

# RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK P.D. FORM NO. 10143

Held

Thursday, November 3, 2011

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

**ITEM 2: ROLL CALL:** Council attendance was as follows: Ms. Campbell, present; Mr. Denning, present; Mr. Fullenkamp, present; Mrs. Reynolds, present; Mr. Schock, present; Deputy Mayor Smith, present; 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:** There were no absent members.

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

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

**ITEM 6: WORK SESSION ITEMS:**

- a. Proposed Zoning Ordinance  
Article IX – Supplemental Standards – Continued Discussion

Mr. Chodkowski said the last time we were together council did not get to finish the discussion on Article IX, Part 4, which are the supplemental standards. He said in addition to that Article XI is on the schedule tonight and that is the definitions applicable to the code. Mr. Denning said we stopped last time at page 9-147.

Mr. Fullenkamp said we were at Violations; Remedies; Penalty - item K. Mr. Chodkowski said we talked about that last time and when we had originally crafted the code, we talked about civil infractions in conjunction with some other possible applications and we didn't find it would be beneficial to us in the long term. He said that language is being amended to include the reference to the criminal section and as you recall the judge only needs jail time and he will help us solve our problem.

Mr. Fullenkamp asked what is the intent of our digital signage in terms of flashing - is it to prevent accidents or distractions to drivers. Mr. Chodkowski said it is to limit distractions from constant flashing. Mr. Fullenkamp asked if we had a description of what is acceptable; there is a very general description but he didn't see any times required or prevention of certain motions. Mr. Chodkowski said he didn't recall that they had put any limitation on that. He said typically the BZA has a condition that they use stipulating that there has to be a public message displayed every 60 or 90 seconds depending on the particular sign. Mr. Fullenkamp said if we want that, why wouldn't we put that in our zoning law. Mr. Chodkowski said it's an item that we could but typically we leave that item to the BZA's discretion to place conditions because several items factor into sign size and viability; typically roads that have properties and signage on roads where the speed limit is slower requires smaller signs to convey the message as opposed to signs located on larger roads or roads with higher speed limits. He said council can put in specific provisions. Mr. Fullenkamp said he was just curious why that was conditional, He said if we want consistency then it seems like it should be in the code vs. an option to the BZA. Mr. Chodkowski said one can argue either way and to staff; we have no prerogative one way or the other.

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Mr. Denning said he had something on that same topic. He said he attended the Planning and Zoning Workshop at Sinclair and there was a specific section on electronic message signs. He said they are becoming big business and there are a lot of statistics that show those types of signs increase business. He said they reviewed what a lot of the cities are doing with their ordinances: brightness is being limited and automatic dimming at night is being required. He said there are standards for that and the length of time a message is displayed can also be regulated with a minimum time limit. He said there are a lot of good ordinances out there for these signs. He said another regulation he liked was that the electronic message display can't be anymore than 50% of the total sign area whatever the maximum limit would be. He said he thought they should put something specific in the code for these types of signs so we are staying up to date with technology. Mr. Chodkowski said 2 of the 3 suggestions are in our code: lighting as far as brightness and the percentage that the changeable reader board can be of the size of the sign; but as far as a minimum or maximum time for which a message can be displayed, that is not in the current or proposed code.

Mr. Fullenkamp said he knew we had multi-color signs, an example is at Carroll High School, but the proposed code says no multi-colored signs – just single color with single background color. He asked if he was interpreting that properly. Mr. Chodkowski said yes.

Mr. Fullenkamp asked how we could define the motions; we don't really. Mr. Chodkowski said correct. Mr. Denning said it's a matter of opinion. Mr. Fullenkamp said opinions aren't very scientific and his concerns are the distractions at the schools especially at this intersection where the speed limit is 45 mph. He said he doesn't have anything against these types of signs but we don't have a way to really track if someone is meeting a standard. He asked if we got any feedback from the people who have the signs. Mr. Chodkowski said he doesn't recall if we have any brightness standards in the existing language.

Mr. Schock said how long the message stays up depends on the speed limit. Mr. Denning said not according to the session he attended. Mr. Schock said he meant that's what the guy who's programming the sign goes by. Mr. Denning said the sample ordinances from other cities just set a standard minimum time that the message can be displayed; that doesn't mean a message can't display for a longer length of time, it just says how quickly the messages can change because if they change too quickly, it becomes a distraction. He said that was the gist of the information he got and he's sure there are many examples we could use to craft our own ordinance. He said he really believed they need to put something specific in our ordinances and not just leave it up to the BZA's discretion; he thinks council needs to give them some guidelines. Mr. Schock said looking at their history – they've done a pretty good job; but he can see Mr. Denning's point that there needs to be standards and maybe that's something we can look into and see what other cities around here do to take care of electronic messaging signs.

Mr. Denning said his only other suggestion would be that they have to give up a certain percentage of their time to community organizations whether it's a Church or the Lions or Hometown Holidays or the community festival; they should have to give back a little bit to the community to be able to set those signs out. He said time and temperature is not a community service as far as he was concerned.

Mr. Schock said Lewis RV was the first that came before the BZA for that and in the BZA granting the conditional use, we said they must provide a community information piece on it before we allowed them to have it. Mr. Denning said even if it was something like "National Fire Safety Month". Mr. Chodkowski said he would caution council to try to regulate content to that extent. Mr. Schock said council doesn't but the BZA did. Mr. Fullenkamp said he didn't see how we could require a

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public service just for putting a digital sign up instead of a regular sign. Mrs. Reynolds said it's putting a burden on them that might be impossible for them to meet. Mr. Chodkowski said then the issue becomes what is a community message; just because a sign informs the public, it could be a negative position.

Mrs. Reynolds said regarding the brightness of the signs, on page 11-27 a Nit is defined. She asked how bright is 929.9 per square foot and do we need to look at that; is that an acceptable standard for a digital sign that may be flashing every 10 seconds. She said Mr. Denning also talked about the new signage being able to lower those nits at a certain time of the evening. She said she tried to do some research on this to get an idea on brightness but she doesn't really know if this is acceptable or not. Mr. Chodkowski said he doesn't have a good example that would readily make it understandable but he will get with Mr. Williams and we will do a little research so when we come back we will have some examples. Mrs. Reynolds said she did think the very bright signs can be distracting or for a sign that's not bright enough, people might slow down to read it; there has to be a standard. Mr. Denning said there are national standards from the light industry but he didn't know if it matched what was in the proposed code. He said if we write our own ordinance, he would suggest we use the national standards.

Mr. Fullenkamp said the definition of a nit in the proposed code is wrong; it states *5,000 nits equals 464.5 candela per square foot and 1,000 nits equals 929.9 candela per square foot*; he thinks a zero has been dropped in the evaluation. He said there are standards for lighting at night and during the day too. Mr. Denning said the instructor talked about the standards and stated is was real easy to set that. Mrs. Reynolds said we need to know if the definition on page 11-27 of a nit is the acceptable standard.

Mayor Flaute said on the same subject, page 9-153, item 20-b: *Temporary signs shall not be permitted on a property with an LED sign*. He asked what that meant. Mr. Chodkowski said if someone has the ability to change the content of their reader board sign, then they don't need to have a temporary sign.

Mrs. Reynolds said in looking at all the signage requirements we have, at any given moment, how many signs can one business have displayed at the same time. Mr. Chodkowski said that's tough because it depends on the particular business and where it is located. Mrs. Reynolds said she can come up with 6 different signs and it's confusing, not only to us but to those businesses that want signage. She asked what the exceptions are. Mr. Chodkowski said as a general rule of thumb, there would be 2 permanent signs, but depending on whether or not they have a temporary permit, that number could be as high as 3 in the proposed code for what would be 120 days out of the year. He said there are exceptions where they can trade 1 sign at "x" square footage for 2 signs at a smaller square footage. Deputy Mayor Smith said but they couldn't exceed the total amount of square footage for the big sign - correct? Mr. Chodkowski said as a general rule of thumb, yes, that is correct.

Mrs. Reynolds said so for 84 days per year, 21 per quarter, a business can have upwards of 3 or 4 signs depending on the square footage. Mr. Chodkowski said under certain circumstances, yes.

Deputy Mayor Smith said while we are talking about signs; we've had a lot of conversations with potential businesses coming into the community and those who have been here and left because they just couldn't get the word out on their businesses. He said one of the reasons is because of the pole signs like Burger King or Arby's or McDonalds and with our new guidelines we are wanting to go with wall-mounted signs or monument style signs or a short pole sign. He said for a new business coming in with nearby business that has a large pole sign, it's kind of hard for the new business to compete because customers will see the large sign before they see a small

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sign. He asked if we could make provisions to make everyone equal. He suggested buying the big pole signs, taking them down, and requiring businesses to put up a monument or wall sign. He said that would get rid of the sign pollution and would make it fair for new businesses coming in. He said we wouldn't have to do the entire city all at once; it could be done block by block. Mr. Chodkowski said as a general rule of thumb, we as the city cannot compel someone who has a legal, pre-existing, non-conformity to swap out that non-conformity and establish conforming signage. He said the only way to do what you are suggesting is to find the tallest, biggest sign in the city and make that the applicable standard for commercial property. Deputy Mayor Smith said not necessarily, it's all about dollars; you buy their existing sign and they can use the funds to erect a monument style sign. He said we would buy the signs out to make it more beautiful and competitive for the other businesses, plus we would eliminate our sign pollution. Mr. Chodkowski said technically we could offer to buy the signage but we are not in a condition to be able to execute that kind of policy. Deputy Mayor Smith said he knows but the sign issue seems to be stifling some of our growth in the commercial and retail areas. Mr. Chodkowski said he was unaware of any business owner that has come to us and said "if I don't get this signage...." Deputy Mayor Smith said he understands but he thinks they are stopping short of coming to city hall and hearing things by word of mouth or reading online about our signage laws; it being killed before it ever comes to city hall. Mr. Chodkowski said that may very well be the case but he can say that our signage standards as a general rule of thumb have been more liberal in comparison to our neighbors for quite some time and this signage law while more restrictive in some areas compensates with improved location provisions that don't already exist. He said we try to be very conscientious about providing signage that is appropriate and that is supportive of business growth and development but at the same time doesn't begin to go the other way as far as increasing sign pollution. He said he thought if we looked at other communities with successful business corridors, in particular, corridors that have been developed in the last 10 to 15 years, you will find the complete absence of pole signage and those communities don't have any problem recruiting and maintaining businesses. Deputy Mayor Smith asked if they had existing pole signs. Mr. Chodkowski said in those areas, no; but you will find that they have begun to provide more restrictive sign measures in existing commercial corridors. Deputy Mayor Smith said but the guy who is already there with the big sign is set. Mr. Chodkowski said the language we have related to non-conforming sign maintenance is relatively universal; you will find it in almost every city code. Deputy Mayor Smith said that's if they don't maintain the sign. Mr. Chodkowski said basically it says if that sign exists, they can change the sign face but they can't structurally change the sign, and if they do, then they have to begin to comply. He said you can always reduce the non-conformity but you can't increase the non-conformity; you can paint, maintain, update the electric, but you can't physically make the sign bigger in area or higher in measure.

Deputy Mayor Smith said lets take it one step further, the businesses that are here now are grandfathered in under the old laws; if that business would sell, then we could require them to change the sign. Mr. Chodkowski said no, you cannot; we can compel them to update the sign in relation to the use. He said you cannot create an undue hardship to any property owner to comply with any update to the code. Deputy Mayor Smith said if that was disclosed at the time of the sale would that make a difference. Mr. Chodkowski said it might, depending on our ability to compel that information be disclosed. Deputy Mayor Smith said it would be similar to selling a house in Huber Heights, all the Realtors know you have to get an inspection of the property before you can close and the title companies are aware of that as well. He said it seems like the same could be true of a business if we were requiring that the sign be changed in the event the business is sold or transferred. Mr. Chodkowski said but we couldn't compel that to happen; we couldn't compel someone to change a sign when a legal pre-existing non-conformity is present.

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Mayor Flaute said on page 9-149, item C-5, *Prohibited Signs states any lighter than air or inflatable sign situated on a premises...*; he asked if that would include holiday decorations. Mr. Chodkowski said there are provisions that exclude holiday decorations.

Mayor Flaute said on page 9-150, D-6, *General Provisions – removal of unlawful signs in the public right-of-way*; it talks about what you are allowed to do with the sign but it doesn't talk about penalties. Mr. Chodkowski said there is the penalty provision language that occurs much earlier on but that is applicable to all language where we had talked about when we wrote the code, we thought it would be civil but it needs to be criminal; that's where that language is. Ms. Campbell said shouldn't that read "accept political signs" – to be taken out by other than the user of the property. Mr. Chodkowski said this is for signage specifically located within the right-of-way which is our jurisdiction so we have the right to remove the sign, political or otherwise. Ms. Campbell said nobody else can remove it. Mr. Chodkowski said anybody else can remove them – if it's your sign. Ms. Campbell said she meant if she puts out a sign and Mr. Flaute comes along and removes it – that's not right or visa-versa, I shouldn't pull up his signs. Mr. Chodkowski said yes, that could be considered stealing someone's property.

Mayor Flaute said on page 9-151, item 10, *installation of a flagpole in a sidewalk*; he asked why we would allow that. Mr. Chodkowski said the State of Ohio says we have to. Mayor Flaute said in a sidewalk. Mr. Chodkowski said that's what it's titled but it specifically refers to placement in a tree lawn.

Mayor Flaute said page 9-151, item 16, *Directional Signs*; would this allow garage sale signs. Mr. Chodkowski said we wouldn't consider a garage sale sign to be directional; he believed we permit 2 maybe 3 signs. Mayor Flaute said its 2 now but he thought that was one of the things we were going to talk about. Mr. Chodkowski said whatever the number winds up being; we don't care what's on it, we always care about its location and in most instances, we have problems with it being in the right-of-way, posted on public property. Mayor Flaute said garage sale signs are not allowed to be posted in the right-of-way. Mr. Chodkowski said correct. Mayor Flaute said he guessed we were going to continue to have it that way but he would have liked to see people allowed to put them in the right-of-way. He said a lot just put out them on posts that are in the right of way and we haven't been bothered with them. Mr. Schock said yes we have.

Mayor Flaute said on page 9-155, item 2-a, *Permanent Signs Prohibited in non-developed and agricultural land*; when it's a housing plat that's put in on agricultural land, why is a permanent sign prohibited. Deputy Mayor Smith said this could be about billboards. Mr. Chodkowski said this refers to off-site signage, for example "Church three miles ahead"; the purpose is that signage is to identify the place where the sign is located. He said signage is an identifier and if the land is vacant, there is nothing to identify. Mayor Flaute said what about our Business Park. Mr. Chodkowski said at the time that was appropriate under that code; under this code, that would not necessarily be the case. He said that would be one of those pre-existing non-conformities.

Deputy Mayor Smith said that's zoned residential; are we a law-breaker. Mr. Chodkowski said the nice thing about being a municipality is that we get special disposition; at the time and the placement within the right-of-way, we had the right to authorize that placement. Deputy Mayor Smith said that being the case about being able to bend the rules or not having to comply, why do we have to cut the grass over there.

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Mayor Flaute said on page 9-161, item 4-d, *Wall Signs – in cases where a building frontage is clearly visible from more than 50% of a street frontage, a wall sign maybe located on the non-building entrance wall.* He said for Esther Price Candy, is that where this law would be applicable? Mr. Chodkowski said yes; that is to account for identification conditions that are unique to the geography where it would be impractical for the business to comply with other provisions. Mayor Flaute said he doesn't know if its true but he has heard that with all the problems Esther Price Candy had with us, that as soon as their lease is done they are out of here because of the sign problem. He asked council if we wanted to leave that here or do we want to discuss it. Mr. Chodkowski said if that is the specific condition for which you are concerned about, that should not be the prevailing concern that drives this language and we will be more than happy to have the discussion about that specific business and its relationship with its landlord at another time and place that is more appropriate. Deputy Mayor Smith said he believed that is the same situation with Curves over there. Mr. Chodkowski said what we know to be the case and what may be the perceived situation are 2 totally different things. Mayor Flaute asked if there was anyplace else in the whole city where that would make any difference. Mr. Chodkowski said it is based on parcel layout in relation to the road; in the event we see development to the north, there is curvature in the road as well as other areas that might bring this into play. Mayor Flaute said this is a section he would like to discuss when council discusses exceptions.

Mayor Flaute said on page 9-172; item 4, *Color and Appearance of cell towers;* he has seen some really fancy stuff in other cities and according to this the towers have to be *aesthetically and architecturally compatible to the surrounding environment by means of camouflage deemed acceptable by the Director of Planning.* He said would a fancy one like Fairborn has with the planes flying around it be acceptable. Mr. Chodkowski said the one with the artistic feature would comply; the flagpole cell tower in Beavercreek would also comply. He said we just don't want them to look like they are there. Mayor Flaute said he was just afraid this language would take that away.

Mr. Fullenkamp said on page 9-173, item E-4, *Co-location Design Required – no new tower shall be constructed unless such tower is capable of accommodating at least one additional telecommunication facility owned by another person;* could that be another company. Mr. Chodkowski said yes.

Mayor Flaute asked if there was any further discussion on signs. Mr. Fullenkamp said he thought they needed to further discuss digital signs when they discuss the exceptions. Mayor Flaute asked what issues. Mr. Fullenkamp said brightness, motion, etc. Mr. Denning said he thought council needed to see what standards are out there because we need some specific codes in our ordinances that say what is acceptable, mostly to help the BZA have something standardized. Mr. Fullenkamp said the BZA doesn't necessarily need to be involved in this. Mr. Denning said right if we have some standards, they don't need to be involved with that situation every 3 months or however often; if its something we are doing on a regular basis, we might as well make it part of the code. Mr. Chodkowski said right and he believed the conditional use would no longer apply under this code; it would all be administrative.

Mayor Flaute said if anyone in the audience wants us to talk about something when we get down to the nitty-gritty of this code, please let us know – we want this code to be good.

b. Proposed Zoning Ordinance  
Article XI - Definitions

Mr. Chodkowski said the majority of these definitions were provided by Altick & Corwin to their principal client on this code which was the City of Centerville and

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most have very technical meaning but we will be happy to answer any questions you might have.

Mr. Fullenkamp said in looking at the definition for the *Adult Bookstore, Adult Novelty Store, and Adult Video Store*; what is meant by a *significant or substantial portion of its stock-in-trade*. He asked if that was based on how much money they made from it or what's out on its shelves or something else. Mr. Chodkowski said it is structured that way for a particular reason so that it can be based on the community's desire to regulate; there is room for us to appropriately determine what is substantial.

Deputy Mayor Smith said he had a similar question regarding drive through businesses that have men's and adult magazines out in the open with the pictures on the front not covered. He said same would be true for some of the carry-out stores; the magazines are right out front where any child could see them. He asked if we could restrict that kind of material to a particular zoning district and take that out of the drive through and carry out businesses. Mr. Chodkowski said that question would probably be more appropriate for the Law Director. He said he would say the city has the ability to draft such regulations but the ability to enforce or sustain that type regulation over the long term.... Deputy Mayor Smith said it would be easy to catch; he's quite sure the zoning inspector goes to the drive through now and then or stops at a carry out. He said the proof is right by the register. Mr. Chodkowski said just because it is easy to identify the material doesn't mean it is just as easy to compel compliance. Deputy Mayor Smith said you can write them up, can't you? Mr. Chodkowski said we can cite them for being, in our opinion, in violation but they are technically not in violation until the court finds them in violation. Deputy Mayor Smith said you can write them up so many times and then take them to court; let the court decide. Mr. Chodkowski said unfortunately, the courts aren't as willing to deal with these types of issues in the way we want them dealt with and that was part of the reason the Judge was here early this year because the courts do not look at these issues with the importance that we do. He said he's not saying it can't be done; how is the most appropriate way to do it will require us to consult with the Law Director. He said he didn't know if simply creating such a restriction or prohibition is going to enable us to address it. Deputy Mayor Smith said so basically the judge has a low standard of morals whether it's the situation of a building not being taken care of or adult material in the stores and drive through businesses; we have to suffer the consequences because the court chooses not to listen to that type of case that comes before them. Mr. Chodkowski said correct; typically the court will get its money and then levy a small fine with an order to do what the city already told them to do. He said they are given so many days to comply and if we go back and they haven't complied then we have to go through the whole process again. He said maybe on the 4<sup>th</sup> or 5<sup>th</sup> time before the judge, he will have had enough and issue a warrant but that still doesn't compel compliance and in most instances the jails are overcrowded with actual criminal offenders, so the jail time is suspended.

Mr. Schock asked if Deputy Mayor Smith wanted to ban the adult materials from being in the businesses or have the materials covered, showing the title only. Deputy Mayor Smith said that would be more appropriate - covering everything but the title only, unless there is a particular zoning that would prohibit the materials from being in the stores. Mr. Schock said you can't prohibit it because then you get back to the constitutional part of it but it should be in the code that it has to be covered allowing the display of just the title. Someone mentioned it is in the Ohio Revised Code and Mayor Flaute said he thought we should at least remind the businesses with the adult materials that the ORC requires it be covered. He said he agreed it ought to be something we are looking for and he knew of a couple of places that had it sitting right out front. Mr. Schock said it's very offensive.

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Mrs. Reynolds said her concern is that we just need to get all these types of things off the books so we don't have to worry about Adult Motels or Adult Theaters, etc.

Ms. Campbell asked if these materials were being sold to children. Mr. Schock said no; that would be as bad as selling cigarettes to a minor.

Mayor Flaute said the question he had was about the Adult Motel definition page 11-4, item 2; which allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours. He said that sounds really odd to him and asked if there was a reason that had to be in there. Ms. Campbell said a truck driver might want a room to just sleep for a short time then be gone. Mr. Fullenkamp said he didn't see how this could be enforced. Mayor Flaute said it's just a silly part to be in the code because like Ms. Campbell says who knows why they are renting a room for less than 10 hours. Mr. Denning said that's actually a good point because if you are traveling and stop to get a motel at 1:00 a.m. and check-out is at 10:00 a.m. you could actually be there less than 10 hours. He said the price is still the same. Mr. Chodkowski said the short version is; that language exists to act as an enforcement tool when you might have a hotel that begins that practice as a way of maintaining its profitability. He said additionally there is a demand in larger markets for those types of facilities, so whether or not you like it, the city has to be able to allow for every type of use. He said rather than have someone come and demand this type of use and have us find a location for it; this is us becoming proactive and saying these types of uses can only go in certain locations. He said as we talked before there are only 4 parcels in the city where any of these new uses would be able to locate. Mayor Flaute said so it's a tool to make sure a business is not advertising hourly rates. Mr. Chodkowski said it basically is to prohibit somebody from coming in and purchasing, for example - the Days Inn down the street and starting to rent rooms by the hour; they wouldn't be zoned for that and the location couldn't be used for that. He said that's where this language becomes incredibly important.

Mayor Flaute said on the definition for Drive Aisle on page 11-11, which is an improved, paved driving surface for one line of vehicles; when would we have a drive aisle. Mr. Chodkowski said it could be a delivery zone in a parking lot or for example, a drive-thru at McDonalds is immediately adjacent to the building but the drive aisle is next to that and used for the circulation of traffic around the building.

Mr. Denning said he knew "Nit" was used as the lighting standard but that is a fairly old definition and what they used in the seminar was "Lumens". Mr. Fullenkamp said its "candela" per square foot. Mr. Chodkowski said all 3 are used in the code. Mr. Denning said he didn't see "lumens" listed in the definitions and if it's used in the code we should be consistent. Deputy Mayor Smith said you buy light bulbs in lumens. Mr. Denning said one emits the light and one is the light that actually hits your eye at a certain distance from the sign. He said he thinks it is more important for us to know what is hitting the eye not what is being emitted from the sign. Mr. Fullenkamp said lumens don't change with distance. Mr. Denning said right, he just thinks it will help with the reference.

Mayor Flaute asked if there was any further discussion. Being none, Mr. Chodkowski said when the clerk finishes compiling the master list of requests; he will sit down with staff and determine how long it will take to get all this into a form council can discuss. He said he was sure that would be in his manager's report next week; we will get that on the most appropriate work session schedule and go from there.

Mayor Flaute thanked everyone for their patience on this. He said it was a very tough assignment which the Planning Commission went through also and we appreciate it. He said the stuff we are doing here is only to compliment their hard work.

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c. 2012 Budget

Mr. Chodkowski said included in your packet is the final draft of the proposed budget for 2012 as well as some supplemental pieces of information. He said there were a few minor adjustments and some other major items previously discussed and authorized by council. He said it was brought to his attention that there were a few fat finger issues in relation to: city manager memberships and subscriptions; general government election expenses; and fire EMS billing fees went up while revenues went down. He said those were the ones brought to his attention in advance of the meeting and we will be looking into those. He said he would be happy to answer any questions regarding the information provided.

Ms. Campbell said from what she read in this, she thinks we need to have 2 or 3 meetings so we can go over this whole thing; with a deficit this large, we'll be lucky if we get enough money to fix it. Mayor Flaute asked if she wanted a special meeting. Ms. Campbell said yes; with a deficit this large, there's no way we can cover this with the amount that is going in there. She said she just thought they needed to go over it more. Mr. Schock said you want to fine tune it is what you are saying. Mayor Flaute added at another time. Deputy Mayor Smith said that's what we are doing this evening isn't it? Mr. Schock said it will take longer than 1/2 hour if we are going to go over it line by line. Mr. Fullenkamp asked what she was proposing they fine tune.

Mr. Denning said the largest amount we increased that he saw in the budget were the capital improvements that council approved which is the \$3.0 Million to get Harshman Road done. He said that's why this is so high and why there is such a deficit.

Ms. Campbell said first it was \$6.5 Million, then it was \$8.5 Million, and now it is back to \$6.5 Million – she doesn't get it. Deputy Mayor Smith said its funds already appropriated. Mr. Chodkowski said the total reserves of the city are equal to approximately \$8.5 Million; of that \$8.5 Million, \$2.0 Million cannot be spent on general operations – it is specific to drug seizures, economic development projects, Center of Flight, etc. He said when you take that off the top, it leaves \$6.5 Million in the savings account that can be spent on the day-to-day operations. He said of that \$6.5 Million, we are proposing, based on previous discussions by council, to access \$4.5 Million. He said of that \$4.5 Million, the largest component is the Harshman Road/Valley Street project and there is almost \$400,000 related to capital equipment. He said of the \$3.5 Million that is designated for Harshman Road, approximately \$750,000 will hopefully be granted to the city, and at the end of the day, the total expense to the city for Harshman Road will be roughly \$2.75 Million but we have to pay for it all in advance and then we get the grant Ms. Campbell said she thought we were supposed to get the grant this month. Mr. Chodkowski said the OPWC District Committee just met to review the projects and assigned them tentative scores on October 26<sup>th</sup>; they will meet again mid-November to finalize the scores and we will be notified late-November or early-December whether or not we received the grant. He said the budget figure could change in the event we don't get the grant and council wishes to proceed or pull out of the project. He said based on how the budget needs to be approved legislatively, that's an item we can't wait to decide on prior to the passage of the budget.

Mayor Flaute said since the budget does look so bad; he knows council agreed to hire an Assistant City Manager and another person in the Service Department – is council sure they want to do that after looking at these numbers. Mr. Chodkowski said based on the overall conditions, that would be like bailing out the Titanic with 2 five-gallon buckets. Mrs. Reynolds said she was fine with it; Mr. Schock said he was fine with it. Deputy Mayor Smith said it's a \$4.3 Million deficit based on capital improvements. Mr. Chodkowski said operationally the deficit is about \$1.3 Million annually. Deputy Mayor Smith said but we are getting the road repaired. Mr. Chodkowski said that's

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outside the scope of capital improvements and capital equipment purchases; based on just paying the bills, turning on the lights, and paying people to show up for work runs about \$1.3 Million. Deputy Mayor Smith said that's a far cry from the \$300,000 we've gone over in years past, isn't it? Mr. Chodkowski said the figure is directly related to expenses and revenues; this is what we think, it doesn't mean what will be. Deputy Mayor Smith said plan for the worst and hope for the best. Mr. Chodkowski said if you look at past budgets approved by council, we actually planned for substantially large operational deficits, close to \$1.0 Million, but because we managed our expenses and were conservative in our revenue estimates, that's why those deficits were significantly smaller if at all. He said unfortunately the economy has come home to roost for us.

Ms. Campbell asked how much the Issue II grant application was. Mr. Chodkowski said \$750,000 for the grant with an additional \$200,000 in a loan. Mayor Flaute said so Harshman Road is still going to cost how much. Mr. Chodkowski said \$2.75 Million. Ms. Campbell said we don't have that much. Mayor Flaute said yes we do.

Mr. Denning said under General Government expenses it seems like the IT/Website Services went up 50% from \$13,300 to \$19,000 - that seems high. Mr. Chodkowski said we had an increase in the demand for service and because the 2012 budget is predicated on previous experience that indicated \$19,000 is what we would actually need as opposed to the \$13,300. He said he doesn't think we will actually need that money because since the time we prepared this budget, Mr. Gillian and the Finance Department were able to locate \$15,000 within the general fund that was unallocated and we virtualized all our servers as well as upgraded our power back up systems for the city's computer system. He said a great cost of these services were because we were having to continually call these guys in because we were having power failures, server communication issues, and all kinds of complicated computer stuff he really didn't understand. Mr. Denning said so we have since fixed the bottom line real issue of why we were calling them so much. Mr. Chodkowski said correct.

Mr. Denning said the other item is under Fire Department Subscriptions which went up \$2,000. Mr. Chodkowski said we missed a membership in the 2011 budget.

Mr. Denning said the Service Department Radio Fees went from \$1,500 to \$5,000. Mr. Chodkowski said the maintenance contract on the radios expired and we need to purchase a new contract. Mr. Denning said the FCC is also mandating everyone update their radios to the narrower frequencies and basically you to have to buy new radios since you can't reprogram some of the old radios, depending on their age.

Mr. Denning said the Service Department Health Insurance went from \$122,400 to \$184,200 and that didn't make sense to him. Deputy Mayor Smith said that's \$62,000. Mr. Chodkowski said we accounted for a new employee to be on full health insurance which was a substantial increase plus the premium mark up and we have an employee who is getting married that will go from a single plan to a family plan.

Mrs. Reynolds said she appreciated the City Manager increasing the dollar amount for an Assistant City Manager which is an important function. She said she understood this is just an estimate to get the certificate that you need to get us our appropriation and she understand these figures will move as we see the budget roll out. She said she is concerned with the little figures in Department 105, the Law Department; \$125,000 for legal expenses for a city our size is concerning to her. She said we haven't seen any reports this year on where we are at with legal fees and she asked council if they were all comfortable with that. Mr. Chodkowski said these numbers are based on experience, so based on the rates and services we request of the Law Director, Legal Service - General is based on what we are currently using provided there are no additional suits and you don't demand the Law Director's presence here. Mrs.

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Reynolds said if we are looking at labor, don't we have 3 more contracts to negotiate. Mr. Chodkowski said we currently have 2 open and will open the 3<sup>rd</sup> next week. He said the 4<sup>th</sup> contract opens next year about May. Mrs. Reynolds asked if the City Manager would provide council with the number of billable hours for this year. Mr. Chodkowski said he would. He said in relation to the prosecutor, that's contractual, and for Legal Service - Litigation, he would explain that more appropriately in executive session later tonight.

Mayor Flaute asked how much we were going to pay this new Assistant City Manager. Mr. Chodkowski said the pay range is between \$55,000 and \$65,000 which is on the low end but is consistent with a position/salary survey from 2010 as well as recent postings for Loveland and most locally, Yellow Springs. He said also Hamilton had a recent posting and our high end was their low end.

Mr. Fullenkamp said on our copiers he saw we had 2 vendors. Mr. Chodkowski said 1 is the lease-to-own agreement we have and the other is a maintenance/supplies agreement. Mr. Fullenkamp asked if each department did their own negotiations. Mr. Chodkowski said no; we brought in 3 or 4 vendors and told them what we needed.

Mr. Fullenkamp asked about the increase in General Government of \$5,000 to cover employment announcements. Mr. Chodkowski said it's just the cost to cover the ads.

Deputy Mayor Smith said under the City Manager Health Insurance it went up by \$16,000. Mr. Chodkowski said that is assuming that the new Assistant City Manager will require the family plan. Deputy Mayor Smith said in another place in the budget it states we are going to spend \$15,000 for the search. Mr. Chodkowski said if you check the summary notes page, when he had originally prepared the budget, the wage for that position maxed out at \$50,000 and after further research, he increased the wage to top out at \$65,000 in order to attract a more qualified candidate. He said in addition to that it dawned on him that we did not account for advertising for the positions, not just the Assistant City Manager but also the Fire Chief and the public works Maintenance Worker. He said we also typically have some turn over during the year for a variety of positions so he went back and added extra dollars for those expenses which he had not previously thought to include as part of the budget.

Deputy Mayor Smith said the General Government Claims and Judgments line item was increased by \$4,000. Mr. Chodkowski said that's based on previous experience and what our deductible is and actually covers 2 claims which are typical.

Deputy Mayor Smith said for the Service Department Heavy Equipment line item, what is it we are going to buy. Mr. Chodkowski said a backhoe and maybe a cab swap-out on truck 3 or 4; we're waiting on the budget to be approved and the backhoe place to be finalized. Deputy Mayor Smith asked if we looked at a lease. Mr. Chodkowski said we did; that's an option but the bottom line is it costs what it costs and that doesn't change. Deputy Mayor Smith said salt eats up our backhoe whereas if it's a lease, it's their backhoe getting eaten up with salt. Mr. Chodkowski said it depends on the type of lease you negotiate and keep in mind if you continue to lease, it will be more expensive in the long term because how we operate equipment decreases its resale value to the vendor. Deputy Mayor Smith said do we have to carry the backhoe to its full term; can't we trade it in for a newer year - three years in to it. Mr. Chodkowski said again, it would depend on the terms of the lease.

Ms. Campbell asked how much we were putting out for that. Mr. Chodkowski said we budgeted a total of \$100,000 for heavy equipment which Mr. Miller has indicated is sufficient according to state bid price.

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Deputy Mayor Smith said under the Victims of Crime Act Fund the Education and Training is ramped up by \$1,100. He asked if there was additional training mandated by the state for this position. Mr. Chodkowski said while Ms. Bricker is not new to the field of victim advocating, her working with Montgomery County courts in our system is a little different than her volunteer work in Miami County. He said additionally, utilizing this training money is way for us to capture more DOJ grant dollars. Deputy Mayor Smith said so if she has the certificates, we qualify for more grant dollars. Mr. Chodkowski said this is an item the DOJ will pay for and if you don't spend the money, you have to send it back. Deputy Mayor Smith asked what the next line item down was - SVAA De-obligation. Mr. Chodkowski said that is when we requested the grant for 2010/2011 the previous Victim Advocate was making a higher wage than the wage Ms. Bricker is making so we have to return the funds we didn't use.

Mayor Flaute said he saw \$6,000 was budgeted from the wedding fees and he was curious how they arrived at that number and what it is going to be used for. Mr. Chodkowski said the money goes in the bank. Mayor Flaute asked how it would be decided how much the Historical Society gets. Mr. Chodkowski said that is already in the budget. Mrs. Reynolds said the Riverside Seniors are already in the budget too. Mayor Flaute asked where the money is taken from. Mr. Chodkowski said the general fund. Mr. Denning said the wedding fees are put into the general fund so it's money in and money out. Ms. Campbell asked if it has already been designated to donate; she thought they already donated everything out. Mr. Chodkowski said you have line items to donate but it's irrelevant from our perspective how the money got there. Ms. Campbell asked how much was in the budget to donate. Mr. Chodkowski said \$2,500 has been budgeted for you to provide to outside organizations.

Mayor Flaute asked if there were any more questions on the budget. Being none, he said they would move forward with it. Mr. Chodkowski said we will clean those issues up and bring back the appropriation legislation for the last meeting in November with a final reading at the first meeting in December.

**ITEM 7: RECESS:** The Council took a recess at 7:31 p.m.

**ITEM 8: RECONVENE:** The meeting was reconvened at 7:46 p.m.

**ITEM 9: PLEDGE OF ALLEGIANCE:** Deputy Mayor Mike Smith led all those in attendance in the pledge of allegiance.

Mayor Flaute asked for a moment of silence to reflect on our Veterans who have served our Country; those living, as well as those who have made the ultimate sacrifice.

**ITEM 10: MINUTES:** Consider approval of the minutes of the October 20, 2011 Council meeting. A motion was made by Mrs. Reynolds to approve the minutes as written. Mr. Denning seconded the motion. All were in favor; none were opposed. **Motion passed.**

**ITEM 11: PRESENTATIONS:**

a. Bob Murray - Safe Routes to School

Mr. Murray said about 16 months ago, Shirley Reynolds came to us and urged us to start on Safe Routes to School. He said we took it up as a project for the Multimodal Committee and with the leadership of Mike Denning; we went to the schools and got them involved in program. He introduced Caroline Duffy, the Consulting Engineer and Marilyn Steiner, from the Mad River School Board.

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Ms. Duffy said the Safe Routes to School Program is funded from the Federal Highway Bill. She said basically, every time you buy a gallon of gasoline 18.2 cents goes to the Highway Trust Fund and one of the programs that are funded with that money is Safe Routes to School. She said it pays for 100% of your design and the construction but the recommendations have to be in what's called a School Travel Plan. She said she was hired to perform a School Travel Plan for Mad River Middle School and Beverly Gardens Elementary School.

Ms. Duffy said the goals of the Safe Routes to School program are: to improve the health, livelihood and safety of the school children; increase safety around schools; increase walking and biking to school; reduce congestion; improve health and air quality; enhance accessibility; and improve the partnerships between the School District and the City of Riverside. She said our solution to those goals is to increase the number of students walking or riding their bikes to school.

Ms. Duffy said even though this program is from the Federal Government it is administered by the Ohio Department of Transportation and they have a process you have to go through. She said we met with stakeholders that were set up initially as people of interest; a number of people from here were on that committee as well as people on the school board. She said we asked a series of questions to find out what they thought were the problems for each specific school and those schools are very different. She said we also did an engineering analysis of the construction that was out there; where there were missing pieces of sidewalk, where there were speeding issues, parking issues, and congestion issues. She said some of the issues at Beverly Gardens were connectivity issues with the Wright Patterson Child Development Center as well as some parking fields and where they were designated at the school.

Ms. Duffy said then we brought in ODOT. She said an employee of the School Board, Dan DeCerbo, came with us and a crew from ODOT District 7; we went through the different areas to review what we had found and they looked at it to gain concurrence. She said after all that data gathering, we came up with a list of what we saw were hindrances to walking and biking to school. She said from that we came up with solutions which are what we are going to go over.

Ms. Duffy said Safe Routes to School covers 4 "E"s - Enforcement, Education, Engineering, and Encouragement. She said you can put sidewalks out by the road but if children don't want to do it; it's not going to happen. She said if they don't get education on how to walk to school properly, how to ride a bike, when to walk a bike through a crosswalk - it's not going to happen; parents won't feel safe. She said if you don't have the enforcement of the crossing guards and that type of support; it's not going to happen. She said this is a live report and it can be modified at any time with recommendations added to it for 2 years; after the 2 years, they want you to do tests again to see if what you have implemented has actually increased the walking and biking to school.

Ms. Duffy displayed an aerial map of Beverly Gardens School and reviewed strategies. She said for enforcement strategy: enforcement detail at school assemblies and adult crossing guard gear. She said there are no adult crossing guards at Beverly Gardens and she ran into an instance in her field investigations where there was a little girl crossing guard and a parent was trying to go into a back parking lot where they weren't allowed. She said the little girl was having a lot of trouble with this and when she talked to her, the little girl said the parents come back here all the time and they are not supposed to but they tell me to get out of the way. She said it was a 10 year old against an angry parent in a car; it isn't fair to put that little girl in that situation. She said we are suggesting 2 adults crossing guards at specific points and we are going to readjust the parking fields.

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Ms. Duffy said regarding education; we found at this particular school a lot of problems with the parents - the children knew what to do but the parents did not. She said a lot of it has to do with the school having a large contingent of people from the Air Force base and they are not there for long periods of time. She said we could have training for the parents at the beginning of the year but then in the middle of the year it changes over so we decided to prepare a video for the parents that will be on the website and will show this is how you park and this is where we want you to do this, etc. She said if a parent comes in mid-term they can take the video course so they can understand why we are doing this - it's for the safety of the children. She said we are also going to make CDs of this so if a parent doesn't have web access they can take it to the library and look at it there. She said if parents were caught consistently breaking the rules, they would have to watch the video again; parents are supposed to be role models and it's all for the safety of the children. She said we are also going to need crossing guard training for the adults. She said we are going to have 3 assemblies per year to teach the children and educational tokens for the assemblies.

Ms. Duffy reviewed parking areas on the aerial map and discussed a reconfiguration of overflow parking for the parents. She also pointed out a proposed new connection from the WPAFB Child Development Center to Beverly Gardens. She said on the encouragement pieces we talked about a walk/bike to school day; recognizing the children's names that walk or bike to school on the school's PA system; bike and helmet ticket draws; sponsoring a bike rodeo; bike helmet giveaways; and early dismissal for students who walk or bike to school. She said one of the really successful things this school has done is a ticket program and when she was there on one of the parent nights she asked one of them if they had filled out their parent survey. She said the little girl next to her said she filled it out - she took it home, she asked the questions, she filled it out, and she brought it back because she wanted her ticket. She said the tickets go into a big container and at the end of the year they draw names for bike giveaways. She said this encourages the kids to want to do this and the parents go along with it.

Ms. Duffy said we covered some of the engineering but there is also traffic calming needed along Enright and we suggested speed tables at the intersections. She said it's not a hump but more of gradual transition and we would raise that through the entire intersection. She said you don't reduce speed by putting up a sign; you reduce speed by changing the geometrics. She said someone is more likely to respond to the geometrics message of the rising pavement and going back down as opposed to just seeing a sign, so this is a way to get people to actually slow down. She said on Spinning we have curb bulbs that will narrow the pavement making it easier for pedestrians to cross. She said there are also several areas that need ADA compliant curb ramps.

Ms. Duffy said the total for this particular report was \$270,856; 56% to the City of Riverside and the remainder to the School Board for on-site improvements.

Mr. Murray said we've all had trouble driving through this area of Spinning and this is designed to look like the speed limit should be 25 mph. Mr. Fullenkamp asked why the bump out ended at Chapel; why not extend it to Enright. Ms. Duffy said we initially came out with ODOT personnel and that is what they specified but this is a live report and once you get the first part approved and it's on their website, if we want to make changes like that, all we have to do is update section 89 and turn it in to ODOT and they will determine if it's eligible for funding. She said we went through the process to get it approved.

Ms. Campbell said the section of the road where you recommended the up and down pavement; what if someone got on there and went fast - would it cause them to go airborne and fly off the road. Ms. Duffy said something like that could happen but

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most people who are not driving impaired will slow down. Mr. Chodkowski said keep in mind this is designed to get the plan approved and that these items are subject to be amended once the plan is approved.

Ms. Duffy said this is an approved plan; ODOT has approved this so our next step is to go through these items and pick out what we want to go for on the first round of funding. She said you are eligible for 2 years before we have to do the reevaluations. She said it might be that we want to do the other improvements to see if it helps out there and then if there is still a problem, maybe this would be phase 2. Mayor Flaute said a lot of people ask for speed bumps but we say no; we don't do that and our snow trucks don't like those. He said you are opening up something that could be interesting. Mr. Chodkowski said keep in mind there will be plenty of items that will be considered from our level in the event this was to be prepared for actual construction. He said there are several other geometric items that could be used that would have a calming effect that would not necessarily involve speed tables. Ms. Duffy said these were specifically for speeding but there might be some other items we could look at such as rumble strips or brick crosswalks. She said the speed tables were recommended because there was so much complaining about the speeding.

Deputy Mayor Smith asked if the school would maintain and keep the sidewalk clear of snow from the WPAFB Child Development Center to Beverly Gardens. Ms. Duffy said yes.

Ms. Duffy said we did our second plan at Mad River Middle School and it's very different in that a majority of the improvements are not on the school property. She said we found a lot of off-site areas that prevented the children from getting to school. She said what we recommended for enforcement was speed limit signs with radar readout for Harshman.

Ms. Campbell asked if the aerial photo was showing Valley Street on the side. Ms. Duffy said yes. Ms. Campbell said she was on Valley one day when kids were on their way to school and where the road was widened in front of the trailer park, kids were passing a ball down the middle. She said she thought that's not good. Ms. Duffy said that's part of the education; seminars about what is appropriate and what isn't appropriate. She said kids have fun and they don't know any better. Ms. Campbell said they need to put sidewalk all the way down to the school. Ms. Duffy said right and that's part of what we recommended on the engineering project.

Ms. Duffy said we started out with enforcement where we talked about the speed limit signs with radar on Harshman; right now those flashing signs are on when the school is open. She said signs only are effective if the flashing part is up and you see a child. She said if the flashing signs are up and you don't see any children then you have a problem. She said we talked about remote software for the flashing signs so those could be very specifically programmed from the office. She said we also talked about the speed limit signs with the radar readout and they have found speeding goes down in those particular locations. She said we also put money in for the portable speed limit sign so the police could have some kind of equipment there to show people they are speeding; we found a number of tickets that were given but when they ended up in court, the judge threw them out because he didn't think the signs were operating. She said we wanted to make sure the police had sufficient equipment to do the enforcements they need to do through there.

Ms. Duffy said we also talked about encouragement. She said they have an existing walking club now which she thinks is great but they get used shoes for the students. She said something like this could pay for new shoes for the children as well as water bottles. She said we talked about a poster contest to promote the physical and social benefits of walking and riding their bikes to school; posting of names or maybe a chart

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showing which grades are having the most success and having rewards for that; end of year parties for the classrooms; early dismissal for students who walk to school; and bike and helmet giveaways per grade at the end of the year. She said those are incentives to give the kids encouragement to want to do this.

Ms. Duffy said for education: students training videos on how to ride a bike; bi-annual safety training on walking and bicycle rules; and the walking/biking assemblies.

Ms. Duffy displayed an aerial photo of the area and said the engineering took the majority of the money: on Valley Pike – side walks and crosswalks; traffic calming and signal modifications; upgrades in signs and pavement markings; ADA compliant curb ramps; and major arterials and dividers. She said it's very clear you have some major dividers – the interstate and then the waterway. She said there is a bike connector through the park and we talked about getting additional monies to do a bike connector over to the school. She said she knows there is a project going on with the bridge there that this money could be married to for a bike lane through there so anybody can safely ride through this area and get across to the other side of the city. She said it helps with the connection and also helps with the students as well as the parents who would feel safer having their child do this.

Ms. Duffy said all the improvements we talked about for Mad River Middle School total \$883,226 with 97% going through the city. She said the recommendations from both reports total \$1,123,722. She said basically at this point we have 2 approved School Travel Plans; ODOT is reviewing them and when they formally approved them ODOT will put them onto the ODOT Safe Routes to School website. She said the next step is to get with the stakeholders and figure out which of these recommendations are the low hanging fruit.

Deputy Mayor Smith said you mention 97% goes to the city; is that what the State is going to fund. Ms. Duffy said no; 97% of the recommendations on the report will go through the city because the improvements are in the right of way. Deputy Mayor Smith asked if there was a numbering system and how they broke it down as to who gets what; is it a points system to move forward. Ms. Duffy said no; she encourages on phase 1 that you apply for the low hanging fruit. She said they spend \$20 Million per year on this and they try to make it so everybody gets something.

Mr. Fullenkamp asked Ms. Duffy to define low hanging fruit. Ms. Duffy said maybe the encouragement program at Beverly Gardens. Mr. Fullenkamp said low cost. Ms. Duffy said low cost or things that are easily implemented – the parking lot at the back or the crossing guards or some speed things. She said things that are more low cost but would have the highest ratio of encouraging the students to walk. She said one of the things we had to do was get the addresses of the students, divide the school on an axis, and figure percentages of students in each quadrant. She said if there are a high percentage of students in the quadrant of your request, it is more likely to be granted.

Mayor Flaute said the bike connector through the park would be very beneficial but that's not low hanging fruit, is it? Ms. Duffy said she would classify that as mid-range fruit. Mayor Flaute said that would be very beneficial not only to the students but to our whole population. Ms. Duffy said she would think the Valley Pike sidewalks would be low hanging fruit; they really noticed the need for that, so she would probably go for that and the signal upgrades first – then go after the bike connector.

Mr. Denning said since most of that bike path is not under our control, are we going to have an issue? Mr. Chodkowski said while that is in Dayton, he thought the real champion on this would be Metro Parks. Ms. Duffy said this is where they talk about wanting to have cooperation among entities. Mr. Murray said he thought the big reward for the city in this is the Valley Pike sidewalks; the bike path is a great idea

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and we've always wanted it and it is a major concern to bikers because of the exit ramp coming off Rt. 4. He said that is the Dayton right of way and it's almost useless until the bridge improvement in 2013; we'll just keep it open and go for it when it's appropriate.

Ms. Duffy said one of the things mentioned by the school board is they are looking at an accelerated program where the 7<sup>th</sup> and 8<sup>th</sup> graders can go across the street to the high school to take high school courses. She said they talked about a possible pedestrian bridge across Harshman to connect the schools for this program. She said that would be great but the schools will have to develop the program and get some statistics on how many children they think will be doing the program, then that's one of the updates they can put in the plan. She said that was a suggestion the school board made of updates we might want to do.

Ms. Steiner said one of the things Ms. Duffy hasn't pointed out is that everything, except for the training, that we get for Mad River Middle will also benefit the Stebbins students too. She said the over ramp is something we tried to get through another program but it was a lost cause because it wasn't anything that they did but if that would ever happen it would open up a whole new world for us as far as being able to integrate the 2 schools. She said right now we can't require a student to leave Mad River Middle and go over to the high school for an advanced placement type program if they have to cross Harshman with the threat of the way traffic is right now.

Ms. Steiner said getting back to Beverly Gardens, she would really like to emphasize that they always have traffic problems there; getting the kids in school and getting them out. She said we really need to slow that traffic down; that's the only building we have like that -except for one school bus, all the students walk. She said that's a lot of kids and you can imagine what it's like during bad weather.

Mrs. Reynolds said she is a grandmother who picks up a grandchild there on occasion and it's horrific what you have to go through to get your child safely. She said it's a dangerous situation that needs to be addressed. Ms. Steiner said the way the school is laid out; without doing construction we can't afford to do, there's just no solution. She said hopefully with this we can get the back cleared up.

Mr. Denning asked if there was any additional action on the city's part. Ms. Duffy said we are waiting for ODOT to get this on the approved site then we'll have to come back and start the next phase.

Mrs. Reynolds said the way she understands it, the city has to apply for some items. Ms. Duffy referred them to the PowerPoint presentation and said whoever is the responsible party for an item is who applies. Mrs. Reynolds asked how long it takes to approve those. Ms. Duffy said they have changed the process every year and she reviewed last year's process.

Mr. Denning said his understanding is we can use this as matching funds; for instance we are already redoing the Valley intersection and he thought sidewalks was part of that contract. Mr. Chodkowski said sidewalks were not included. Ms. Duffy said the School Travel Plan did include rebuilding some of the islands in the intersection and some of the signal work. She said this is a federally funded program so if the Harshman improvements are a state funded program, you can match Federal to State. She said you can't match Federal to Federal.

Mayor Flaute thanked Ms. Duffy and Ms. Steiner for the presentation.

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

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

(1) FYI Items

- a. Council Request Sheets.
- b. Code Rewrite Request Sheet.
- c. Council Agenda Calendar.
- d. Weekly City Manager's Report.
- e. Memo from Robert Turner, Acting Fire Chief, regarding mutual aid to Dayton and payment rate.
- f. Minutes of the July 18, 2011 Planning Commission meeting.
- g. Minutes of the September 27, 2011 Board of Zoning Appeals meeting.
- h. Minutes of the September 22, 2011 Health and Safety Commission meeting.

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

Deputy Mayor Smith said on the Bark Park, who is responsible for picking up the feces. Mr. Chodkowski said the same rule would apply as to all our other parks which is the owner of the pet. Deputy Mayor Smith asked if the disposable bags were provided. Mr. Chodkowski said yes; it's called a sanitation station and it has been relocated to the Bark Park.

**ITEM 14: PUBLIC COMMENT ON AGENDA ITEMS:** Mr. Jim Wellman of Beatrice Drive said on the discussion earlier regarding signage; unless you've driven down Beatrice Drive around midnight, you wouldn't realize how much one light puts out from a sign. He said the Baptist Church put up a real big sign that is really bright and it sticks out in a residential neighborhood. He said it is really annoying and you have to black out your bedroom windows. He said as you are planning your signage, he suggested having the signs be turned off at 10:00 at night. He said street lights to deter crime give off light in a different fashion and he hoped council would keep this in mind when they are planning the zoning and signage. He said signs like this on a main road on one thing but in a predominately residential neighborhood it's another. He asked council to keep the neighborhoods in mind.

Mr. Denning said one thing they did bring up in the seminar is that there are standards for that kind of stuff and that's what we are talking about putting in our code to make sure that brightness level is where it is supposed to be and there is automatic dimming at night so there aren't issues with the neighbors. He said that's the purpose of putting that in there.

Mr. Fullenkamp asked if we already had rules that prevent this. Mr. Chodkowski said there is a light trespass provision in the existing code.

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**ITEM 15: NEW BUSINESS**

**I. RESOLUTIONS**

- a. **Resolution No. 11-R-1600 authorizing the City Manager to enter into an agreement with the City of Dayton regarding the protection of well field areas within the City of Riverside, Ohio.**

Mr. Chodkowski said this is to authorize an agreement with the City of Dayton for our assistance with their well field protection program.

A motion was made by Mrs. Reynolds to approve Resolution No. 11-R-1600. Mr. Fullenkamp seconded the motion. All were in favor; none were opposed. **Motion passed.**

- b. **Resolution No. 11-R-1601 by the Riverside City Council authorizing the City Manager to enter into an agreement with Anthem Blue Cross/Blue Shield to provide health insurance and Anthem Life Insurance Company to provide life insurance to eligible officers and employees of the city for the period January 1, 2012 to December 31, 2012.**

Mr. Chodkowski said this is to authorize the city manager to enter into an agreement with Anthem Blue Cross/Blue Shield for health insurance for our employees for the fiscal year 2012.

A motion was made by Mr. Denning to approve Resolution No. 11-R-1600. Deputy Mayor Smith seconded the motion.

Mayor Flaute asked if we talked to the insurance broker about an HSA program. Mr. Chodkowski said we got many, many proposals related to HSAs; Anthem and UHC no longer offer the plan that we have and we received special permission from the president of Ohio Anthem for this plan to be extended through 2012. He said as of January 1, 2013 the city will have to move to a high deductible plan for its employees or an HSA; the zero deductible plan will no longer exist after this year. Mayor Flaute said we don't have to worry about that affecting our budget until 2013. Mr. Chodkowski said correct.

Mr. Fullenkamp said then it would be less costly. Mr. Chodkowski said the premium would be less costly; how council chose to address the deductible with its employees may not deliver an overall savings.

Deputy Mayor Smith asked if any of our insurance is AFLAC. Mr. Chodkowski said AFLAC is independent but yes we do offer that as well as Colonial Life. He said those are supplemental and all 100% paid by the employee.

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

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

**ITEM 17: COUNCILMEMBER COMMENTS:** Mr. Denning said don't forget the kick off meeting for Relay for Life; it's this Monday night at Salsa's at 7:00 p.m.

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Deputy Mayor Smith said he attended the MVRPC meeting this morning and our projects in the City of Riverside, the widening of Rt. 35 and our bridge constructions on Spinning Road and on Harshman Road have been pushed back to 2016 due to funding. Mayor Flaute said he thought that bridge was in pretty bad shape and they weren't allowed to do that.

Mr. Fullenkamp said Tuesday is an important day and he encouraged everyone to get out and exercise their right to vote.

Mrs. Reynolds said she has had the opportunity to be out in the community and a concern was raised. She said there has been some incorrect information circulating throughout our city which says the City of Riverside has lost population. She said when she first heard someone say that she assumed they had just misspoke but soon after several newspaper interviews said the same information and she was really surprised. She said she thinks it's important to set the record straight; according to the 2010 Census, Riverside has increased in population by 7% - that's 1,500 new people in our city. She said that 1,500 new people supporting our businesses and 1,500 new people who have bought and filled vacant homes in our city. She said to diminish our businesses in any such fashion or to diminish those people that have bought property in our city and called Riverside their hometown is shameful. She said she wanted to thank those 1,500 people who have moved into the city and reported in the 2010 Census for taking the time to research the City of Riverside to buy property here, to support our businesses, and to care about the city. She thanks every one of them and if she knew who they were she would shake their hand.

Mrs. Reynolds said also some of you may have received notice this week of a polling change and a lot of us have new places to vote; Mayor Flaute was kind enough to have Mary Ann copy the list of all the polling places if anyone needs the list. She said this is important; there are a lot of issues on the ballot and a lot of people on the ballot - it's your city and your time. Mayor Flaute encouraged people to check the list.

Mrs. Reynolds said she was excited about Safe Routes to School; if we are successful, it's going to make it safer and as Ms. Steiner stated it's not only going to help 1 building, it's going to help 2. She said it's a great opportunity.

Mrs. Reynolds thanked everyone for coming.

Mr. Schock said he wanted to thank Mr. Denning and Mrs. Reynolds for getting the Safe Routes to School program implemented. He said it's going to be an excellent program; he hopes we get the funding for it and get it on the path to at least finish in his lifetime.

Mr. Schock wished all the candidates luck. He said it didn't matter if you win or lose, you have gained a lot of knowledge after campaigning and you've made a lot of friends. He said it's always a joy to campaign for office and he always had a lot of fun doing it.

Mayor Flaute said he had information on DDTTF - Don't Dump Tires Task Force. He said it's a new task force created through Montgomery County Solid Waste and there have been problems with tires being dumped on area businesses and these folks are out to make it stop. He said if you are interested in attending one of the meetings or being a part of it, see him after the meeting. He said the Children's Medical Center sent an annual report if anyone is interested in that.

Mayor Flaute said the Carillon Park has sent information on Ringing in the Holidays on Saturday, November 19<sup>th</sup> - but he will be at Airway Shopping Center.

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Mrs. Lynn Domescik said November 19<sup>th</sup> is Hometown Holidays at Airway Shopping Center – Yule Love It. She said we do invite Deputy Mayor Smith and Councilman Fullenkamp to help again with getting people on and off the carriage ride. She said Santa will be coming promptly at 4:00 p.m. hopefully on a fire truck. She said Hollis Towing will be there with their big trucks for the kids to see. She said we have a lot of great entertainment that will be there and a lot of our service organizations will be there to give awareness of what they are trying to raise funds for. She said it's a good time to help bring the community together. Mayor Flaute thanked Mrs. Domescik for bailing him out.

**ITEM 18: EXECUTIVE SESSION:** A motion was made by Mr. Denning to enter into executive session for the purpose of discussing collective bargaining, attorney/client privilege, and sale of property. Mrs. Reynolds seconded the motion. A roll call vote was as follows: Mr. Denning, yes; Mrs. Reynolds, 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 8:52 p.m.

**ITEM 19: ADJOURNMENT:** The council came out of executive session at 9:50 p.m. and a motion was made by Ms. Campbell to adjourn. Deputy Mayor Smith seconded the motion. All were in favor; none were opposed. The meeting was adjourned at 9:50 p.m.

  
William R. Flaute, Mayor

  
Clerk of Council