought in general this is not a bad idea and if you want a fence in your front yard you will have to go to the next level in materials.

Mr. Schock said for the people who have chain link fence in the front yard, he didn't recall seeing anything that would address an issue if someone has an accident that takes out the fence. He asked if they would be able to replace it with chain link because the way it reads now they would have to replace it with another material. Mr. Chodkowski said he would have to check the nonconformity language that exists because it might address it there; if a property owner manually removes 20 support poles in the front yard that's different than being the victim of an accident where 2 or 3 of the support poles have been damaged.

Mrs. Reynolds said this is where intent comes in; if you intend to remove the poles to replace your fence that's totally different from an accident which would just need a repair. She said she didn't think we could see that any other way. Mr. Schock said now we don't but what about 10 years down the line. Mrs. Reynolds said the minutes will be available. Mr. Schock asked if we had the minutes from the original charter

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10143

Held

Thursday, November 17, 2011

20

commission meeting. Mrs. Reynolds said probably. Mr. Schock said that was the intent of some stuff we had researched; and we spent all that money to have research when you could look at the intent – it’s a problem.

Mr. Denning said he thought split rail fence is ugly so where are you going to draw the line; why are we regulating people’s personal opinion, he doesn’t think government should get involved in that. Mr. Schock said personal tastes. Mr. Denning said to him chain link will last 20 years and split rail looks ugly in 5 years; where are we going to go with this and what is the majority opinion of our community – that’s what we have to go by. He said a big percentage of people in the community already have chain link in their front or back yard and now we are completely outlawing it. Mr. Chodkowski said this is specific to the front; fencing behind the front building line can be chain link. Mr. Denning said then maybe we shouldn’t have any front yard fences at all but there are folks in the smaller plats that need some sort of fence to protect their kids and their pets. Ms. Campbell added that some houses set way back and all they have is front yard. Mr. Denning said of the choices we had, the Beavercreek code that allows you to put the metal fence behind the split rail makes the most sense to him since you could still keep your animals inside but he didn’t think they should be regulating it at all. He said it’s not just his opinion, it’s a majority.

Mayor Flaute said the newly proposed code prohibits chain link, wire mesh, and solid board fencing so that means you could put in a split rail. Mr. Chodkowski said you could put in a picket fence too; the issue is you have to be able to see over it, through it, or a combination of both while you are driving. Mrs. Reynolds asked if they took out “wire mesh” and replaced it with “welded wire may be used in front yards as a backing” – would that be good with everybody. She said it doesn’t detract from the look, makes it safer for children and pets, and it doesn’t obstruct the view.

Ms. Campbell said front fences should be kept free of weeds; some places you can’t see to get out because of the next door neighbors. Mr. Denning asked if we had anything about hedges. Mr. Chodkowski said there is language elsewhere in the code that limits them to 36 inches in height; the vision triangle is addressed for intersections in other portions of the code. Mr. Denning said there are people who have hedges on the corner and if it’s a safety issue, those are harder to see through than a fence. Mr. Chodkowski said we have about a dozen that we order to be trimmed backed every year at various locations.

Mayor Flaute said the next item is RV parking and storage. Mr. Chodkowski said when the original discussion point came up it was Deputy Mayor Smith’s item and his concern was how close you could or could not park or store your recreational vehicle to your neighbor’s property; it is addressed in a few of the other codes but not all of them. Mayor Flaute said he actually thinks the proposed language is okay. Mrs. Reynolds agreed. There was no further discussion.

Mayor Flaute said the last item is rolled roofing material for accessory structures and the proposed language does not list rolled roofing as an approved material.

Mrs. Reynolds said she did not know what rolled roofing was, so she did some research; she knows what it is now and she does not like it. She said it’s not a durable product, it can chip and tear and bleed, and the life expectancy at best is 5 to 8 years. She said if we allow that on our accessory structures, she thinks we are asking for some problems because it will be ugly and change the nature of the community. She said she doesn’t like rolled roofing and they are doing away with it anyway.

Ms. Campbell said there are places where the roof is almost flat where that was used; she always thought that was what they put under a roof. Mr. Denning said that is tar

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLAZK, INC. FORM NO. 10143

Held

Thursday, November 17, 2011

20

paper. Mayor Flaute said rolled roofing is kind of like the tar paper and he thinks it should be prohibited.

Deputy Mayor Smith said to give you an idea of what rolled roofing looks like; you've all seen these older homes in Dayton that have that pink or brown or red brick look; that's asphalt sheeting and it's very similar to rolled roofing except it's made for the exterior of a house. He said over time it does tear and rip but it's pretty durable on a house if it goes untouched but on a roof Mrs. Reynolds is right, it's about 5 years.

Mr. Denning said he would have to disagree with both of them; he's had it on a shed in a different community since 1991 and 20 years later there's still nothing wrong with it. Mayor Flaute asked why he chose rolled roofing. Mr. Denning said because it was simpler to put down, it was less expensive, and it did the job; it was on the coop for his white doves. He said if we outlaw it that's fine, he'll use shingles but it was simpler to put down and if done right in the right situation, it will last as long as 3-tab shingles. He said he didn't know where they got the information; it's probably a general rule but he's had it on for 20 years with no problems and no leaks. Deputy Mayor Smith said the way the building is turned in relation to the weather will affect the life. Mr. Denning said he understands and he may have just been lucky.

Mayor Flaute asked if they were going to stop making it. Mrs. Reynolds said in the articles as well as the people she spoke with stated there are so many other options available for people to use that rolled roofing was not even practical since it has to be changed so often. Ms. Campbell asked if there was a place where she saw it. Mrs. Reynolds said she just saw many pictures and the deterioration that happens and she thought she didn't want anything in her community looking like that.

Mayor Flaute asked if council wanted to go with the proposed language; council members agreed.

Mr. Chodkowski said staff is working on the subjective items and council will get this book one more time, probably in February, and that will be the final. He said it will incorporate all the changes on the list as well as the Law Director's comments that are forthcoming. He said it will be Exhibit "A" to a very short ordinance. Mayor Flaute said if there is anything on here that you don't want in the code, you need to talk about it now. Deputy Mayor Smith said he was comfortable with all the changes. He asked if there would be a final draft copy or will it be the one we can keep. Mr. Chodkowski said there will be a couple versions; this book with all incorporated changes, and then, in October, the book will be sent to be codified to fit in the green book which you will also get a copy of. Deputy Mayor Smith asked if this will be on the website. Mr. Chodkowski said yes, once it is codified.

ITEM 7: RECESS: The Council took a recess at 7:17 p.m.

ITEM 8: RECONVENE: The meeting was reconvened at 7:30 p.m. Mayor Flaute said he wanted to introduce a special guest in the audience, Mr. Ed. Kimberly. He said Ed is a WWII Veteran who went on the Honor Flight this past week. He asked me to tell you all it was a great day: they toured the WWII Memorial, the Iwojima Memorial, the Korean Memorial, and saw the changing of the guard at the Tomb of the Unknown Soldier. He said everything was free for these WWII Veterans and when they came back there was a welcoming committee at Baltimore Airport and at the Dayton Airport plus the ROTC Group from Wayne High School was there with the young Marines and their leaders. He said Ed also brought some literature from highlights of his trip and stated he wanted to thank the members of the Honor Flight as well as bring more awareness to it. Mayor Flaute said if anyone in the audience knows of any WWII Veterans that have not seen their Memorial, please get their names to me

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK B.O. FORM NO. 10143

Held

Thursday, November 17, 2011

20

– it's free and it's a wonderful day. He asked for a round of applause for Mr. Kimberly.

ITEM 9: PLEDGE OF ALLEGIANCE: Mayor Flaute led all those in attendance in the pledge of allegiance.

ITEM 10: MINUTES: Consider approval of the minutes of the November 3, 2011 Council meeting. A motion was made by Mr. Denning to approve the minutes as written. Mr. Fullenkamp seconded the motion. All were in favor; none were opposed. **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: PRESENTATIONS: Mr. Chodkowski introduced Ms. Lydia Houser from the Lions Club and said she was here tonight to speak about their annual holiday project.

Ms. Houser said she is the President of the Mad River Lions Club this year and the Lions Club is a volunteer organization supporting the local community. She said we have a lot of projects we do and the biggest is coming up called Project Share. She said Project Share has been going on for many years and it has grown tremendously.

Ms. Houser said the Mad River Lions work with the Schools which collect canned goods for us and we have support from local businesses as well as other activities going on at churches and other organizations. She said we also team with the Student Senate at the High School and the schools give us the names of children whose families we interview. She said we get a list of things the children who are 16 and under might need or would like to have and the Student Senate purchases the gifts.

Ms. Houser said on the day of the big delivery, we purchase fresh foods such as hams, milk, eggs, bread, etc. so that the families can create a meal with that along with the canned goods collected. She said we also deliver the items that the Student Senate purchased.

Ms. Houser said it costs us about \$4,000 for the food depending on the prices. She said the city has supported us in the past along with other organizations. She said last year we had 135 families and this year we have 189 names given to us, so the need is great. She said if the city has the ability to support us again, they would really appreciate it and she thanked council on behalf of the Lions for the continued support.

An audience member asked how many members were in the Lions Club. Ms. Houser said 48, we just installed 2 new members and we are always looking for more.

Mayor Flaute asked if council wanted to take action on this. Mrs. Reynolds said they probably want to get started soon so she would make a motion to approve \$250 to the Lions Club. Mr. Schock seconded. Mr. Chodkowski said there is legislation on the agenda later. Mrs. Reynolds said she was just putting a dollar amount on it. Mayor Flaute said we will wait until we get to the resolution.

ITEM 13: PUBLIC HEARINGS:

- a. Rezoning of property located at 3810 Old Troy Pike – Ordinance No. 11-O-480

Mayor Flaute opened the public hearing at 7:40 p.m. and asked for the staff report.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10143

Held

Thursday, November 17, 2011

20

Mr. Chodkowski said this request is to rezone the majority of the parcel at 3810 Old Troy Pike to R-4A zoning. He said the purpose of this request is the intended future use of the property which is the extension of the Brantwood Subdivision which is currently proposed and in process. He said this issue was addressed at the Planning Commission in September and they did recommend by a majority vote to rezone this property from its current zoning classification which is R-3.

Mayor Flaute said anyone who wishes to speak must sign in and take the oath which is at the podium. He asked the applicant if he wished to speak.

Mr. Mark D'Urso of 8434 Yankee Street took the oath to give affirmed testimony. He said he is with CESO, Inc. who has made application for a map amendment. He displayed a large map of the subject property and said they were approached about this property when we were making application to develop Phase I of the Brantwood Subdivision. He said this is a piece of property that is in trust and they approached us to see if we wanted to pursue the continuation of the development into this property. He said after evaluation we found there is some of the property that can be used but not all of it. He said in order to do that we need to have it rezoned. He pointed out the area on the map which can be developed and explained why the remainder of the property couldn't be developed. He said if the map amendment is approved tonight we will proceed to move forward with the preliminary plat.

Mayor Flaute asked if there was anyone wishing to speak in favor of the proposal. Being none, he asked if there was anyone wishing to speak in opposition to the proposal.

Ms. Gina Cummings of 3850 Old Troy Pike took the oath to give affirmed testimony. She said she was here before and has talked with PETA; right beside the property there is tons of wooded area with so many different animals. She said if the woods get torn down, those animals are going to die. She said there are also coyotes there and if you build a cul-de-sac, that will be a smorgasbord for them; coyotes live in downtown Los Angeles and they thrive, you don't see any stray animals there - coyotes are basically killers. She said the deer that survive will go out into the traffic causing accidents and she feels there are other vacant places that wouldn't require wooded areas being torn down. She said the Meijer property is vacant and something could go there instead of tearing down woods. She said people need a place to live and animals need a place to live - it's an equal balance.

Mayor Flaute said not much of the woods are coming down, correct? Mr. D'Urso said we want to save as much of the trees as we can for marketing purposes but where the street and the detention pond is, there are trees that will have to be removed. Mr. Denning said this would actually give water to the wild life that is left there. Deputy Mayor Smith said only if it rains. Mr. Denning said the detention ponds at Center of Flight have water all the time. Mr. Chodkowski said retention is wet, detention is dry.

Mrs. Reynolds asked if Mr. D'Urso could talk a little more about how he was going to protect the surrounding properties from the storm water. Mr. D'Urso displayed the map and pointed out the retention pond for Phase I; he said storm water would be transferred here and grading would be such that it would minimize water coming down. He said everything would run into the ponds.

Ms. Campbell asked where the trees were. Mr. D'Urso pointed out the area of trees that would be removed which is where the street will be coming in.

Deputy Mayor Smith asked where the existing street is now. Mr. D'Urso explained the configuration displayed on the map.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK P.D. FORM NO. 10143

Held

Thursday, November 17, 2011

20

Mayor Flaute asked if there was any further discussion from council. Being none, he asked if there was anyone else who wished to speak in favor of or in opposition to the proposal. With no further speakers, he closed the public hearing at 7:51 p.m.

ITEM 14: CITY MANAGER'S REPORT:

(1) FYI Items

- a. Council Request Sheets.
- b. Code Rewrite Request Sheet.
- c. Council Agenda Calendar.
- d. Weekly City Manager's Report.
- e. Minutes of the October 24, 2011 Health and Safety Commission meeting.
- f. Memo from Bryan Chodkowski, City Manager, regarding the Fair Park Bridge.

(2) Monthly Reports

- a. Fire Department
- b. Police Department
- c. Service Department
- d. Planning and Economic Development
- e. Finance Department

Mr. Chodkowski said you have my report as well as supplements from staff. He said as a change from the norm, he has this week's report which he will pass out to review since he will be on vacation. He said to highlight the items in the report; the Lilly Creek Project meeting is on December 1st at Spinning Hills to review the progress of the project and following on December 15th will be the official public hearing where the Montgomery County Soil and Water Conservancy District Board will vote to approve the project or to deny the project.

Mr. Chodkowski said for the Police Officers Contract, we reached a tentative agreement earlier today and he will be reviewing that with council in executive session later. He said the FOP Sergeants Contract negotiations are ongoing and they will be responding to our first proposal.

Mr. Chodkowski said the Issue II Committee did vote yesterday to send our project to Columbus for funding; we were the lowest project scored at 45 and the committee did indicate there were several projects that scored in the high 40s. He said it was stiff competition this year but we did get in. He said that was for a \$750,000 grant and a \$200,000 loan to help on the \$3.5 Million Harshman Road Improvement Project, Phase II. He said also at that meeting they voted to send our Jobs Ready Site Grant to the Ohio Department of Development as the second priority for the district; there are 2 classifications – the low intensity use which is a \$750,000 ask, there were 3 of those; and the high intensity use which is a \$3.0 Million ask and we were the only one, so we are second on the list behind Dayton's rehab of the McCall building.

Mr. Chodkowski said Mr. Gillian will be your acting City Manager while I am on vacation.

RECORD OF PROCEEDINGS

Minutes of

Meeting

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

Held

Thursday, November 17, 2011

20

Mr. Chodkowski said last but not least there is a more detailed memo which he distributed regarding a proposal received from Forest City relating to Phase II of the Center of Flight Master Development Plan which is being referred to as the bridge plan. He said the outline of that plan and summary is included in the memo and he has asked the clerk to put it on as a discussion item at the next meeting. He said your work session at the next meeting will be a presentation on photo enforcement, followed by this topic, and then discussion on photo enforcement. He said there will be a presenter on photo enforcement at the request of Councilman Schock. He said we want to have her in for the presentation but since there are some financial issues related to this we need to make sure that gets discussed prior to the end of the year. He said if you have any questions feel free to give him a call unless of course it is before Thanksgiving then Mr. Gillian will tell you all is well.

Mr. Schock asked if we a cell phone number. Mr. Chodkowski said yes, it is in the memo, so feel free to give him a call or copy him in on anything.

Mr. Denning asked if Lilly Creek was moving forward the way we want it to. Mr. Chodkowski said Lilly Creek is moving forward; we have a concern as purported through the District Administrator, Jim Dillon, that the county at this point in time has indicated that they are not in a position to fund this project as they have done for similar projects traditionally. He said he has to do some research but he believes there is a statutory obligation to do that so we need to work our way through that process, but right now we are going 1 hurdle at a time. He said the main focus has been to help Soil and Water get out the assessment information to the property owners within the water shed and that packet will be available at the December 1st meeting and anyone who does not appear at the meeting, it will be mailed to them the week of December 4th. He said that is our first challenge in assisting them with getting that information out provided that the board does approve the project on December 15th hopefully we will be able to find a solution for funding the project. Mr. Denning said so if it is approved and we find funding, when will we see dirt moving. Mr. Chodkowski said if everything can be done in short order it would probably be late next year in August or September. He said we are also looking at several funding options through the Federal EPA or ODNR; we are trying to work our way through that and they have also asked us to consider assisting with an Issue II Grant for next year.

Mrs. Reynolds asked why Issue II. Mr. Chodkowski said that process is the most expedited and the funds are more readily available. Mr. Fullenkamp asked if that would put us in competition for some of our own projects. Mr. Chodkowski said it depends on how the application is filed; there are 3 separate funds Issue II allocates dollars out of - surface fund, long term improvement fund, and the small communities' fund. He said based on how we put the application together, we may be able to be non-competitive with our own road projects if we sequester a long term fund as opposed to a short term fund. He said we could conceivably have a road project and this project that would be non-competitive.

Mr. Fullenkamp said on your first point in terms of Montgomery County's response to fund or to do what. Mr. Chodkowski said the way the pyramid works; think of the District as a quasi-operational arm of the County, so even if the board approves this at the local level, the project still requires the legislative approval of the Montgomery County Board of Commissioners. He said additionally, Montgomery County typically pledges their full faith and credit to fund the project in advance and they then collect assessments over a 10 to 15 year period of time. He said he hasn't had a direct conversation with anyone at the county yet to verify their concerns, but the short version from the District Administrator is that the County is saying financial times are tight and they just don't have the financial ability to front the money for the project and wait for it to be collected over a 15 year period. He said he didn't know if the County typically fronts cash or if they borrow, so those are conversations he would

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK BOOK, FORM NO. 10143

Held

Thursday, November 17, 2011

20

need to have. He said rather than get the cart before the horse, let's see where the board goes on December 15th.

Mr. Fullenkamp asked about the outcome of a traffic light study that was done. Mr. Chodkowski said basically the issue is the traffic control light in front of St. Helen's School is an old light and the mechanisms that make the light operate are obsolete; we've been informed by our contractor that they can't find parts. He said while it is working, at some point in time when it fails we will have to upgrade the entire mechanism which is fairly expensive. He said we asked our engineer to do a study to determine if we relocated that crosswalk to the intersection of Granville/Burkhardt whether or not there would be any decrease in safety to making it a non-mechanically controlled crosswalk. He said based on the study that came back from LJB's traffic division, moving the crosswalk and making it non-mechanically controlled meets all the standards and would not increase any safety liabilities or exposures for the children. He said he has not had the opportunity to discuss this with the parish; he knows it is a big concern for them on what is going to happen with that light in the future but at this point in time we are going to internally provide for an estimate to relocate the intersection and what are the differences, and if the parish would like for that crosswalk to remain there with the traffic control device, we will ask them to pay for the difference. He said in the event they agree to do that, we will have the mechanism upgraded and changed; in the event they don't, we will make the appropriate plans to move the crosswalk at the end of this school year provided the light remains functional.

Deputy Mayor Smith asked if the work being done in the creek bed by Airway Shopping Center was part of the Lilly Creek Project. Mr. Chodkowski said that is an extension of Lilly Creek but it is not part of our project; that is Mid America Management making the improvement on their own.

Deputy Mayor Smith said he noticed on the Police Report there were 15 arrests for OVI which he thinks is excellent; a big increase over the past. He said a Job Well Done to the Officers for that. He said on the news yesterday we saw the ordeal with the 2 gentleman's clubs here in Riverside - good work in that research as well. He said he was very happy to see something take place there.

Mrs. Reynolds said on the concerned properties list; have we contacted all of the owners to date. Mr. Chodkowski said we are still getting responses back. Mr. Murray said quite a few haven't gotten back. Mrs. Reynolds asked if it was possible to get a report on 321 Marjorie, there are still concerns there. Mr. Chodkowski said sure. Mrs. Reynolds said she did have an opportunity to talk to Carolyn Rice's Office Staff and they have offered to help us in any way possible including some training on how to find all the information they have on any property and we probably need to look at somehow accomplishing that. She said she thought it would be beneficial for us to have as much information - they pulled up quite a bit in very few minutes and she knows we spend a lot of hours, so they are more than willing to help us and show us what we need to do. She said she appreciated this list and what is being done; it's going to be a big help to the community.

Mrs. Reynolds thanked Police Chief Reiss for the good work this week.

Mayor Flaute said the overtime looks really good and he thanked staff for working hard on that. He said he was wondering about the Fair Park Bridge; does council want to discuss that at the December 15th meeting. He asked the clerk what was scheduled for that night. The clerk said right now the only item listed is a discussion on the Table of Organization which Mr. Chodkowski needs to review first and she also had in her notes from tonight that they might want to work on some of the items that were discussed tonight about the code. Mrs. Reynolds asked how tight the schedule was on

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10143

Held

Thursday, November 17, 2011

20

the code rewrite. Mr. Chodkowski said that is at council's leisure. Mr. Fullenkamp said it won't be codified until October anyway, correct? Mr. Chodkowski said it will still be in affect and in force 30 days after you adopt it but it won't be codified until October.

Mayor Flaute said he thought we should put the Fair Park Bridge discussion on the work session for December 15th in case we want to go for emergency funding.

Ms. Campbell asked if there was a special meeting on December 8th. Mr. Chodkowski said there will be a special meeting on the 29th for the final 2011 appropriation.

ITEM 15: PUBLIC COMMENT ON AGENDA ITEMS: There were no public comments on agenda items.

ITEM 16: NEW BUSINESS

I. ORDINANCES

- a. **Ordinance No. 11-O-479 to make permanent appropriations for current expenses and other expenditures of the City of Riverside, State of Ohio, for the period January 1 through December 31, 2012. (FIRST READING)**

Mr. Chodkowski said this ordinance is the first reading for the appropriation for the 2012 fiscal year.

A motion was made by Mrs. Reynolds to read Ordinance No. 11-O-479 for the first time in its entirety and approve its first reading. Mr. Denning seconded the motion.

The clerk read Ordinance No. 11-O-479 for the first time in its entirety and Mayor Flaute asked if there were any questions or discussion from members of council.

Ms. Campbell said on page 9 of 13, \$3.5 Million for the Issue II Project – why are we paying cash for that instead of financing. Mr. Chodkowski said if that is an option council would like to pursue we can look at that measure. Ms. Campbell said if we put all our money out there we could be hurting. Mr. Chodkowski said financing is an option council can consider which would best be discussed at the time of the design and planning part of the project. Mayor Flaute asked if we were allowed to borrow money for road projects. Mr. Chodkowski said yes. Ms. Campbell said spending the cash could create quite a deficit along the way there. Mr. Chodkowski said you are correct; there is a benefit to financing but the trade off is the increased price because of the interest cost. He said the benefit is you manage your cash flow better long term; it's an option we can discuss.

Mr. Fullenkamp asked if we got the EMS billing revenue and expense figured out. Mr. Chodkowski said he has been told it was addressed. Mr. Gillian said yes.

With no further discussion; six were in favor; one was opposed – Ms. Campbell. **Motion passed.**

- b. **Ordinance No. 11-O-480 by the Council of Riverside, Ohio, approving a change in the district boundaries as shown on the Zoning Map of the City of Riverside, Ohio for property located at 3810 Old Troy Pike, Riverside, Ohio, 45404, Parcel I.D. No. I39-00520-0014 from "R-3" Single Family Residential District**

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK REC. FORM NO. 10143

Held

Thursday, November 17, 2011

20

to "R-4A" Single Family Residential District. (FIRST READING)

Mr. Chodkowski said this ordinance is to authorize the rezoning of the parcel located at 3810 Old Troy Pike from R-3 to R-4A.

A motion was made by Mr. Denning to read Ordinance No. 11-O-480 for the first time in its entirety and approve its first reading. Mr. Schock seconded the motion.

The clerk read Ordinance No. 11-O-480 for the first time in its entirety and Mayor Flaute asked if there were any questions or discussion from members of council.

Being none, a roll call vote was as follows: Mr. Denning, yes; Mr. Schock, yes; Ms. Campbell, yes; Mr. Fullenkamp, no; Mrs. Reynolds, no; Deputy Mayor Smith, no; and Mayor Flaute, yes. Motion passed.

II. RESOLUTIONS

- a. Resolution No. 11-R-1602 to approve changes to the Ohio Municipal League's 457 Deferred Compensation Plan.

Mr. Chodkowski said this resolution has been brought forth to modify the deferred compensation plan through the Ohio Municipal League as required.

A motion was made by Mrs. Reynolds to approve Resolution No. 11-R-1602. Mr. Denning seconded the motion. All were in favor; none were opposed. Motion passed.

- b. Resolution No. 11-R-1603 recognizing the Mad River Lions Club's "Project Share" as a function that promotes the public health, general welfare, and contentment of the citizens of the City of Riverside.

Mr. Chodkowski said this resolution is to recognize the Mad River Lions Club's "Project Share" as a function that promotes the public health and general welfare, and provide support thereof.

A motion was made by Mrs. Reynolds to approve Resolution No. 11-R-1603. Mr. Fullenkamp seconded the motion. Mayor Flaute asked if the suggested price of \$250 was part of the motion. Mrs. Reynolds said yes.

Mr. Fullenkamp asked what we spent on Project Share last year. The clerk said \$600 was the amount in last year's legislation. Mr. Fullenkamp said due to the size of their project and the amount of money they spend, he would be okay with \$500 on that.

Mr. Denning said we ran numbers on where we were going to give money out of this year's budget; did we budget \$500 for them or did we only budget \$250. He said he thought we had budgeted \$500. Mr. Chodkowski said staff inserted a budgetary figure that was similar to years prior. He said council did undertake discussions on how might be best to divide that up; he didn't specifically check an expense statement related to that particular fund but he believed Mr. Gillian is about to tell him that there is sufficient funds that if you wanted to give \$500, you could do so and still provide a similar contribution to the student senate in support of that project. Mr. Gillian said currently there is a balance of \$1,375 in that line item so if you only have 2 more potential donations, you could divide it in half. Ms. Campbell said we have 3 more. Deputy Mayor Smith asked if we knew what the third one was. Ms. Campbell said probably the event we are going to Monday. Mr. Denning said we already made a

RECORD OF PROCEEDINGS

Minutes of

Meeting

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

Held

Thursday, November 17, 2011

20

donation to them. Ms. Campbell said we are doing this for next year, right? Deputy Mayor Smith said no, this is for this year. Ms. Campbell said Mrs. Reynolds indicated when we did that from there on we would only give \$250. Mrs. Reynolds said that was her suggestion to only donate \$250.

Mayor Flaute said so it's the Lions Club and the Student Senate. Mr. Chodkowski said typically they are the last 2 to come forward at the end of the year. Deputy Mayor Smith said he was okay with \$500 and it looks like we have ample money to support that. Mayor Flaute asked Deputy Mayor Smith if he was going to be voting on this and Deputy Mayor Smith said yes.

Mrs. Reynolds asked if council was also going to support the Student Senate at the same amount. Mr. Chodkowski said they have not yet made their request; traditionally it's the last meeting when we receive their request.

Ms. Campbell asked when this money would run out; do we start over in January. Mr. Chodkowski said it would end at the end of this year. Ms. Campbell said if another one comes up, we would be able to give them the same amount. Mr. Denning said his suggestion would be that starting January 1, we allow the organizations to understand that we are going to limit it to \$250 so that they can plan for that. He said the problem is that these organizations have been getting a certain amount over the years and they budgeted for us giving them more than \$250 but if we let them know in January we are cutting back and the most we will be giving any organization is \$250, they can budget for that just like we budget for our yearly stuff. Mr. Chodkowski said noting Ms. Campbell's concern that Monday's event is just as important to the community, based on the information Finance Director Gillian just provided, maybe the best thing to do to address the situation to everybody's benefit would be \$500 to the Lions Club; hold \$500 in reserve to the Student Senate; and you could pledge \$250 to Valley Worship. Deputy Mayor Smith said we already made a donation to Valley Worship this year.

Mr. Denning said lets do this 1 step at a time; the first thing is what we are working on now which he thinks \$500 is fine especially with the need being as large as it is now. He said what we give them is only about 10% of their total budget.

Mrs. Reynolds amended her motion to insert the donation amount of \$500 and Mr. Fullenkamp seconded. With no further discussion, all were in favor; none were opposed. **Motion passed.**

ITEM 17: PUBLIC COMMENT ON NON-AGENDA ITEMS: Pastor Gregg Parkman of Riverside Nazarene, 2552 Bushnell Avenue said the good news is he is not asking for any money. He said he has been Pastor for over a year now and he wants to let the city leaders know some of the things they are trying to do. He said he and his wife are fairly new to the community, they don't know a lot of people but figured if they are trying to benefit the community the best way to start is with those who really have a voice with the public ear.

Pastor Parkman said the neighborhood where they are at is about 1,300 houses and we really have tried to interact with the neighborhood around the church just to find out the needs and one of the things we came up with as far as needs is food. He said times are hard right now, people are losing jobs, and people don't have a whole lot of extras for the bare essentials. He said we want to be the church that meets those needs and over the past year we have been able to do some pretty good stuff: Annual Back to School Bash - last year was our first and we will continue, we give out free back packs filled with school supplies to any student that would need that, last year we gave out 135 back packs and we were also able to give free haircuts. He said that was a really good time for us and a lot of kids walked away looking good and with back

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK P.C. FORM NO. 10143

Held

Thursday, November 17, 2011

20

packs for school. He said we felt that was a huge benefit and we were really happy with that. He said we were also able to offer a movie night which families sometimes can't afford so we are able to offer a couple nights of free movies to the community along with popcorn and pop.

Pastor Parkman said we did a community Easter Egg Hunt with a free breakfast and pictures with the Easter Bunny and that was really cool. He said we had a kid punch the Easter Bunny – that was the first time he had seen that, but that was a special time for us. He said we were also able to offer a 3 on 3 basketball tournament down at Rohrer Park for teenagers and we are going to make that an annual thing; it gives the kids something to do and a chance to live out their NBA dream opportunity out there on the court.

Pastor Parkman said we were able to do some landscaping in the community; we did 5 houses within the community free of charge. He said he drove around the community and looked at houses that might need some extra help and he approached those neighbors to say this was something they wanted to do for them. He said he couldn't say how many people didn't believe it was free of charge and he really had to convince them they weren't going to get a bill or a church bus out there on Sunday morning to pick them up; it was just something they wanted to do to give back to the community. He said that's something we are going to be doing annually, our church will just go out into the neighborhood, do some landscaping and cut grass or weeds, whatever we have to do for the community.

Pastor Parkman said something he was really excited about this year is that after every home football game, we were able to open up our facility to the students from 7th to 12th grade and give them a safe place to hang out until midnight. He said that was our first year doing that and typically on a Friday night after a home game we would have 25 to 30 students; we had pizza, pop, hung out, played video games, and ping pong. He said it was a real good thing; he had a lot of the parents thank him and on those nights they will know the children will be safe and not out on the streets getting in trouble. He said during the summer they were able to give free hot dogs, walking tacos, and icyees to the community; we got out a grill and got out in front of our church and just invited the community.

Pastor Parkman said this is something he is really excited about as well – “Feed Riverside” and basically what that umbrella looks like is we are able to provide 3 different kinds of meal helps. He said we have an active food pantry that opened in October; it is open every 3rd Saturday from 10 to 12 at our church. He said people don't have to fill out a huge application, we just get their name and address and we don't want people to think this is a hard process to go through; if you have a need for food and we have it; we are going to give freely with no strings attached. He said the food pantry is also available on a call to call basis. He said this past Wednesday we were able to offer a free community dinner, that's at 6:00 p.m. every Wednesday night – really good food which my wife cooks. He said that's something we want to offer to anyone in the community and we invite the city leaders; you can always come in and be a part of that, talk to people, and see what their needs are. He said starting January 8th we will be able to offer a hot breakfast to the community.

Pastor Parkman said those are just some of the ways we want to be a blessing to the community. He said we are fairly new at this, trying to learn names and faces but we are doing a good job and we want to be a blessing to the community, so whatever needs come your way, feel free to let us help. He said he just wanted to let the city know what they are there for and they are looking forward to great, great days in the City of Riverside.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10143

Held

Thursday, November 17, 2011

20

Mayor Flaute asked if the dinners would continue past Christmas. Pastor Parkman said yes, every Wednesday night.

Mr. Schock asked what the name of the church was again. Pastor Parkman said Riverside Nazarene. Mr. Schock said that's a church that needs the word community in it because they really are a community church. He said he was very impressed; the ambition to go out and touch those who can't provide for themselves or help around their homes is a blessing – no other way to put it. He said you are a unique person to do that and we appreciate that.

Mr. Fullenkamp agreed and said he wanted to commend Pastor Parkman who is doing a great job and embodies the concept of community and that's really important for us. He said he appreciates everything Pastor Parkman is doing.

Deputy Mayor Smith said he would help out with the food pantry if Pastor Parkman could leave his phone number. Pastor Parkman said that would be great.

Mayor Flaute said he was honored to be at the dinner last night and it was fun, people were excited to be having dinner with the Mayor and they would do the same for the other council members. He said we are talking about a Mayor's breakfast in the spring and he hoped we could do something like that; it would be very beneficial to the city. He introduced Pastor Parkman to Mrs. Lynn Domesick of the Riverside Chamber. He said maybe Lynn could put something in the newsletter about the dinners if you want to do that but you can get together and discuss it. Ms. Campbell said maybe they can open a restaurant. Pastor Parkman said that has long been a dream of my wife's. Ms. Campbell said we need one around here.

Mrs. Reynolds said you've been here just a little over a year now and look at the impressive list of things you have accomplished in this community. She said you are working in a community where there is a great need and you've met some pretty big demands – thank you. (Applause)

Mayor Flaute said if anyone needs Pastor Parkman's phone number, please email me or have the staff call me.

ITEM 18: COUNCILMEMBER COMMENTS: Mrs. Reynolds said Saturday, November 26th, is Small Business Saturday and we are a community that is made up of small businesses. She said on the 26th everyone should try to support one of those small businesses, try to go and make a purchase, and thank them for being there. She said it is important; they are part of what makes up the greatness of our community. She said just as the gentleman we just heard from, these small businesses work for the city everyday – so let's try to support them on November 26th, Small Business Saturday.

Mrs. Reynolds said this Saturday is Yule Love It Hometown Holiday which is going to be another exciting time in the community and it brings a lot of people together. She thanked staff for all they do and wished them a safe and happy holiday. She said to Mr. Gillian the seat is big but he will do fine. She wished a Happy Thanksgiving to everyone in the audience, to the council, and to the clerk. She said Thanksgiving is a time that we don't often let the day go by without thinking about how blessed we are. She said we are a blessed nation and we are going through some rough times right now but we are going to be all right. She said we were at a dedication 2 weeks ago and she has never seen a group of people who were anymore thankful than the people we ate with that day. Deputy Mayor Smith said the Turkish. Mrs. Reynolds said yes; they are happy to be in our community and they are happy to be in a country that is free to do the things they need to do and that they want to do. She said we were treated

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10143

Held

Thursday, November 17, 2011

20

royally; the Mayor, Deputy Mayor, and I could not have been treated any better and the food was unbelievable.

Mayor Flaute said they have their own cooking utensil and they say nobody in this country can cook as good as the ladies at their church; they say every event they go to they take this utensil. He said it was lamb and rice and vegetables and as Mrs. Reynolds said, it was incredible. Mrs. Reynolds said she wished everyone could have been there; it was such an experience and probably one of the neatest things she has ever done as a council member. Mayor Flaute said he asked about the folks who have died prior to having this cemetery and they are going to offer to everyone to bring them back here; we want them to be buried here in Riverside.

Deputy Mayor Smith said he was also at the cemetery dedication and it was very nice; very nice people and very happy to be here in our country as Mrs. Reynolds said. He said they had prayer and we couldn't understand what they were saying but it was very interesting to watch everything that was going on. He said very nice and they did treat us with a lot of respect - like royalty.

Deputy Mayor Smith said last week he did attend the National League of Cities Congress of Cities convention in Phoenix, Arizona. He said it was very nice and he attended the First Tiers Steering Committee. He said it's one of those committees that he thought you could call a shaker and a mover; they have a lot of things going on nationwide working on projects that incorporate cities all across America. He said it's a good group of people from all over the country and something he would like to pursue.

Deputy Mayor Smith said he was supposed to fly out on Monday and the pilot came down, jumped in the plane, started it up, and the rudder fell off. He said the pilot came in with a look on his face and said he didn't think they could fix that in 10 minutes. He said finally they cancelled the flight and there were no more flights coming this way so he had to spend the night - it was supposed to be a nice hotel with shopping, restaurants, stuff like that - a nice experience but he thinks it was a no-tell motel. He said Tuesday morning they put us on another flight; we fly past Dayton, and into New York where we were to catch our flight home. He said they loaded up that plane and the cargo door wouldn't close. He said they had to unload that plane and put us on another but he finally made it home. He said it was good to get home after all that experience with the planes but it was very nice, he enjoyed the opportunity to go and it was very relaxing.

Mr. Denning asked Mr. Gillian if he drew the short straw. He wished everyone a Happy Thanksgiving.

Mayor Flaute said we have one more person who wanted to talk which he neglected to ask to come forward so before he gives his report, he asked Mr. Dan Szonnell to come forward. He apologized for overlooking his request to speak.

Mr. Dan Szonnell of Old Troy Pike said he's been here before and they know the situation - he was approached by Mr. Murray at the festival back in August with an offer, he thought it over, he accepted, paperwork was prepared, got it to me first part of September, I read through it and had to return it for corrections. He said this is getting ridiculous; he read portions of the contact and asked what those portions meant; he also noted an attachment was referenced but there was no attachment. He said he was contacted mid September, the contract was brought out, and he signed it on the hood of his truck. He said he signed it but nobody else had and he was supposed to get a copy in a couple days - that was mid September. He read another portion of the contact that stated "the option was exclusive to the purchaser and shall expire on November 1, 2011 and could be extended 60 days provided the purchaser

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLA/C, P.C., FORM NO. 101-9

Held

Thursday, November 17, 2011

20

pays an additional non-refundable yet applicable to the purchase price option payment in the amount of \$1 within 3 days of purchaser's notice to seller his election to extend sale option". He said it was not extended and he asked what the city's intentions were.

Mayor Flaute said he would refer that to the city manager and Mr. Murray after the meeting. He said he appreciated Mr. Szonnell bringing the information to council and said we will deal with it on our end. Mr. Chodkowski said he can address this issue with council in executive session and he will follow up with Mr. Szonnell the week of November 29th in regards of what we intend to do. Mr. Szonnell commented that he thought the way city business was being done was very irregular. Mayor Flaute said staff will get back with him.

Mayor Flaute said back to council member comments.

Mr. Schock said he wanted to wish everyone a Happy Thanksgiving. He said he also wanted to congratulate the ones who won the office and congratulate the ones who didn't win the office because they received a lot of knowledge and made new friends out there. He said there is always more opportunity to serve the community through its committees and other aspects.

Mayor Flaute said he went to a Heroes Welcoming Heroes event which is for all those folks who have been deployed and are back safely. He said that was out at the Air Force Museum. He said he also went to several Veterans' Day Celebrations, one being at the Riverside Legion.

Mayor Flaute said he went to a Community Covenant Signing with folks from Washington, State and Federal, and we all got together at the VA Center along with local folks and we signed a covenant saying that we will help out our Veterans as much as we can and as often as we can. He said at the beginning of the meeting we honored Mr. Kimberly as a Veteran and he asked if there were any others in the audience that were Veterans. Several raised their hand. Mayor Flaute asked for a round of applause for them and said we appreciate it very much and he hoped they enjoyed their Veterans' Day.

Mayor Flaute said he went to the In Crowd Chamber dinner at the Old Hickory Bar-B-Q and it was excellent food. He said if you haven't tried it, stop by; the food is very reasonable, it's very good, and they have been there a long, long time.

Mayor Flaute said the last thing he wanted to talk about is that there will be a council vacancy coming up the first of January. He said he is recommending we start accepting letters from folks who are interested. Mr. Chodkowski pointed out it will be in the next newsletter. Mayor Flaute asked the clerk to notify the Dayton Daily News and also let them know we are accepting letters. He said we did get a reading from the Law Director late yesterday that stated a person who is now serving on Council can apply and be appointed to that seat. He said the former Law Director stated we could not do that, so we have been adhering to that but the new Law Director said she sees no conflict with them being able to serve again. Mrs. Reynolds said she will be the first and she passed Mayor Flaute a letter.

Ms. Campbell said shouldn't we wait until we get the paperwork from the Law Director. Mr. Denning said we did. Ms. Campbell said she didn't get anything. Mr. Chodkowski said there was a draft opinion that was forwarded to him late yesterday and the final, official opinion is supposed to be delivered tonight. Ms. Campbell said shouldn't we wait to read that before we even say anything; we don't want to get anybody's hopes built up. Mayor Flaute said the Law Director has ruled. Deputy Mayor Smith said we know we're going to have a vacancy and we know we are going to have 30 days to fill it so we need to get the word out to the residents so they can

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10143

Held

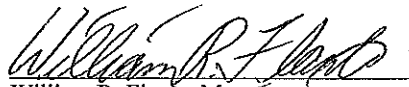
Thursday, November 17, 2011

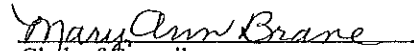
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step up if they would like to. He said as far as council members reapplying, that's up to them. Ms. Campbell said don't they have to be absent one year. Mayor Flaute said that's what the old ruling was. Deputy Mayor Smith said that's to be an employee. Mayor Flaute said unless the Law Director says there is something else going on, she has already confirmed that they can apply and that might be something people need to know before they bother trying to make a decision on sending a letter. He thanked Mrs. Reynolds and said anyone who wishes to send a letter please do so; send it to the clerk.

ITEM 19: EXECUTIVE SESSION: A motion was made by Mrs. Reynolds to enter into executive session for the purpose of discussing collective bargaining, sale of property, and purchase of property. Mr. Denning seconded the motion. A roll call vote was as follows: Mrs. Reynolds, yes; Mr. Denning, yes; Ms. Campbell, yes; Mr. Fullenkamp, yes; Mr. Schock, yes; Deputy Mayor Smith, yes; and Mayor Flaute, yes. The council entered into executive session at 8:59 p.m.

ITEM 20: ADJOURNMENT: The council came out of executive session at 9:25 p.m. and 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 9:25 p.m.


William R. Flaute, Mayor


Mary Ann Brane
Clerk of Council