

Thursday, August 18, 2016

ITEM 1: CALL TO ORDER: Mayor Flaute called the Riverside, Ohio City Council Meeting to order at 6:00 p.m. at the Riverside Administrative Offices located at 5200 Springfield Street, Suite 100, Riverside, Ohio, 45431.

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

Staff present was as follows: Chris Lohr; Interim Assistant City Manager and Zoning Administrator; Tom Garrett, Finance Department; Robert Murray, Economic Development; Brock Taylor, Planning and Project Management; Mitch Miller, Service Department; Joe Griel, Fire Department; Frank Robinson, Police Department; and Brenna Arnold, Clerk of Council.

ITEM 3: EXCUSE ABSENT MEMBERS: A motion was made by Mrs. Lommatzsch to excuse absent member Deputy Mayor Smith. Mr. Denning seconded the motion. All were in favor; none were opposed. **Motion carried.**

Deputy Mayor Smith arrived at 6:10 p.m.

ITEM 4: ADDITIONS OR CORRECTIONS TO AGENDA: The agenda was revised prior to the start of the meeting.

ITEM 5: APPROVAL OF AGENDA: A motion was made by Mr. Denning to accept the agenda as submitted. Mrs. Lommatzsch seconded the motion.

Mr. Fullenkamp: Mr. Mayor, what is the topic on the executive session? Mayor Flaute: The reason for the executive session is on the last page and so that is what we will be discussing. Mr. Curp: It will also be to meet with the City of Riverside's legal counsel on the topic of imminent court action involving Council Member Steve Fullenkamp and the City Council. Mr. Fullenkamp: Why is this information so difficult to come by? Mr. Curp: You were just given the information, what's difficult? Mr. Fullenkamp: You were given the information, Mr. Curp? Mr. Curp: No, I went and dug it up myself. Mrs. Reynolds: I was informed that it was to go over the contract for the City Manager. Mayor Flaute: I don't know who informed you of that. Ms. Arnold: I did. Mayor Flaute: That was the plan, but the Law Director was not able to complete that and then the other issue came up today that we had to discuss. That's why we changed the executive session reason and the reason for the revised agenda. Mrs. Reynolds: Certainly Council Members know that other than you. Mayor Flaute: Mr. Curp obviously knew. Mrs. Reynolds: I think all of Council should be informed if there are going to be changes to the agenda and the reason why, sir.

Five were in favor; Mr. Fullenkamp and Mrs. Reynolds were opposed. **Motion carried.**

ITEM 6: WORK SESSION ITEMS:

A. Presentation – Union Schoolhouse Road Resurfacing Project

Mr. Taylor: I have given everyone a one page, front and back. It's just bullet points so you don't have to take notes; most of the notes are here for you. Basically we will just be talking about two topics; the OPWC and what the MVRPC are calling the Fast Act, it used to be MAP21 which is the long range paving project which is a five year progression. It seems like every year they change the name. This year they are calling it the Fast Act, but that's basically your STP, your CMAQ, and your TA funds. We will go over those in a second. The OPWC applications, as you may or may not know, there's two types of programs that you can apply for the SCIP program and the LTIP. The SCIP is the State Capital Improvement Program. The major different between it and the LTIP is that it incorporates both a loan and a grant. This is similar to what the Spaulding Road project was, where it was applied for a 50/50 loan/grant and there was a local match on top of that and then it was awarded as an LTIP. Basically that is the previous project and we were lucky that was moved from a SCIP when we applied and it scored well as an LTIP, so they just moved our application

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from the SCIP to the LTIP which gave us the opportunity to not have the loan and it just went all grant. If you remember, I talked about that a couple of weeks ago. We had \$199,000.00 of all grant and then only \$82,000.00 of local match; that saved us quite a bit of money. Working off of that same process for the new funding, what they are calling OPWC PY31, staff identified Union Schoolhouse Road as probably the best project.

The way we came up with that is the Major Thoroughfare Assessment which was just completed just prior to my arrival in '15. Mr. Miller, Mr. Chodkowski and Ms. Christian worked on that with LJB. It's kind of like what we are doing now with our residential roads, everything was assessed. These were major thoroughfares and projects were developed that way and assessed, what their need is, and broken into groups so you could see the long range plan. Union Schoolhouse in that major thoroughfare assessment. You also have in the packet, which I don't know when everyone received that. If you want to turn to that, there's the memo from Mr. Chodkowski that explains those projects and their price and costs. It gives an estimated cost and a replacement year. You will notice that Union Schoolhouse is an N/A. I'm not sure what that means other than looking at the rest of these, it probably needs to happen sooner because it is pretty bad shape. It gets a lot of traffic there with Forest Ridge, Valley View and the Dayton plat, Winwood. As you can see, it was an \$800,000.00 estimated project in the MTA, so basically what we did to keep our costs down is inside the OPWC grant, you get more points for the less money you ask for. If we would have asked for the \$818,000.00 in the LJB estimate, we would have lost points and it wouldn't have been a good application. We cut the scope in half, so it goes from Valley to just passed Forest Ridge Road, just about 30 feet so that you get the whole intersection and it doesn't just stop abruptly. We had Choice One review the old LJB estimate which is from 2014.

Mrs. Reynolds: So you stop two foot passed the intersection at Forest Ridge Boulevard because it fit the money? Mr. Taylor: We picked Forest Ridge as a stopping point and I think in the application Choice One articulates that it goes several feet passed the intersection; I think they said 30 feet. Mrs. Reynolds: I'm trying to picture in my mind; on some of these photos here I don't think you have the intersection. Mr. Taylor: I don't know if there is a picture there or where it is going to stop for the grant application process. As you know there really is not design, it's just a picture and a defined scope. If you decide to move forward and it is awarded through OPWC, where that stops will be determined through the engineer. I'm thinking it will go passed, so they can make that intersection look halfway decent so you don't just stop in the middle of the intersection and have that seam. They will put that seam a little bit passed that intersection. I'm thinking there where it goes to two lanes, so it will be in that area.

Mrs. Reynolds: From last year, the last road projects that we did, when we stopped and butted up to the Dayton City Corp line it looked terrible. I'm just wondering if that's what we are going to get. Mr. Taylor: I would assume that would be something we wouldn't want to repeat. With Choice One now, the new engineer, I'm hoping things that have happened in the past will be corrected in the future. Mrs. Reynolds: I guess I'm worried about the footage you are talking about. We are talking about Valley some many foot and then we end at that point. Mr. Taylor: They are estimating 3,300 feet is what is in the application, I believe.

Mr. Fullenkamp: What determines the \$500,000.00 number in your memo? Mr. Taylor: The original \$500,000.00 in the memo; what we were trying to do and when staff was trying to identify a project, we found that master thoroughfare assessment scattered in different places on the I drive. I compiled it into one notebook and document and was able to figure out how the former City Manager put it together and how it worked. When I looked at that, there were different cost estimates in there. I'm not familiar with civil engineer cost estimates, so basically what I did was look at a map. I knew we wanted to be around a \$500,000.00-\$600,000.00 project. Mr. Fullenkamp: How did you know that? Mr. Taylor: It's in the application because that is kind of the breaking point on points through the application. If you get over that, you start losing points. In addition, our local match goes up and so looking at the old OPWC for Spaulding Road it was a \$282,000.00 project and I didn't want to get too

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much further than where we were and \$500,000.00 was quite a bit of money. I looked at that and it looked about halfway. I knew it's wider there on the first half than it is on the second half, divided by 118,000 by 2 and added some percentage on top of that.

Mr. Fullenkamp: In that same sentence, it says, "and serve the largest population while addressing a distressed thoroughfare." How did you determine that that serve the largest population or what was your criteria? Mr. Taylor: That's the main access point for all of Forest Ridge, part of Valley View uses that, in addition you have all the homes that pass there, passed Forest Ridge where we have several neighborhoods, and there's the Dayton sub-division. Mr. Fullenkamp: This wasn't a quantitative assessment? Mr. Taylor: No, it was not a quantitative. I think it was kind of an eyeball of engineering, so to speak. From there we got the \$500,000.00. I spoke with Choice One to get more accurate information and they came at \$618,000.00, so that's where we are at. Mrs. Reynolds: We have that it was originally on the memo from the former City Manager that we had an \$800,000.00 price tag and that was for what footage? Mr. Taylor: I have no idea what the footage is. Mrs. Reynolds: There's no other grant opportunities to complete that full surface redo? Mr. Taylor: It's not and when we talk about the Fast Act or the federal dollars, the only streets that are allowed to use that money for have to be functionally classified. I believe it's urban collector or above, and so that's 202, 201, Harshman, Needmore, Woodman, Linden, Burkhardt, Valley, Airway, Spaulding and Spinning; I believe those are all of them. Those are the only ones for the other funding. You could use CDBG money, perhaps, but OPWC is so far the only for these non-functionally classified streets.

Mrs. Reynolds: Is it more effective for us to look at our long range plans to complete this street using the dollars that we would normally set aside for roadwork to complete this street and be done with one street and have that 20 year road, we hope? Mr. Taylor: You are asking if we should just use general fund dollars in lieu of grant dollars to pave it all. Mrs. Reynolds: To continue the street, what ramifications would we have on that if we could start our street plan and complete one street? Mr. Taylor: One street; I don't think it would have any issues. It's up to Council. That original cost was \$818,000.00 and that's in 2014 dollars. One of the reasons we switched to Choice One was LJB's numbers were consistently low on their estimates, so now you are talking a number I don't know. I could throw out a number like \$1.2-1.4. It's going to be a significant dollar amount to do that one road and if you don't want to match it with funds, that's a decision for Council. Mrs. Reynolds: You are saying this \$800,000.00 was a low figure. Mr. Taylor: Yes. Mrs. Reynolds: You are anticipating the cost to complete that road at \$1.3 or \$1.4 total? Mr. Taylor: Yes, since he was at \$818,000.00, I would guess to add 10% to get even close. We could always have Choice One look at it, if you so desired. One of the things we are planning in the future is having a meeting with Mitch and Jay and Choice One to talk about future projects and have a 3-4 year plan and have those estimates accordingly because they are low. Mrs. Reynolds: Hearing that tonight, I'm assuming that all of these other numbers are going to be low numbers. Mr. Taylor: I would say they are really good base points to start off and assume that's the bottom dollar and they are going to cost more on that memo from Mr. Chodkowski. That would be the assumptions I made. Mrs. Reynolds: The \$36 million becomes \$50 million. Mr. Taylor: Possibly. Mrs. Reynolds: Looking at what we know now, we are bumping this up by double almost.

Mr. Taylor: As we move forward, we will be able to know the original Airway Road West project was estimated at \$1.9; without the Safety funding we were at \$2.3-2.4 and now that we've added the Safety intersection we are at a \$3 million estimate. That's going to come down as we get closer to that project, so you can see that their \$2 million estimate was off by about 20-25%. Knowing that, this gives you a good base. Choice One when we tasked them with this project, it was a really quick turnaround and it was a cheaper application cost than what it normally is because of this baseline that they had. Mrs. Reynolds: Is Choice One going to be looking at revising any of this thoroughfare plan? Mr. Taylor: Absolutely. Mrs. Reynolds: When will that be? Mr. Taylor: We will probably do it in chunks. Like I said, the way I would like to continue our long range plan on paving is have a yearly meeting with the Service Department and Choice One and working those numbers about what dates

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and which roads, then every couple of years updating those projects as we go through. I think updating the whole list would waste our time because by the time we got down halfway through the list, it's 10 years later and those numbers are no good. Mrs. Reynolds: So we are going to prioritize. Mr. Taylor: If you look at page three of that memo, I think that is a really good prioritization list. I know Mitch and Jay worked really hard on it and they have all those figures and road ratings. Mr. Miller: We also have all the road dimensions. You were asking about the length and that, the widths and lengths and what infrastructure is that. We have a pretty good database. I could email that out to everyone, if they would like it. Mr. Taylor: Those are great resources that we have that we can provide to Choice One. We have the assessments of the streets. We have the major thoroughfare assessments, so we have positioned ourselves really well even though the numbers are off. We have positioned ourselves to continue some long range planning and improve on what we've done.

Mr. Fullenkamp: Who classifies the roads? Mr. Taylor: I don't know who does that, but MVRPC has all that information on their website and they have an interactive map where you can go and they have classified those. I'm assuming as the regional partner they have either worked with ODOT or their engineers or the County engineers. I don't know who. Mr. Fullenkamp: Do we have traffic counts for Union Schoolhouse? Mr. Miller: We have not spent the money resources to develop that. It would be an excellent tool though to determine some of the priorities, especially when you are talking about major thoroughfares. We have not spent the money and resources to do that. Mr. Fullenkamp: We class this as a major thoroughfare for the City. When we get into the money, I will talk about some of my concerns. Mr. Taylor: I think that's a good question I should ask MVRPC about; can we add those functionally classified and what would need to be done. That may benefit us in the future.

Mayor Flaute: We have the \$800,000.00 and the \$618,000.00. I know you probably told me why, but what is that? Mr. Taylor: Forget about the \$800,000.00 that was our base point that we started with from LJB, so we massaged that number and used that number to identify this project as one of the better projects to apply for and to ask Choice One to do a more detailed cost estimate. Their cost estimate and the amount of money we would be asking OPWC for is \$618,000.00 total project cost. That is to pay from the Valley intersection to just passed Forest Ridge Boulevard; about 3,300 feet. Mayor Flaute: Union Schoolhouse Road has always been on here as the second priority road to do. Mr. Taylor: Yes, these first five where it has year replacement not available, I don't know since I wasn't a part of this. I don't know if those are listed in order from priority. Mayor Flaute: It was always my understanding that Spaulding, Airway and Springfield Street were the three big ones and all the sudden Union Schoolhouse Road gets in there. Mr. Taylor: Those are the functionally classified major thoroughfare streets, Airway and Springfield. This is just OPWC. This project would be executed in fiscal year 2018, which starts in July 2017 and goes through June 2018. Those other streets, we will be applying through the federal dollars, which is a five year plan process and design process. You apply this fall and then that project is executed in 2022. Mayor Flaute: Do we get any money for Springfield Street or are you saying we are just going to apply? Mr. Taylor: We got some money for East Springfield Street. We were just awarded that.

Mr. Fullenkamp: In the February 2015 packet, Union Schoolhouse Road was classified as a Phase III down the road sort of road. That's from the full blown estimates that we got in February of 2015. That would be in your February 19, 2015 packet and it was classified as a Phase III road. Mayor Flaute: We are going to get \$205,000.00. Mr. Taylor: The way the application is currently written, we are asking for a loan amount of \$205,980.00 and that's a 0% interest loan over 20 years. That's paid bi-annually, so January and June or July. That can be paid off at any point you deem with no penalties. If you decide somewhere we win the lottery or what have you and we have a bunch of money and want to pay that off, we can do that with no penalty. Mayor Flaute: The \$105,000.00 we already have. Mr. Taylor: Yes, so the \$105,000.00 would be our local match. Mr. Fullenkamp: No, that's a grant. Mr. Taylor: Our local match will be \$105,000.00 and our actual grant that we are asking for is \$307,000.00. We are doing the SCIP, so we will have a loan and a grant

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portion. Mayor Flaute: On the Resolution tonight it says permission for a grant of \$105,069 and a loan for \$205,000.00. Mr. Taylor: We will need to adjust that. It's not correct. Mr. Fullenkamp: That's what we were given at the beginning of this week. Mr. Taylor: If that's the case; that was a mistake.

Mrs. Reynolds: Go over the numbers again. Mr. Taylor: The total project cost is \$618,000.00. We are asking for a loan/grant split. The loan will be \$205,980.00 and the local match is \$105,169.00 which should be articulated in the grant itself; the application we applied for. I apologize. That is clearly a miscommunication between staff. Mayor Flaute: Is it \$300,000.00. Mr. Denning: \$307,000.00 even. Mr. Taylor: The best place to see this is on page 2 of the application. Mayor Flaute: I'm worried about the resolution. I want to make sure that's right. That would make the \$618,000.00. Mr. Taylor: Our partner at OPWC scores these she's got to have a certain amount of money in the SCIP program and a certain amount of money in the LTIP. That's how Spaulding got removed from the SCIP into the LTIP and she was able to put our loan ask into the grant, so there's a possibility that could happen again. I think it is low, but I worked with Kay from Choice One and we set ourselves up for the best chance of those happening. That's a super small chance, but that's why there is some funny numbering.

Mrs. Reynolds: How does this affect our budget moving forward? Mr. Lohr: We are currently working on the budget for next year. We haven't finalized the capital expenditures portion of the budget, but we are able to budget for this in the future. If we know we are going to be receiving the grant funds we will need to allocate that \$105,000.00 and the appropriate budget for that. Mrs. Reynolds: That doesn't give me a lot of confidence, sir. Where our budget is now and where we will need to be if this is approved; there is a big difference. What's our contingency plan? Mr. Lohr: We will be able to appropriate this funding if Council deems it the correct action to take. Mrs. Reynolds: At the peril of what other budgetary item? Mr. Lohr: I'm not sure that I can give you an answer on that. Everything is prioritized. We are getting in an annual cycle where we apply for these OPWCs and we need to plan to allocate what we agree to spend on those grant applications in terms of what revenues we are going to have next year for this. We haven't yet started to do those forecasts, but we do know that we will have the resources next year to be able to allocate this funding. Mrs. Reynolds: We have our match and we have our loan. Mr. Taylor: We can spread that over because we will have design in 2017, so we will be able to allocate some of that cost into 2017. The bulk of the cost will be in 2018, so that gives us 2 ½-3 years to plan that budget cycle out as well. Mrs. Reynolds: My concern is the payments moving forward from that point. We can allocate those dollars; the engineering costs will be manageable. Loan payments and match grants are not always that manageable. We are on a very tight budget. We are right now in a deficit mode. Mr. Lohr: You are correct.

Mr. Fullenkamp: Why did this come to our attention at such a late point in the process? Mr. Taylor: As the memo pointed out these projects and the way these started were in the wheelhouse of the former City Manager. He started these and worked these applications. Staff was not aware until I got a call from OPWC asking if we were going to apply for funds. We scored well last year and they were really happy with the Spaulding application and wanted to give us a reminder to make sure that we got that in. That was the catalyst. The other issue was that when I talked to Stacy, our county representative for OPWC, the application deadline was the 17th. I told her that I can't get a resolution to you to get a project. She said we could do it as a placeholder and if Council decides to pass a resolution, we can move it on as normal. If they decide this isn't what they want to do, she can pull out that application with no negative impacts to us. On a late notice, we are positioned as best as we can be. Mr. Fullenkamp: So nobody on staff was notified in May when these notifications went out? Mr. Taylor: Not that I'm aware of. Mr. Fullenkamp: What's the deadline to get this approved? What's their drop dead date? Mr. Taylor: I don't have one. I informed her that we had Council tonight. They seem very willing to work with us if we want to table it for two weeks, I can certainly call and find out. I don't know that answer if they can hold the application for two or three weeks. Mr. Fullenkamp: They can, by the way. I talked to Stacy yesterday. They would hold it until September 1. She said as long as they are in by the middle of September and there was staff that

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was emailed this. It wasn't you, but there were staff members that received an email and there is a website. Mr. Taylor: I don't know what other staff received this. Mr. Fullenkamp: I do.

Mrs. Reynolds: These are yearly, reoccurring opportunities. There's no one checking the websites to see when those applications are due. I know when the application was released. Mr. Lohr: That is an issue that we have identified. It doesn't appear that it has been done in the past. We've gotten on a schedule. If you do this right, you can actually mesh together OPWC funds, STP funds and all the other acronyms we have for these grants. Brock's explained it to me and he's got a very good handle on how these work. He's going to get us set up on a schedule for our major thoroughfares so we can begin to mesh those funds together. At the same time, we are hoping to work to get a 20 year pavement plan for our residential streets. Once we have those two item put together, we are going to have a comprehensive schedule of when these things need to occur and a comprehensive plan of how we keep all of our streets in good working condition for the residents. Mrs. Reynolds: I'm going to renew my desire that there be a calendar that everybody can look at and knows when grants are due. It's clear. I can go out on the website and I know May; this was released in May. It should have been in the wheelhouse already and because we've got all this information there are questions that we probably would like to ask. We don't have time sitting here from 6:00-7:00 to ask all of those questions. I'm just saying if we had a big wall calendar that said OPWC is due and these are our grant opportunities. That's something we need to work on really hard. Mr. Lohr: You are absolutely right and we are on the same page. It's something that Mr. Carpenter, Mr. Taylor and I have discussed.

Mr. Taylor: I just have the schedule and how this would work, of course if we apply, if it is awarded it will be July of 2017 and then we will have to execute the project first quarter of 2018 just like the Spaulding Road project. Moving forward to the STP and TA applications, this is a long distance federal funding. When these projects are awarded, again they are on the state fiscal year, will be awarded in July then you have until fiscal year 2022 in this funding round to execute that project. There's about five years of planning and development to happen in that five year period. Current projects in that wheelhouse are Airway Road West and the intersection improvements, Springfield Road East which was just awarded and then the Safe Routes to School Phase III Valley Street sidewalks is also through this funding. Choice One has a good handle on it, but that schedule was dropped and now we've picked it back up so it is back on track. As we move forward, Airway Road is the first one that we will want to apply for OPWC funds in 2018 or 2019. That's on my calendar and we can couple those funds as local match for that project because it's about a \$1 million local match. We will have those numbers as we get closer.

For this year, the funding cycle for the STP and TA funds opens up the first full week of September after Labor Day and applications are due on October 5th. We have already reached out to Choice One to help us identify projects. In speaking with MVRPC we had applied last year for Airway Road East and that wasn't funded. They advised me that probably wouldn't be funded again because it's just a resurfacing or a mill and fill; there's not a lot of reconstruction to happen there. Those projects score rather low. I'm looking at what we submitted for our long range transportation plan to MVRPC; it was strongly suggested to look at Springfield Road West. It's a road diet, so it will score better and give us the most potential for an award. That would be the project we are going to ask for and as we move forward we will get some closer numbers on what that looks like. Looking at the major thoroughfare assessment, it's a \$1.4 million project. We know that's just a baseline; it's probably going to be more than that. In addition, there will be TA funds available which are Transportation Alternatives. In the past, we have applied for other resurfacing projects and we haven't been awarded. Again, speaking with MVRPC the sidewalks on Valley Street will score really well. We have that Phase III that we are working on and Phase II that wasn't funded before which was on the North and South side of Valley Street, but then also filling in the gaps where we don't have the sidewalks. There's not a lot of information on that. Choice One has been asked to look at that and see what sidewalks. Those are the two we are thinking about for the STP and

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TA funds, so unlike this it won't be a surprise to you what's going on and what we are thinking.

On a final note, speaking with Keith Steeber from the City of Dayton; we get some extra points if we partner with another jurisdiction and good places to do that. Keith seemed interested in talking and hopefully I will be making that meeting here soon. Needmore between 202 and 201, Dayton and us come in and out of there quite a bit so there is an opportunity. That's a big deal for them because they just had URS at the other end come in on their half, so they are trying to promote that area. That's a good opportunity where we might be able to share some costs with them. The other place would be further down on Springfield West between Smithville and Northcliff. It's really weird right there. The City of Dayton has most of that, but there's a section where we own to the center line for 800-900 feet so that would be another place where we could partner on perhaps repaving that section. That would be finishing their project up to Springfield there. Their final project is 2020, so that would be a good section. Hopefully I will have some good news and see if they want to play ball with us. Mrs. Reynolds: Whereabouts on Springfield Street, sir? Mr. Taylor: It's at Smithville. Mrs. Reynolds: Not to the railroad tracks. Mr. Taylor: No, I believe the City of Dayton is to come up to Smithville and stop their paving currently through 2020. Mrs. Reynolds: I think that wedges there are a little boundary. That's because where the bike pathway comes out, it's very confusing. That needs to be done. Mr. Taylor: Again, that's a good opportunity where we can partner with Dayton. They own the majority of the road there, so we could hopefully just throw some smaller dollars on that. Mrs. Reynolds: Springfield West could be a joint project also. Mr. Taylor: No, just that section from Northcliff. The Springfield West project, I'm talking about from Northcliff to the overpass. It's kind of split up into two. It's a really weird situation down there. I wish they would just give it to us. They have businesses there. Mr. Fullenkamp: We are going to get this legislation corrected? Mayor Flaute: Yes.

ITEM 7: RECESS: The Council took a recess at 6:44 p.m.

ITEM 8: RECONVENE: The meeting was reconvened at 7:00 p.m.

ITEM 9: PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE: Finance Director, Tom Garrett led the Pledge of Allegiance.

ITEM 10: MINUTES: Consider approval of the minutes of the August 4, 2016 regular Council meeting and the August 11, 2016 special Council meeting. A motion was made by Mrs. Reynolds to approve the minutes as written. Mr. Denning seconded the motion. There was no discussion on the motion. All were in favor; none were opposed. **Motion carried.**

ITEM 11: ACCEPTANCE OF PRIOR MONTH'S CITY FINANCIAL REPORT:

A motion was made by Mr. Denning to accept the July financial report. Mrs. Lommatzsch seconded the motion. All were in favor; none were opposed. **Motion carried.**

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:

Mr. Lohr: Mr. Taylor and I attended a Land Bank meeting this morning just to give us an idea on how the NIP funds for residential demolition are going to shake out and how much money we are going to get. They haven't officially given us that number just yet, however they have estimated that we will be demolish about 20 residential units. We are keeping our fingers crossed that the number is a little light because they estimated those numbers based on what it costs to demolish a home in the City of Dayton and we are looking at some smaller residential units here rather than what they have there in Dayton. They have given us a very short and tight timeline for this

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to occur. We need to get them a designated program work area no later than 9/15 so the only meeting we have between now and then is going to be 9/1 and we would like to have a work session to talk about the designated areas, what some of the residences are and what they look like to get Council comfortable with that before we go and submit that map to the Land Bank to start the program. I just wanted to give Council a head's up on that.

Mayor Flaute: Did you invite someone from the Land Bank to be there at that meeting? Mr. Lohr: We haven't, but we can do our best. Mayor Flaute: That was one of the requests on the council request sheet. That would be a perfect time to just give us a little idea of what's going on down there. Mr. Lohr: That sounds good. I will see what I can do. Mrs. Reynolds: The scope of work is due by 9/15. Mr. Lohr: What is due by 9/15 is the map where we formally designate the areas of the City that we want to perform those demolitions in along with a description or summary of the areas and the work we would like to do. It's really going to be a simple 2 pager, but Council asked for some more information about the program so before we get the ball rolling on that we would like to have that work session to give you some more information.

Deputy Mayor Smith: I would like to propose to get an estimate for security cameras in the lobby and the hallways here in the office area. Mr. Lohr: We can take care of that for you. We will look into it and we can discuss that with the City Manager when he gets back and we can bring that information back to Council.

- (1) FYI Items
 - a. Council Request Sheets
 - b. Council Agenda Calendar
 - c. City Manager's Project and Activities Report
 - d. Income Tax Scorecard
 - e. Revenue Report for July 2016
 - f. Open PO Report
 - g. Encumbrance Report
- (2) Monthly Verbal Reports
 - a. Police Department

Chief Robinson: I'd just like go back and talk about National Night Out again. I really want to recognize the folks within the department that made that event happen and want to make sure that gets on record. It was my idea of course to make that happen, but I can't do anything by myself so I want to recognize Sgt. Adam Colon, Sgt. Angie Jackson, Officer George Stamper, Officer Cliff Decker, Officer Matt Jackson, Major Close and Detective Cooper. Our Victim's Advocate, Miranda Futrell, was there as well assisting. I don't know their names, but Angie Jackson's nieces were there and Adam Colon's father-in-law brought his grill and his skills at the grill. A special thanks to Sgt. Colon and to our Records Clerk/Secretary, Renee Stacy, who went above and beyond to make all of the arrangements to go out and get all of the things that we gave away and a lot of the donations we got for the events. I want to make sure that they are recognized for that. I also want to thank the several Council Members that came out for your support; I appreciate that. I think it was a great event for the community. There was a lot of support out there that day and I think we really can make it better and we will make it better for next year. I really think that events like that will bring us closer together.

Moving on, you all were here for our three new officers being sworn in. Two of those officers started on Sunday and one started on Monday, so they have started their

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training with Riverside. Obviously the reason for lateral transfers was the fact that we wanted them to have some experience coming into here and they will just have to learn Riverside so we can get them on the road quicker. We are hoping that's between two and three months they will be able to get out and be on their own. It's a really shot in the arm for those folks to get out there because we have been short for a while. We still will be short one person, so we will have to do some other arrangements to be able to hire somebody.

Last thing I want to talk about is the K-9 fund. We actually received a check today from Sandy's Towing for \$5,000.00. Doug Thoma was in my office this morning dropping that off. We just want to thank Sandy's Towing for all that they do for the Riverside Police Department and for Riverside citizens. They donate a lot of their time and their equipment to a lot of our events. Of course this is not something we expect, but we sure appreciate them for making this kind of donation to get us where we needed to be. The school itself is going to be free. It's going to be given by the State Highway Patrol, who is having a free canine school at no cost to us. That's about a \$4,000.00 savings right there and we appreciate that as well. I also need your help to get this money pushed through in the next Council meeting to get appropriated so we can be able to purchase the K-9. I've been talking to Brenna in reference to getting that done. I think Mr. Garrett got the check today, so the funds are in place we just need to have them appropriated.

Mr. Denning: If we approve it at the next meeting, what's the timeline before we actually get the canine on the road? Chief Robinson: This is why I need to push it through because this will happen so quickly, the middle of September is when the school starts. We are talking November or early December before the dog actually gets its training. Mr. Denning: I was just curious. I know it takes a while and they have to get used to each other. Chief Robinson: It takes about three months to get done. Mrs. Lommatzsch: Who is the officer? Is Schmidt going to have this dog as well? Chief Robinson: No, Officer Matt Jackson. He lives in Riverside so it made a lot of sense to move into that spot. It's a lot quicker time to get him where we need him to be. Deputy Mayor Smith: In reference to the dog, has this dog already been trained through the K-9 procedures and this schooling is just to acquaint the dog with the handler? Chief Robinson: Yes, sir. The dog has some training. The State Highway Patrol does it different than some places. They actually match the dog with the person, so they will take the officer out where the kennel is and they will match the right dog up with the right person. There is a difference if you have a person that has a very high drive with a high drive dog; that works well together. If someone is a little more laid back, they find a dog that's a little more laid back. That's just the way that works.

b. Fire Department

Chief Griel: The new fire engine arrived on August 11th and was measured for stripping on August 15th, left yesterday to go to All-American to get some of the ancillary accessories on it. We are hoping to have it back by the 26th and have it on display at the Stebbins football game so that everyone can see it. This coming Saturday, in coordination with the Red Cross, we are having a smoke detector distribution. It's going to be concentrated in the Avondale plat. I guess the Red Cross is still looking for volunteers. They are going to meet about 7:30 -8:00 at the old Council chambers at the Safety Services Building. The Fire Department is going to participate along with the Red Cross in getting smoke detectors out into the community. Originally it was scheduled for August 6th, but due to schedule conflicts it got pushed back to this coming Saturday. The testing portion for the vacant firefighter position has been completed. The scoring has been completed. Right now within the next couple of weeks, we are going to begin the interview process for the potential candidates and we are shooting for the end of September to have the new hire in place. That will bring us back up to full staffing on the full-time side.

We are continuing to try and coordinate water rescue training. We have been in contact with Butler Township and Huber Heights because those are our closest water rescue teams in the area. The plan is to utilize both the Great Miami and also Eastwood Lake to train in so that should be coming up in the next couple of months.

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Mrs. Reynolds: My boat is there? Chief Griel: We are still working on a boat, right now we are borrowing boats from neighboring jurisdictions. Deputy Mayor Smith: Dayton doesn't have a water rescue crew? Chief Griel: Dayton has a boat; they've actually got two boats. If we had an incident whether it is on the Great Miami or even at Eastwood Lake because we run mutual aid out there, Dayton would send their response and we would send our response and Huber. Huber and Butler share the water rescue portion of it with the boats, so that's why both those jurisdictions would respond.

Deputy Mayor Smith: In reference to the new fire truck and putting that in service, will there be a ceremony putting that truck in service such as pushing it in backwards by the men or something of that nature? Chief Griel: That would have to be coordinated with Chief Carpenter. Mrs. Lommatzsch: There's going to be a party. I already took care of that and they are going to bring it if it is back to the Stebbins v. Carroll game and the superintendent has already given them a good spot to park it in. I do want to thank both the Police and Fire for their response Saturday morning for the Sports Spectacular because with the change of personnel here somehow it dropped through the cracks and 9:00-10:00 came and we had no apparatus in place. Mike (Denning) and I were both there and I text Chief Carpenter and asked if there was any way we could respond. It was less than 30 minutes and the new fire truck rolled up along with police vehicles and ambulances, so we had a nice show of support there. The superintendent appreciated it. We've got a good spot to show it off if we can get it back by Friday night. Chief Griel: That's the tentative schedule is to have it back by the 26th.

Mr. Denning: Does Wright-Patt have a water rescue group? Chief Griel: Wright-Patt does have water rescue and they also have a dive team. When you are dealing with the federal government, they are restricted with how much equipment they can send off base at one time. Mayor Flaute: Something we could work on.

c. Service Department

Mr. Miller: The guys have been working a lot on the roads when the weather has permitted them to in between the rain. They have been not only pothole patching, but they also have been doing a lot of dura-patching. They've used over 600 gallons of emulsion with the dura-patch; they are spraying rocks on the road with an emulsion that seals it up so that water can't penetrate it. We have begun a massive catch basin cleaning operation. We are going from north to south. As we have been cleaning them we also have been repairing them; quite a few of them we have found some issues with and we will probably continue to do this. We may end up having to employ some companies that specialize in water jetting through some of the debris if it's too thick. We may need some more money to be able to do that, but our intent is to not have some of the flooding issues that we have had in the past. I think that can be accomplished if we clean everything. The only problem is we have some areas that don't have any storm sewers, like Marianne, it is a historic problem. We got a call the other day for flooding there. The guys deployed and were pumping, but until we get some of these storm sewers in some of those places which costs a lot of money we are going to continue to have issues when we have a high volume of rain.

We've been doing a lot of right of way inspections. There are a lot of people doing home improvements, putting in new driveways and that. The guys do equipment maintenance all the time. They fabricated a gravel supply pipe on the dura-patcher which would have cost several thousand dollars had we gone and bought it outright. The dura-patcher, some of the public may not know, is like a big sandblast machine. Over time the pipe ends up getting eaten away, so they replaced that and it is fully operational now and they have been heavily using it. They have painting inside our building when it rains. They've got it cleaned up really nice. They have patched up all the holes; it kind of looked like it was bullet ridden at one time, but it really looks nice. I encourage you to come to where the garage office is. It looks a whole lot different than what it did a month ago. They've been doing a lot of herbicide spraying to keep the weeds down. They've been doing cross-training on backhoe operation, dura-patch operation, and all the other big equipment that we have and basically

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trying to get everybody well-rounded on how the operational safety aspects of the equipment should come into play.

They replaced the gates at Rohrer Park. We replaced a drinking fountain; it is concrete and mounted on the Rohrer Park pavilion wall. It looks pretty nice. We had some water pressure issues with it and we've got to get that fixed yet but it should be available to the public. One of my former workers kept on bird-dogging me to get the water fountain fixed out there, Bob Kreitzer. Now when he does his running, he's got a place to drink which is good. We've been doing a lot of sign maintenance; we've installed no parking signs in the Valley View plat. We've been also reviewing continually the safety operating procedures to ensure that the guys are safe. We have had a very, very low incident of injury back there. Since I have been here, almost 10 years, I only know of one small incident and it was not serious. It's very important to continue to do that. I've got some quotes to install in Shellabarger Park a water supply. Concurrently, I'm going to run a conduit for electric for the Saville Hilltoppers, who have requested this. The quotes range from just under \$2,000.00 to \$8,000.00. We will probably be going forward with that. It should have a nice improvement and you will be able to see the sign.

I discussed with them also that where the sign is located there is a walnut tree. Walnut trees and some plantings don't agree too well because of the nature of the walnut tree. It has a toxic effect on some things, so we will probably be moving the sign and relocating it so that's not impacted. We probably won't do that until winter when we are not busy with other things. Mr. Fullenkamp: What's the cost of relocating a sign just because it's under a walnut tree? Mr. Miller: With my crew doing it, not very much. That's why are going to do it during the wintertime or when the grass quits growing. Mr. Fullenkamp: It's a better solution than cutting the walnut tree down. Mr. Miller: We probably would get a lot of flak for cutting it down. Mr. Fullenkamp: I don't want you to cut the tree down. Mr. Miller: My thought is move the sign as opposed to taking the tree out. The request was originally for taking the tree out, but I'm going to move the sign and where I move it will probably be a better location for visibility. Mrs. Lommatzsch: I want to thank the Service Department. The event on Sunday went quite well and I want to thank you for attending. The Service Department certainly had the shelter and the sign and everything in tip top shape. It was a very nice affair. We had a nice representation from Dave's family and neighbors. It make Riverside look pretty good even though it was raining. I appreciate you attending and Jeremy. Brenna was helpful and it was certainly a very positive thing for us and the sign is awesome. Thank you all for everything you did to make it look right. Mr. Miller: I had a lot of contact with Dave over the years and it was my privilege to attend that ceremony.

Mayor Flaute: Just so everyone knows, we had the dedication of our Bark Park to the Dave Browne Vietnam Veteran's Memorial. It was held last Sunday in the rain, but I thank Jeremy, Brenna and Mr. Miller. Council Members Denning and Lommatzsch were there. It was a very emotional event. Everyone that has a dog that wants to run, bring them to the Bark Park. It's in Community Park which is across from Yorktown Apartments. Mrs. Lommatzsch: Whoever got the dog treats, we got those from Daybreak? Ms. Arnold: Brock got them. Mrs. Lommatzsch: Everybody loved those and they were a big hit! Mr. Taylor: Daybreak serves and houses young adults. The Lindy's dog treats is their work program to provide those youth with skills and help them get some money on their own while they are living and staying at basically a homeless shelter. They make them there. They sell them there. They market them and everything for the business is done by the residents with very little help from Daybreak staff. They are growing and have a huge following in California, Colorado and Texas, so they are doing a really great job. Mrs. Lommatzsch: I'm not a dog person, but they tell me those are healthy dog treats. Mayor Flaute: Were they donated or did we buy them? Mr. Taylor: I purchased those through my department. Mrs. Lommatzsch: The leftovers are going to the police vehicles so they have treats for dogs if they have issues.

Mr. Fullenkamp: Regarding the Honeywell project and the assessment of energy savings, has anything been said about Honeywell coming in and saying we saved X amount of energy this year or if we are going to get some money back? Mr. Lohr:

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No, we haven't planned to do that. I can look into that and get back to you. Mr. Fullenkamp: That's something that was promised annually; that there would be an assessment of the actual energy savings of the Honeywell project provided to us. Mr. Lohr: I wasn't aware of that, but definitely we can do that. Deputy Mayor Smith: To tag onto that, didn't they guarantee us a savings of X amount of dollars each year?

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

ITEM 15: NEW BUSINESS

A. ORDINANCES

I) Ordinance No. 16-O-605 amending Chapter 153, City Vehicles, Section 153.02 and repealing the existing Chapter 153, Section 153.02 of the Administrative Code of the City of Riverside, Ohio.

Mr. Lohr introduced Ordinance No. 16-O-605 to amend Section 153.02 of the Administrative Code.

A motion was made by Mr. Denning to read Ordinance No. 16-O-605 for the first time in its entirety and approve its first reading. Deputy Mayor Smith seconded the motion.

The Clerk read Ordinance No. 16-O-605 for the first time in its entirety.

Mr. Fullenkamp: Driving through the parking lot I noticed there was a white Malibu that's not marked as a city vehicle. Is there a reason it doesn't have an emblem on the side? Mr. Lohr: It hasn't been marked. I do know in the Ordinance there is a provision for the City Manager to authorize that. I'm not sure if that has occurred, but regardless we have talked to a contractor who is printing up the decals and we are going to get those put on the car to take care of that.

Mayor Flaute: There was a new one added, number 11 for the Working Foreman. What department is that for and does he have a car now? Mr. Lohr: Within the Service Department, we have the Operations Manager and the Working Foreman. In the previous Ordinance, I believe it included just the Working Foreman. At some point in time, they took that Working Foreman position and added the Operations Manager on top of that. In speaking with Mr. Miller in the Service Department, that Working Foreman does take that vehicle home periodically when there is severe weather forecast consistent with the Code and the City Manager would authorize that. In speaking with Mr. Miller and Mr. Keaton in the Service Department, we believe it is a good idea to have two individuals ready to respond to any service related incident that occurs after hours. That's why we would like to add that individual to the list. Mr. Fullenkamp: This will be another car being used for commuting. Mr. Lohr: It would be and it would be another employee ready to respond after hours in an emergency situation. As I stated, the Working Foreman already takes the vehicle home on some occasions when we have severe weather which is consistent with the Ordinance and it gives us the flexibility to have those two individuals respond to an event.

Mr. Fullenkamp: I would be curious to know how many miles a year we put on for commuting purposes. The cost of fleet. Mr. Lohr: I'm not sure. That's not something we track. Mr. Fullenkamp: You don't think we track it? Mr. Lohr: We don't require that the individuals that use city vehicles for commuting keep logs or submit those. Mayor Flaute: The Operations Manager has a car and he is using it now and they trade off. Is that what's happening? Mr. Lohr: The Operations Manager is Jay Keaton and he drives that home. He lives within the City of Riverside and he does take that home nightly. He gets calls very frequently after hours, if not to respond physically to answer questions or dispatch somebody else. That's the current situation. Mayor Flaute: That's a lot of cars. I hope everyone needs them that say they do. I'm skeptical. Mr. Fullenkamp: Is there a way we can get a tally of the number of miles. Certainly we know what the distance is between home and work. If we knew the number of days that they were driving. Mr. Lohr: If Council desired that,

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we could crunch some numbers on mileage. We do keep maintenance logs. I do know that we record mileage when we refuel the vehicles. We may have something handy with some more information.

Mr. Miller: They do weekly inspections and mileage is part of it. That information would be very easy to reconstruct. I've had the vehicle and almost been here 10 years. I think my vehicle has 86,000 miles on it, just to give you food for thought. We could do that if you want us to spend the time to do that. We've got the logs by vehicle. Mr. Fullenkamp: I'm just curious about the cost to the City using vehicles for commuting. That's what I'm after. Mayor Flaute: If we had an emergency you would come in and Jay would come in and we would have the Working Foreman coming in? Mr. Miller: Correct. In 2008 we had all hands on deck when we had that high wind storm and had all the trees down. Mr. Lohr: With that being said, Mr. Miller, I don't believe, is using a vehicle to commute back and forth from his residence. Mayor Flaute: You are not? Mr. Miller: I was told originally not to even though I hired in with the expectation of having a vehicle available 24/7 for call-ins.

Deputy Mayor Smith: It just makes it an inconvenience for the employee to have to come to City Hall, get the vehicle and then respond. It increases the response time to do so. What's the purpose of knowing what the mileage is that we are putting on these vehicles for these people to take the vehicle home as a convenience as opposed to coming back to City Hall and getting the vehicle and then taking off? Mr. Fullenkamp: To know the cost and I don't know how many times they are called in. If they are called in once a month, is there enough value there to allow this to happen? I don't know how often people are called in from home. Deputy Mayor Smith: What about the officers and their cars that they take home? This is in the same category. Mr. Fullenkamp: I'm just trying to get this information so I have some basis. What is the cost? There's a cost to the City and I don't know why anybody would be averse to having that kind of information. Deputy Mayor Smith: I don't know why we would want to eliminate that. Mr. Fullenkamp: I didn't say eliminate it. I said to know the cost. Mrs. Lommatzsch: Sometimes it's just the cost of doing business. Mr. Fullenkamp: But it's nice to know the cost. Mayor Flaute: No matter how much it costs, if the Service Manager says that they need them I guess we are going to have to take their word for it that we need it. I don't know. Mrs. Lommatzsch: I don't believe this is an unusual situation in city government. Deputy Mayor Smith: No, it's not.

Mrs. Reynolds: I understand you said they are inspected weekly and then someone said when they are filled up we provide gas also for those cars? Mr. Miller: For city vehicles, yes. Mrs. Reynolds: So we provide the vehicle, the insurance, the gas to drive and does anybody have any idea how many times they are called in on emergency situations? Mayor Flaute: I guess maybe that would be valuable information; not so much the mileage. Mr. Miller: I could probably provide the statistics. We have a full array of reasons we are called in; a lot of it is weather related and road obstructions such as road kill or trees down. Some weeks, we get called in several times and it may be two weeks before we get called in. I can get you some of that information, if you so desire. Mayor Flaute: That would be interesting. I don't care much about the mileage, but I would like to know how often they are being called in and used. I don't know if we want that with the rest of the cars.

Mrs. Reynolds: How about the other departments? How often you all are called in for emergencies? Chief Robinson: It depends on the nature of the call. Shots fired, I'm coming in. Mrs. Reynolds: How many times? Chief Robinson: Last year we had 15 shots fired in the City of Riverside, so I responded all those times. Mrs. Reynolds: How many times, sir, have you been called in this year? Chief Robinson: I'm not sure. Mr. Lohr: I don't think we have that information readily available this evening, but I think we can compile that fairly easily and provide it to Council and at least give you an estimate if we don't have exact numbers. We could give you some recent examples. Mrs. Reynolds: And I understand Mrs. Lommatzsch's cost of doing business. I understand that, but I don't know what that cost of doing business is and I think that's something we probably need to know. Last meeting we spent upwards of how much, Chief, for the two new cars? Chief Robinson: \$18,000.00. Mrs. Reynolds: So that cost of the gas, the cost of the insurance, the cost of the commute

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miles of each employee. I don't know. Do we have a policy that it's only for business use and no personal use? Do we have that policy? Mr. Lohr: We do, but it's not as strict as that as I understand it. We allow if you were to make a personal stop that doesn't require you to deviate from the route that you are on, but other than that. Mrs. Reynolds: That's a different type of personal use. Mr. Lohr: It would not be appropriate for a city vehicle to be taken from home to go out to eat or pick up groceries or something like that. That would be considered prohibited. Mrs. Reynolds: So with the two new cars that we're bringing into our fleet, we know the mileage when they come into the City and so we know the commute miles for each person that's assigned that car? Mr. Lohr: We would be able to do that. Mrs. Reynolds: That's a check and balance.

Mayor Flaute: So most of the vehicles are driven to the site then or are these vehicles driven to the City Building and then you pick up something and go to the site? Mr. Lohr: I think it depends on the circumstance. In speaking with Mr. Keaton, one of the advantages to having the truck there onsite is they would have cones or barriers handy and they would go directly to the site. If something more severe, say the need to move a tree from the roadway, they would probably have to come here anyway to pick up a chainsaw or equipment or something like that. It is situation dependent. Chief Robinson: Can I add one thing? The vehicles that we got are detective vehicles. There may be one driven back and forth. Next year they will only be driven by the detective who is on call. The rest of them will be sitting at the City Building. The only one that will be driven home is by the detective on call. Mayor Flaute: We could just pay mileage. Mrs. Reynolds: That's what I was thinking.

Six were in favor; Mrs. Reynolds opposed. **Motion carried.**

B. RESOLUTIONS

I) Resolution No. 16-R-2188 authorizing the assessment of delinquent charges for the cutting and removal of weeds, vegetation and/or grass to be placed on the Montgomery County Property Tax Duplicate.

Mr. Lohr introduced Resolution No. 16-R-2188 authorizing a grass assessment.

A motion was made by Mr. Denning to approve Resolution No. 16-R-2188. Deputy Mayor Smith seconded the motion.

Mrs. Reynolds: These are all current rates, sir? Mr. Lohr: Yes.

All were in favor; none were opposed. **Motion carried.**

II) Resolution No. 16-R-2189 authorizing the purchase of road salt for 2016-2017.

Mr. Lohr introduced Resolution No. 16-R-2189 authorizing the purchase of road salt.

A motion was made by Mrs. Lommatzsch to approve Resolution No. 16-R-2189. Mrs. Reynolds seconded the motion.

Mr. Fullenkamp: Are we confident that this is a reliable deliverer of salt and they have enough reserves to cover us versus some of the other that seem to be bigger companies? Mr. Miller: That's a good question. I believe this is the same vendor that we had last year. Mr. Fullenkamp: Was it an easy time last year? Mr. Miller: We did use a lot of salt, but we also changed significantly our whole process of how we delivered the salt. We are using some material now mixed with brine that is 10 times more effective than salt, itself. It enables us to basically be able to peel up the snow much easier and enables us to not have to be responsive because of the residual impact of the material. Mr. Fullenkamp: I understand, but I'm really interested in the quality of the supplier. Mr. Miller: Like I said, this is the same vendor

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we had last year and we never had an issue. Mr. Fullenkamp: Again, last year there was not much snow. Mayor Flaute: Well that's all we have to go on.

Mr. Fullenkamp: We do have other bids we could consider that are very close and they are big vendors. That's my only point, if you are comfortable. Mr. Miller: Usually they had less than a 24-48 turnaround time whenever I called them or Jay called. We never let things get to the point where we are at critical mass. If we are at critical mass so are all the neighboring areas, except Dayton. Dayton has a huge storage facility and they keep it packed. We have begged salt off of them before and then repaid them.

All were in favor; none were opposed. **Motion carried.**

- III) **Resolution No. 16-R-2190 authorizing the City Manager to submit an application to the Ohio Public Works Commission for a grant in the amount of \$307,000.00 and a loan in the amount of \$205,980.00 for the Union Schoolhouse Road Resurfacing Project.**

Mr. Lohr introduced Resolution No. 16-R-2190 authorizing the submission of an application for the Ohio Public Works Commission.

A motion was made by Mrs. Reynolds to approve Resolution No. 16-R-2190. Mr. Denning seconded the motion. All were in favor; none were opposed. **Motion carried.**

- IV) **Resolution No. 16-R-2191 authorizing the City Manager and/or Finance Director to purchase the real property located at 1519 Phyllis Avenue being parcel I39 00108 0005 located within the City of Riverside, Ohio, for purchase price not to exceed \$47,000.00.**

Mr. Lohr introduced Resolution No. 16-R-2191 authorizing the purchase of 1519 Phyllis Avenue.

Mr. Murray: That price should be \$47,000.00 not \$40,000.00 for the purchase price of that property. I was not able to do it at \$40,000.00. If we could amend the resolution to say \$47,000.00, I would appreciate it.

A motion was made by Mrs. Lommatzsch to approve the amended Resolution No. 16-R-2191. Mr. Denning seconded the motion.

Mr. Fullenkamp: Who brought this house to your attention? Mr. Murray: I've been working with this guy for about three years and so I can't really remember; it's been that long. His mother passed away at some point and he approached us when we bought the property on the corner. That's what I do recall; he approached me three years ago and he's been working through the property and then offered it for this price. We've been going around and around; he started at \$75,000.00. Mr. Fullenkamp: Is he at \$47,000.00 now? Is that what you are telling us? Mr. Murray: Yes, sir.

Six were in favor; Mrs. Reynolds opposed. **Motion carried.**

- V) **Resolution No. 16-R-2192 authorizing the City Manager and/or Finance Director to purchase the real property located at 1001 Old Harshman Road being parcel I39 00101 0013 located within the City of Riverside, Ohio, for purchase price not to exceed \$30,000.00.**

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Mr. Lohr introduced Resolution No. 16-R-2192 authorizing the purchase of 1001 Old Harshman Road.

A motion was made by Mr. Denning to approve Resolution No. 16-R-2192. Mrs. Lommatzsch seconded the motion.

Mr. Fullenkamp: Same question. Mr. Murray: I approached him. We had a property come up for sale and the realtor approached me on the house next door and while we were at it, I approached him. I went to his home on a Saturday and asked what he was doing with the property. He said that he would consider selling it. This is the one on the very end that was an old grocery store; it's an old brick building and it was right next door to another property that we thought we could get. That person has since backed away, but I thought it was good to keep continuing with this. I just knocked on his door for that one. Mr. Denning: This is basically a brick building. Mr. Murray: With boarded up windows and deteriorating paint. Mrs. Lommatzsch: You knocked on that door and there was somebody in there? Mr. Murray: No, I went to his home. He lives on Wilmington. It's vacant.

Six were in favor; Mrs. Reynolds opposed. **Motion carried.**

VI) Resolution No. 16-R-2193 authorizing the City Manager and/or Finance Director to purchase the real property located at 1178 Harshman Road being parcel I39 00102 0009 located within the City of Riverside, Ohio, for purchase price not to exceed \$50,000.00.

Mr. Lohr introduced Resolution No. 16-R-2193 authorizing the purchase of 1178 Harshman Road.

A motion was made by Mr. Denning to approve Resolution No. 16-R-2193. Deputy Mayor Smith seconded the motion.

Mr. Murray: I got it. She approached me. We got word from Montgomery County that she was trying to REAP the property next door and since that is in a sensitive area for us, we declined the REAP. This is Donna Matheney and she immediately called and asked me what was going on and would I want her property. That's how that came about. We are picking up the two side by side and they are adjacent to the other lots we own over there.

Six were in favor; Mrs. Reynolds opposed. **Motion carried.**

ITEM 16: PUBLIC COMMENT ON NON-AGENDA ITEMS:

Sarah Wallace of Dawes Avenue requested to speak regarding 541 Beatrice.

Ms. Wallace: There was a lot of information that I gathered and knowing that I only had three minutes, I put as much as I could into writing so that you would be able to read all of the details on your own time and I could just focus on the summary of the issue. Thanks for letting me speak with you today. My husband and I and our two children moved to Riverside in March of this year. We bought a property that had been vacant on the corner of Dawes and Rohrer Avenue. On the cover sheet, I have three maps that zero in on the neighborhood if you are not familiar with that part of Riverside so you know where I'm talking about. As soon as we moved in we had several of our neighbors that approached us about the property immediately adjacent; warning us that there had been significant drug activity and crime activity, especially with our children who are 5 ½ and 3. They wanted us to know ahead of time that there were some concerns about the neighborhood.

I have managed to get some police reports and copies of police phone calls from the past 11 months, which I have summarized in the first several pages of our packet. There were 3 for theft, 4 for possession of drugs or drug abuse instruments, 1 for suspicion of drug sales, 2 for manufacturing drugs or having supplies to manufacture

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drugs, 4 for menacing and threats of violence and 2 for illegal burns of trash as well as 1 that was not in there because it was not directly at the property, but it was a suspicious person call that I made and the individual was arrested. There also within the reports is information of multiple people that are being permitted to stay there. There is an elderly lady that lives there, her name is Mrs. Greer. Her son, Bobby Johnson, is saying that his mother is permitting these people to stay at the property. Unfortunately during one of the police reports, Mrs. Greer did inform the officer that was there that she was not happy with the people that Mr. Johnson was bringing in and out of the property.

I did a little background checking on the names that I found in the police reports. Many of them had multiple charges including drugs, rape of a child under 13, giving drugs to a child under 13, burglary, disorderly conduct, trespassing an occupied property, public intoxication, assaulting a Riverside police officer, domestic violence, drug production, robbery with an intent to cause harm and aggravated assault. There was a quote in one of the reports from Officer George Stamper, Jr. and I quote, "There have been multiple issues at this residence with Bobby in the past with drug use. There have been cases where crack, methamphetamines and heroin have been discovered. This location is a problem residence due to drug and crime issues." Also if you flip passed the police section, I have a summary of city actions and invoices; these are code violations. I have been able to read through nine official notices that took place between November of 2015 and January of 2016. From what I was able to read in the Ordinance guidelines, they did follow the guidelines for the Ordinance as for including all of the necessary parts for any of the notices. This included an order to vacate by January 20, 2016 from Mr. Lohr. I added up the charges for the invoices for having to abate some of those violations and they totaled over \$2,237.00.

I did include some pictures and a list of what I believe to be current zoning infractions on the Ordinances, in addition to their being lots of noise issues at night. My kids are scared. My daughter is having nightmares. My son has separation anxiety; he's afraid to be in a room that we are not. The last page that I have is a list of requests to the City Council. Mayor Flaute: We thank you for bringing that to our attention. There will be someone from the City that can contact you tomorrow and let you know what we are doing about it and what's being done.

Mr. Denning: If this has been declared a nuisance, what stopped us from moving forward with this? Obviously this is bad for the neighborhood if we have one neighbor that is not doing what they are supposed to do. I don't understand why we would have stopped the process of making it a public nuisance and getting these folks to either do what they are supposed to do or get out of the property. Could you elaborate for me, please? Mr. Lohr: Just to give you a little background, we had repeated violations on the property last year and felony offenses, criminal offenses which culminated in us issuing that notice to vacate pursuant to our nuisance code. After we issued that notice to vacate, we had some concerns from Councilman Fullenkamp and Councilwoman Reynolds. We had a meeting in response to those concerns. We granted an extension through April for them to sell the property. We had an involved relative of the owner; it was either a nephew or grandson. He was to have the property sold no later than the end of April. We got to the end of April and we were informed that the property was in the process of being sold. We made numerous contacts with Jason; I believe his name is the nephew or grandson. Eventually he stopped calling us back.

At that point, we got with the Law Director and met with some attorneys from her firm to review the process and how to move forward. They advised us not to move forward with removing those individuals from that property through a nuisance declaration without either revising the code or coming up with a process that they believed would be consistent with the law and with our code due to some concerns they had with the content of the code. At this point, we have continued to engage in property maintenance code enforcement on the property. It's either been completed or we have scheduled for removal for some junk on the property which is a recurring problem. We have every intention of sitting down with the Law Director and trying to come up with a process within the current code without having to come back and revise the whole thing that is consistent with the law that we can use to hopefully

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either gain compliance there on the property or declare it a nuisance and have the individuals removed.

Mrs. Reynolds: So our code is deficient. Mayor Flaute: In the new code that we have been offered is that issue covered? Mr. Lohr: We have not been offered a new code. We have to work with the Law Director to rewrite it in consideration of what should be reflected in code in consideration of the new developments since the code was written initially. We have to have that revised or we need to come up with a process where we can have the individuals removed. I'm not sure whether we can come up with that process and still meet all of our legal requirements for removing an individual from a home. We may have to rewrite the code before we can remove anyone under a nuisance by use action. Mayor Flaute: That can be put into the new code? Mr. Lohr: If we were to rewrite it. Mayor Flaute: Why wouldn't we rewrite it? Mr. Lohr: It's just going to take some time. Mrs. Lommatzsch: You just don't do it overnight and then I wonder about the legal ramifications. You can't just rewrite the code and then start enforcing it without getting into a situation where the people involved say you rewrote the code just to affect me. I've been involved in that code for a lot of years and it's amazing how all of the sudden nothing works. I don't understand that. I don't believe that to be true.

Deputy Mayor Smith: Basically had their not been any involvement between Councilman Fullenkamp and Councilwoman Reynolds, the house would have been vacated and boarded up. Is that correct? Mr. Lohr: I believe so, yes. Deputy Mayor Smith: So due to their involvement it stopped the process. Mr. Denning: By only two Council Members. We didn't vote on this. Mr. Lohr: As I understand it and I was not in attendance at the meeting because I wasn't there that day, however the meeting was set up at the request of Mr. Fullenkamp and Mrs. Reynolds to discuss the issue. That's when it was discussed and the determination was made due to the input of Council that we would grant them an extension through the 30th to try to get the property sold. Mrs. Lommatzsch: Wait a minute. Input from Council; I knew nothing about this so I don't know how you can say it was input from Council. Mrs. Reynolds: You knew about it. You all have known about it. Mr. Lohr: I'm sorry, from the Council Members present. Mrs. Lommatzsch: No, we haven't known. Deputy Mayor Smith: We have not known about it. Mr. Denning: The first time we saw this when we got the email from this lady saying that she has a problem with her neighbor.

Mrs. Reynolds: I'm not talking about Ms. Wallace's email. I'm talking about the meeting. I've mentioned it to you all several times about the paperwork that was filed originally was filed incorrectly. Mr. Lohr: There was a clerical error on the notice. Mrs. Reynolds: When I asked about the paperwork being filed, I wanted to understand the process and I have the documentation; I have the email from Ms. Christian about you all meeting with the attorney and what all was going to happen. That was as of April 30th. That's been April, June, July and August; four months ago. Yeah, the paperwork was filed incorrectly to begin with and I will agree with something that Mrs. Lommatzsch said and my concern to you, Mr. Taylor, at the time was are we prepared to go forward with this. You sat at the table and told me, no. We filed the wrong paperwork. Mr. Lohr: As I said, there was a clerical error on the paperwork and we were simply going to reissue that with the clerical error corrected. It wasn't something that would stop the process; it would require us to resubmit. Mrs. Reynolds: Why didn't it go forward then? You all were the one that agreed to the family to give them 30 days. Is that correct? Mr. Lohr: We did agree. Mrs. Reynolds: Is that correct? Did you all agree? Mr. Lohr: We agreed to give them an extension until April 30th because of the intervention of Councilwoman Reynolds and Mr. Fullenkamp.

Mr. Fullenkamp: After that the attorney told you that the code was deficient. Mr. Lohr: Yes, they had concerns about the code and the way it was written. Mrs. Reynolds: Because we asked for that to be looked at and that was when she told you it was deficient? Mr. Lohr: No, because staff for it to be looked at. Mrs. Reynolds: I don't understand then how she got involved. If you all could file, go ahead and refile. Why did you go to the attorney? Mr. Taylor: Speaking about several things, first how the Law Director came to advise us that we should hold on other proceedings. We had a court case with a certain trailer park that we are working on. Trailer parks are

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regulated by the Ohio Commission of Mobile Homes. It's a state organization and a very powerful organization. They take the stance that anything in a trailer park is theirs to regulate and theirs only. City's are to stay out. Reading the O.R.C. and working with other jurisdictions, we believe that's incorrect. Somebody was looking for a jurisdiction to challenge that and we had an issue. We felt that was a good issue to challenge that so we started the process. As we got into the court and starting to file and working that out, Mr. Bacon from Altick & Corwin reviewed our code and said for this state proceeding where we are expect to go very far in a court proceeding, perhaps the Ohio Supreme Court, we don't feel that your code is sufficient enough to take that route. We discussed through that issue at a later date, several months after January 27th when we had our meeting. I had asked about this issue toward June when Jason had quit calling us back and I reached back out to Altick & Corwin and said we would like to file these proceedings what is your advice. They said we should relook at this process and see what's going on. That's how that came about.

In regards to the meeting we had on January 22nd, it was clear to me and it was my understanding that we were instructed to stop. My perception of the meeting was that we were to stop and to work with Jason. That was the direction that we were given. Mrs. Reynolds: No. Mr. Fullenkamp: Not at all. Mr. Taylor: We talked about the deficiency of the code at the time and the incorrect posting; we are talking about nuisance by action or by condition. There is 1343.07 and 1343.08; we had the right number and the wrong heading, but the correct wording. I had already spoken with the Law Director previous to our meeting and my stance at the time was we are going to reissue this and can proceed immediately with the boarding of the home. That was not the direction I was told to go. Mr. Fullenkamp: The direction was given to you by the Acting City Manager. Mr. Taylor: I believe that's not the case. Mrs. Reynolds: I believe I have the emails. Mr. Taylor: It's something we want to address as soon as possible. Deputy Mayor Smith: During this conversation between these two Council Members, Fullenkamp and Reynolds, were you threatened? Did you feel threatened? Mayor Flaute: You don't need to answer that, Mr. Taylor. You can ask him that later or at some other time. Mrs. Lommatzsch: I would just like to be on the record that I knew nothing about this until I saw the email from a request of the Clerk for the information from Mrs. Reynolds. Prior to that, I knew nothing and I believe that was in June. I had no knowledge of this issue at all from anyone. Mayor Flaute: I didn't either until I had that or I actually did talk to you about that and said please be careful here. Obviously, you were. Mrs. Lommatzsch: This is not a new issue, not knowing what's going on.

Donna Gregg of Hazelton Avenue requested to speak regarding 2257 Hazelton.

Ms. Gregg: I'm back here on the same issue, the house at 2257 Hazelton. I was told that I was going to be kept updated on what's going on and that was the day after the last meeting I was here and I was told that it has to go through 9 months to find out if they are going to foreclose or what they are going to do on it. You are talking about that Land Bank and it has to be done fast. If it takes 9 months for this foreclosure, isn't that going to be passed the time for that Land Bank? So am I going to get screwed out of it about tearing this house down or what they are going to do with it? Mayor Flaute: None of us here know the answer to that. Staff will have to get back with you. Ms. Gregg: I don't want nobody to get back with me. I just want to know. I'm here. This is not fun for me to come here and have to go through this. I've got a tree growing in the fence. You said you were going to have to move a sign at Shellabarger Park because they couldn't see it because of a tree. Mr. Lohr: I think we can speak tomorrow. Ms. Gregg: I don't want to talk to you tomorrow. I want to talk tonight. That's why I'm here. Mayor Flaute: They will get back with you tomorrow. Ms. Gregg: No, I want to talk tonight. Mayor Flaute: Ma'am that's the answer from Council. Ms. Gregg: Nobody gets back to me; I want to know now. I want to know why if they are going to move a tree or a sign. Mayor Flaute: That has nothing to do with your. Ms. Gregg: There is a tree growing into the roof. Why isn't anything being done?

Mr. Fullenkamp: What has happened since she was here? I would like a summary of that. Mr. Lohr: I will mention this although I think it was prior to Ms. Gregg coming in

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the first time. We worked with the Land Bank and we had previously referred that property to the Land Bank for the do it yourself program. They foreclose on it, take it, auction it to a contractor, have them fix it up and resell it. At the time, there was a bankruptcy so the process wouldn't go through. Shortly before Ms. Gregg came in we found out the good news that the bankruptcy was done and they started the process. The last update I had is that they submitted the paperwork. Ms. Gregg is correct; that may be a nine month process, however then it will be rehabbed and be presentable next door. In the meantime what we have done is have a contractor go out to the property, get us some estimates and we got some numbers for complete clean-up of between \$2,000.00 and \$3,000.00 for removal of the tree in the fence, for trimming back the trees and things like that. We think we may be able to have a reasonable amount of work done for about \$1,500.00 to clean it up a little bit so it is bearable until we have reached that point next year where it can be rehabbed. We are trying to do the best we can with the property. Ms. Gregg: I was told that I should buy it. I don't want the place.

Mr. Fullenkamp: What's the timeframe for this clean-up? Mr. Lohr: The clean-up we can certainly have done within the next 30 days, hopefully faster than that. Ms. Gregg: So the tree will be cut down? Mrs. Reynolds: The tree will be cut down also? Mr. Lohr: I'm not sure if that included it. It was going to be very expensive because of the fencing that is tangled with it and has been for a number of years. Ms. Gregg: It's ruined, isn't it? Mr. Lohr: It has ruined the fencing there I agree with you. Ms. Gregg: That's going onto my property. Put up a chain link fence, sir, and see how much it costs. Then see when a tree starts growing into it. I'm told well you can cut down the top. The top is not doing it, it's the whole tree. The tree is gigantic. It's growing into my fence. You wouldn't like it next door to you. I want to know why you are cutting down or worried about moving a sign and it's going to cost you how much to move a sign. Why shouldn't I be mad about the tree? Mr. Miller: My crew will be moving the sign. The reason is the Saville Hilltoppers brought it to my attention that the walnut tree, due to the root system, they have a poison that is impacting the flower bed. If we move the sign away from where the walnut tree is at, their flowers should be doing much better. Ms. Gregg: And you are going to put pretty lights in the park. How's that going to help me? Is the tree going to get cut down or are you just going to throw a tarp over the roof and say that's all we can do? Mayor Flaute: If you want to talk to staff, you can do so tomorrow. We don't know the answer to that right now. Ms. Gregg: I call you all the time.

Frank Smith of Byesville Avenue requested to speak regarding a citation on his box trailer.

Mr. Smith: As of last weekend in results of having to move my box trailer, my box trailer got stolen. It's in results to this hoorah going on where I've been singled out because I've been up here complaining about Mr. Salmons. His box trailers are still sitting over there and I was told mine couldn't sit where it was at because it wasn't on concrete. He's still got two tractors sitting over there untagged. Down on Byesville next to Smithville there's a camper. I was told I couldn't have my camper plugged in or have water running to it. There's a camper down on Byesville almost to Smithville that's plugged in and got water running to it and sewer running to it. They watch me and make sure I'm doing everything I'm supposed to do, but this thing's been sitting there for almost a month. Mayor Flaute: Make sure you let staff know and we will have them get back with you. Mr. Smith: I'm letting them know it's there. Mayor Flaute: Thank you for letting us know. We will do what we can.

David Coterel of Fairfax Avenue requested to speak in support of Mr. Frank Smith.

Mr. Coterel: In respect to Frank, I'm going to say to Mr. Taylor or to Chris had his Jeep removed which was legally parked and they say it was inoperable. He has license on it and everything and it was fully operable. He drives it occasionally. He even brought it up here to show you people that it was operable, but this was in retaliation for him putting and getting permits to put a guard rail up the downside of his property to keep the semis off of it and that's taking care of Mr. Salmons. My other thing is all you people are elected by the citizens of Riverside and to make a

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statement that the Council people can't talk to a citizen of Riverside is totally out of line. Okay? Mayor Flaute: Do you want staff to get back with you or anything? Mr. Coterel: Yeah, I would like to know why the statement was made that a Council member can't talk to the citizens of Riverside other than right in here. I mean if I call a Councilman or whatever and I want to talk to him and that Councilman gives me the information I need even though you guys don't like it or whatever, it's wrong. They should be doing it. Any of you. That includes you too Deputy Mayor. Now, the problem is you got Chris over here and you got Brock over there thinking they are running this place. Okay? They are wrong. One more thing, I got a question. You had an elderly couple come in here the last meeting and said that he was complaining about the drug dealing going on across the street from him. He could just barely get up here and say that. He said that he has called the police, but he had to come in here and make a complaint and what you had him do was give the information to the Police Chief. If he's been calling the police, don't you think they would already have the information and why isn't anything being done?

ITEM 17: COUNCILMEMBER COMMENTS:

Mrs. Lommatzsch: I have a couple of things I would like to make you aware of on your calendars, please. I have reserved this facility for September 21st for the incoming President of the Miami Valley Military Affairs. We are going to have a strategic planning session and rather than going on base, requiring us to go through security and all of that I offered our space to Cassie Barlow, who is the incoming President, and we will meet here from 5:00-7:00 p.m. on the 21st. I checked with the Clerk and the facility is available. The Chamber of Commerce will be financing a light supper. It will be 10-12 people. On March 26th, I believe it's a Thursday night, will be the Volunteer Recognition Dinner. Cassie Barlow will be our guest speaker on volunteerism.

Mayor Flaute: The Sports Spectacular was just fabulous and Hope 4 Riverside folks passed out a bunch of stuff for the school kids in working with the School Board. A lot of great school supplies got in the hands of those who needed it very much so. Thanks to everyone who participated in that. Again for the Bark Park, thank you. I went to a Global Leadership Summit and this was held at the Christian Council Community Church on Little York Road. It was a two day event and if anyone ever wants to go to good leadership training, please consider this for next year 2017. It is Brenna's three month anniversary coming up. She keeps coming back to work, but there was some discussion that we wanted to evaluate her at three months. Does Council want to do that at this time and when would we like to do that? Deputy Mayor Smith: Yes, I think we need to do that. The earliest would be better. These things have a tendency to get away from us. Mayor Flaute: Do you want to do that in a work session? Deputy Mayor Smith: Would that be in an executive session? Mrs. Lommatzsch: Yes. Mayor Flaute: We will have an executive session next meeting.

ITEM 18: EXECUTIVE SESSION:

Mayor Flaute: We do need an executive session for the reasons that were put on the revised agenda. At this time I want to introduce you to David Williamson. David is the special counsel that will be dealing with the hearing for Councilman Fullenkamp. He will be talking to us in executive session at this time. We expect to be in executive session for 15-20 minutes and after that we will have some legislation and things that we need to deal with. At this time we would ask Mr. Fullenkamp not to attend the meeting. Mr. Fullenkamp: I will be attending. Mayor Flaute: You are not permitted to attend the meeting, Mr. Fullenkamp. Mr. Fullenkamp: You have to cite me. I will be attending. Mayor Flaute: You will not be attending the meeting because the Law Director said he is not. Mr. Fullenkamp: I will be attending. I want to know why.

A motion was made by Mr. Curp to enter into executive session pursuant to Riverside Administrative Code Section 103.01(d)(3) *which provides that there can be an executive session for a conference with any attorney representing the City as counsel, concerning disputes involving the City, its council, boards, Commissions, officials and employees that are the subject of pending or imminent court action or discussions of any matters which are properly covered under the attorney-client*

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privilege as recognized by the law of Ohio. Further, that since the imminent court action involves Council Member Steven Fullenkamp that Mr. Fullenkamp is to be excluded from the executive session. In addition, it was asked earlier this evening that because there was a list of these provisions under which the Council can have the executive session and which provision was it or is it; the provision is for the dispute concerning the Council and officials. Mr. Denning seconded the motion.

Mr. Curp: The question was why can a Council Member be excluded and the answer is that under the provisions of the Administrative Code and the Ohio Revised Code Section 121.22(G)(3) that the Council can determine who can go into executive session with Council; who can be included, who can be excluded.

A roll call vote was as follows: Mr. Curp, yes; Mr. Denning, yes; Mr. Fullenkamp, did not vote; Mrs. Lommatzsch, yes; Mrs. Reynolds, abstain; Deputy Mayor Smith, yes; and Mayor Flaute, yes. The council entered into executive session at 8:27 p.m. Council came out of executive session at 8:47 p.m.

Mayor Flaute: At this time I would like Council to entertain the thought of instead of calling a special meeting every time that we would meet, just have three members of Council form a special committee to deal with Mr. Williamson and what he needs to deal with and then get back with Council. That's my thought. Please feel free to share your thoughts. Deputy Mayor Smith: Yes, I agree with that. I think that's an excellent idea to have a committee. Mr. Curp: I think in light of circumstances tonight and the circumstances at the last meeting, in order to provide some kind of integrity of our process, confidentiality of things that get discussed between the Council and our attorney, I think we need to have a sub-group. It could be a work group, sub-group, or call it what you want, but a sub-group to represent the Council in working with the legal counsel and that sub-group can communicate with Council Members as necessary throughout the process. I think that will serve the process well. Mrs. Reynolds: I believe the whole Council should be involved, but I understand the concerns around this table. It does not pass over my head. Mr. Denning: I want this process to be finished however it turns out so we can get back to the business that we are supposed to be doing which is taking care of our community. I believe a sub-committee will be able to move that process through a little quicker so we can get done and we're not kicking this can. Whatever we decide, whether we aren't going to do anything. I think we just need to get it done and move on because we are just wasting our time.

A motion was made by Mr. Curp for the creation of a sub-committee to represent the full Riverside City Council in working with special counsel, David Williamson, and that committee be made up of Deputy Mayor Smith, Councilman Denning and Councilman Curp. Deputy Mayor Smith seconded the motion. A roll call vote was as follows: Mr. Curp, yes; Deputy Mayor Smith, yes; Mr. Denning, yes; Mr. Fullenkamp, no; Mrs. Lommatzsch, yes; Mrs. Reynolds, no; and Mayor Flaute, yes. **Motion carried.**

ITEM 19: ADJOURNMENT: A motion was made by Mrs. Lommatzsch to adjourn. Mr. Denning seconded the motion. All were in favor; none were opposed. The meeting was adjourned at 8:51 p.m.

William R. Flaute, Mayor

Clerk of Council