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ITEM 1: CALL TO ORDER: Mayor Flaute called the Riverside, Ohio City Council Meeting to order at 6:06 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: Deputy Mayor Curp, present; Mr. Denning, present; Mr. Fullenkamp, present; Mrs. Lommatzsch, present; Mrs. Reynolds, absent; Mr. Smith, present; and Mayor Flaute, present.

Staff present was as follows: Mark Carpenter, City Manager; Chris Lohr, Assistant City Manager; Tom Garrett, Finance Department; Bob Murray, Economic Development Department; Brock Taylor, Planning and Program Management Department; Daniel Stitzel, Fire Chief; Mitch Miller, Service Department; and Brenna Arnold, Clerk of Council.

ITEM 3: EXCUSE ABSENT MEMBERS:

A motion was made by Mrs. Lommatzsch to excuse Mrs. Reynolds. Mr. Curp seconded the motion.

There was no further discussion on the motion. All were in favor; none were opposed. **Motion carried.**

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 Mrs. Lommatzsch to approve the agenda as revised. Mr. Denning seconded the motion.

There was no discussion on the motion.

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

ITEM 6: WORK SESSION ITEMS:

A) Introduction of Zoning Administrator, Emily Wheeler

Mr. Carpenter: For the first item on the work session, I would like to introduce Brock Taylor so he can introduce his newest staff member.

Mr. Taylor: Thank you. As you know we have been looking for a Zoning Administrator since Chris was promoted to Assistant City Manager. We found a fantastic candidate, Emily Wheeler. She started Monday and comes to us from New York. She has a non-profit background in community and housing development and she has her Masters in city and regional planning. Mayor Flaute: Welcome.

Ms. Wheeler: Thank you for the introduction and thank you all it is nice to meet you. I'm happy to be here and I look forward to working with you all. Thank you for the welcome and thank you for the opportunity to service the residents of Riverside. Mr. Smith: Did you grow up in New York or somewhere else? Ms. Wheeler: I grew up in northeast Ohio, so this is coming back home for me. Mr. Smith: I was expecting an accent. Mayor Flaute: So were you in New York state or New York City? Ms. Wheeler: City. Mayor Flaute: Oh, in the big city. Welcome back. Mr. Denning: Are you glad to get out of the big city? Ms. Wheeler: Yes. I'm glad to be paying Ohio rent as well. Mr. Smith: Yeah, we drive cars here we don't hail taxis. Ms. Wheeler: I will have to buy a car soon. Mr. Denning: Welcome.

B) Discussion regarding Council Retreat

Mr. Carpenter: I sent out an email. The availability of Mr. Eppley was not going to happen until March. He was explaining to me that he's not going to be home for the next six weeks except for three days and some of that did include some vacation. I don't know how Council wants to go forward. Do you still want to stick with February 25th? What would you like to see or do? Mayor Flaute: My thoughts and what I have

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been talking to the Manager about is we just go ahead and have our retreat. We will work on his goals and maybe he can give us some ideas that he got from the retreat and then he will have about six months into being our Manager so maybe we can do a six month quick review on him. I suggested that he do a self-appraisal using the same papers that he uses for his department heads. He would use that and then maybe that would be satisfactory to Council because I know the last couple of years we were using different ways of evaluating the Manager and I'm thinking at least for the six month to use the same piece of paper that he uses for all the department heads. I would think that would be adequate. Those are my thoughts. Anyone else have any thoughts?

Mrs. Lommatzsch: Have you seen that piece of paper? Mayor Flaute: I have seen it filled out. Every once in a while we get those performance reviews. Do you think that is adequate? Mrs. Lommatzsch: I don't think I have ever seen a department head's evaluation. Mr. Smith: We saw some years ago. Mayor Flaute: There was an issue with Mayor Doan. That was pretty ugly, but we saw all of the department head's then. Mrs. Lommatzsch: How long ago was that, sir? I don't even believe it is relevant. I would like to see a copy of whatever tool is going to be used.

Mr. Fullenkamp: I thought we were hot and heavy on a facilitator. Mayor Flaute: We were. Mr. Fullenkamp: Now you are not? Mayor Flaute: The one that we were talking about having isn't available. Mr. Fullenkamp: There are others. Mayor Flaute: I've got a list here from May 29, 2015 with about three or four different suggestions from Wright State University. I have them, but I haven't contacted anyone else unless you have some suggestions. We might have to postpone it. Mr. Smith: When is Mr. Eppley available? Mr. Denning: The 25th of March would be the first. Mr. Carpenter: I think it was the 25th or 24th of March. Mr. Smith: It seems like it would be to our advantage to use Mr. Eppley because of the continuity that he has had with the staff bringing that forward to Council and being able to answer our questions and be able to add onto what he discussed in their retreat in our retreat and speed this along as opposed to reinventing the wheel with someone totally new. Mr. Fullenkamp: I'm not sure that having the same facilitator for both groups is a good thing because you do want to look at it from different perspectives. We have a different perspective than staff does and I don't know that we want to mix. I don't know that it adds value to use the same facilitator. Mr. Smith: I think it does because I don't want to compare apples to oranges with two different facilitators having different ideas as to what the key points are and where you need to focus.

Mr. Fullenkamp: I don't want him to be biased because he has had experience with staff. I want this person to come in with a set of fresh eyes is what I want. I think that has a lot of benefits to whatever process we engage in. Mayor Flaute: I think the familiarity with the staff would be good and would be helpful, but then we did try that with a facilitator last year or the year before and it was a disaster. Mr. Fullenkamp: And that's part of what I'm basing this on. Mr. Smith: Yeah, that was bad. Mayor Flaute: I don't want a repeat of that. Mrs. Lommatzsch: I think it might be relevant if we are going to have that discussion about using the same versus not using the same to know what the report from the staff is on theirs. We haven't heard yet how theirs went. Maybe theirs was a disaster. I don't know. Mr. Fullenkamp: We need to set goals as a Council. That's what we do aside from whatever goals they have set. We have an independent role in this process. Mayor Flaute: Yeah, but it would be helpful to know what they have got in mind. I think it would be very helpful.

Mr. Carpenter: I will just describe what we went through. Ours was more focused on team building; the exact verbiage was becoming a more cohesive and aligned team. That's what we wrote down. Some of those things that we talked about was how to improve our meetings internally and we agreed on some priorities, improving service, and also some guidelines for identifying and prioritizing some projects. A lot of that is still evolving and still a little dynamic as we work through it as a team. I can't say we developed any new projects during our retreat; we just more worked as a team in a method of how we are going to proceed forward. Part of that did include input from Council on developing those priorities, improving service, and things like that. We are formulating our ideas and we would like to get some input from Council as well. We

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won't have that finalized by March 24th. Mayor Flaute: We will have an idea of what's going on or what your thoughts are. Mr. Carpenter: We will have a rough draft.

Mrs. Lommatzsch: That's different from what I think our purpose will be. Mr. Denning: What is our purpose for the retreat? Mr. Fullenkamp: We haven't set that goal. Mr. Denning: What is the purpose for us having this retreat? What's the mindset? Mayor Flaute: In my mind I want to do some team building, but mostly I want to get the goals for the City Manager intact and since he has got six months in I'd like to give him an idea of what Council is thinking as far as the job he is doing. Mr. Denning: To me that does not necessarily facilitate the retreat. We did that in multiple sessions every year for the last eight years. Mayor Flaute: We have got a different Council right now too. Mr. Denning: We had different Councils at different times throughout that. That's my question. Mayor Flaute: We need some team work. Mr. Denning: What's the purpose of this retreat and what are we going to get out of a whole day that we can't get out of two hours on a Thursday night or a Tuesday night? If our main purpose is to get the Manager's goals set for the next six months and say how well he has done for the last six months, we can do that on our own without a facilitator and get that done. Pick a Saturday. Mayor Flaute: That answers Steve's question as to going towards a facilitator. Mr. Denning: I don't know. That's my opinion.

Mrs. Lommatzsch: I thought it was goal setting for the City. Mr. Smith: That's what I thought. Mrs. Lommatzsch: Where we are heading as a City, not necessarily who the director is going to be. What are our priorities and where are we going to spend our money. We know what we can and cannot afford to do. If the budget is correct, we know what we have to spend and where we are going to use our money to get the most advantage for our customer who is our resident. Mayor Flaute: But I see those as the same goals that we would give to the City Manager. Mrs. Lommatzsch: Not necessarily. Mayor Flaute: Not necessarily, but I think they would be. Mrs. Lommatzsch: I think these are umbrella goals. Mr. Denning: I think we need long term goals. Mayor Flaute: That's a strategic plan. Mr. Denning: It might be part of that, but I think we need long term goals. To me one of the biggest long term goals is within the next seven years we need to get every residential street in this city taken care of. Mr. Smith: That's a big one. Mrs. Lommatzsch: Part of that is the plan of how you are going to get there. Mr. Denning: Then that's the goal. Then you have to sit down and say how you get there. What's it going to cost? That's why we have staff. They are looking at what streets are in the worst shape and where we need to spend our money first and all of that. We need that kind of information.

Mrs. Lommatzsch: I think we already know those technical points, but I think what we haven't as a Council developed is a plan for how we want to spend our dollars and we need to tell the people we have X number of dollars, these are the projects, and then we need to decide and not deviate from that. Not decide two months from now that we would rather do this and we need to plan how we are going to raise money because we all know we are going to have to raise money and we need to be telling the residents that. We need to tell them what our plan is and we can't do it sitting here. It just doesn't happen. Mayor Flaute: So you are saying we need a facilitator. Mrs. Lommatzsch: I didn't say that. Mayor Flaute: But do you think so? Mrs. Lommatzsch: I don't know. It depends on who it was. If you get a facilitator, you are going to have to give that facilitator direction on what you want to do on that given day or morning or night or whatever. Mr. Fullenkamp: You have to remember what a facilitator does. Mrs. Lommatzsch: I know what a facilitator does. Mr. Fullenkamp: They get people to talk together and look for solutions to problems rather than talking past each other. Rather than just expressing opinions, bringing those opinions together and seeing what the solution is to kind of incorporate everybody's ideas and the solution to make sure that everybody feels like they are part of the solution and part of the goal. That's what a facilitator in many respects does. They do a lot more than that, but that's one of the things from what I've heard in this Council we don't do that well. If we want to attempt and do it again on our own and continue to have these conversations.

Mr. Denning: I think we need to do the goal setting and we can do that on our own for the Manager and his review. You can pick a day to do that. I do think that for the

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bigger city goal setting and how we are going to do some of this other stuff; I do think we need a facilitator for that. I don't think we necessarily need to rush that, but I think we need to get somebody in there that will keep us focused and get us to talk to each other. Mr. Fullenkamp: I kind of agree, but I have a feeling you are putting the horse before the cart here because how are we going to set goals for the City Manager if we don't know what the goals are unless we are doing short term goals. Mrs. Lommatzsch: We don't know where we are going. Mr. Fullenkamp: That's right. Mr. Denning: I'm talking about basically for this year. Mayor Flaute: Like we've always done in the past. Mr. Fullenkamp: Do we want to do that again and then put it off another year? Why don't we generate some long term goals and then base our short term goals from that? Mr. Denning: Then what you are saying is we need to do the facilitator first and do whatever that is and then do the Manager's goals as a group afterwards and I'm okay with that too. I don't really care which order we do them in, I just saw that everybody was in a hurry to get the Manager's stuff done. I'm not. I think that it's more important for us to give him concise direction and real goals rather than that we think this is what we are going to do and we reserve the right to change it after. I don't want to do that either. Mr. Fullenkamp: That's true and whatever goals we set long term have to be implemented by the staff and we don't want deviation from those goals unless they are absolutely necessary and are based on some immediate need we didn't anticipate. From my perspective, I think we need to start looking at our long term goals and then we can start divvying up direction to the City Manager and staff and how we want to accomplish these goals.

Mr. Smith: The retreat we were going to look at improving our infrastructure of course and look at neighborhood restabilization and beautification projects for our main thoroughfares. Mayor Flaute: I didn't know what we were thinking. Mr. Smith: That's what I thought we were going to look at as far as a retreat coming together and seeing where we wanted to take our city and what we want our city to look like. Yes, we do need to sit down and talk to the City Manager about what it is we expect from him and what direction we want him to take us in within the next year, but I thought as a whole Council would get together and talk about these projects as far as the city and how we want to get there and if we need to raise. Mayor Flaute: Long term. Mr. Smith: Yeah. Five years or seven years, whatever it may be and then look at how we are going to develop the revenue to do these projects.

Mayor Flaute: I haven't heard from Mr. Curp. Do you have any ideas or thoughts on this? Mr. Curp: I agree with Mr. Fullenkamp. I think before we can set direction for the City Manager, we need to set the direction that we want to take the city in. We are a little late; typically we would want to do this probably in the third quarter so when we are setting the budget for the new year we know where the priorities are. Mayor Flaute: That wasn't done for lots of reasons. Mr. Curp: I think we need to do that. The Manager's objectives that we would probably put in place for him right now would be more operational than strategic. I think we just need to have our own.

Mayor Flaute: It looks like we are looking at long term goals and having a facilitator. There were suggestions having the same one or not having the same one. I know Mr. Fullenkamp's thoughts. I know Mr. Smith's thoughts. Not sure about yours. Mr. Curp: I understand Mr. Fullenkamp's comments on having a fresh perspective. I concur with that. On the other hand to go back to one of the other comments that was made and that is bring this person in to facilitate the group, not to provide the direction. I would think that person could handle it. Mayor Flaute: I'm leaning towards Mr. Eppley again because he's got a handle on everything. I just think that's important like Mr. Smith says. Mr. Smith: I'd like to hear from Mrs. Lommatzsch on what her thoughts are. Mrs. Lommatzsch: I would just like to understand how you know he's got a handle on it. Mayor Flaute: Well he's spent two days with our staff, so he knows more than some of these folks that are on this piece of paper about our city and has an idea of who our staff are and what their capabilities are. Mr. Curp: He might if they did some kind of swat analysis, if they didn't do that and didn't have a lot of discussion about those types of things about the city he may not. I think it comes down to if we do use him the direction we have to give to him is we don't want him to guide us in any particular direction, we simply want him to facilitate us. What priorities we have for the city may be quite a bit different from the priorities that the staff has because we should be looking at things from a little bit different perspective.

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Mayor Flaute: I agree with that. Mr. Curp: I don't plan on talking about dump trucks and fire trucks and that sort of stuff. That's not where I'm at. I know our department heads have more depth than that, I'm just saying that's not where I'm at. Mrs. Lommatzsch: That's why we have professionals. I've always said in working with the school and the city that's why you hire professionals. They have the expertise, I don't. I have to trust if they don't do their job, we find somebody else. I'm with Ken; I don't want to talk about specifics like dump trucks and fire trucks. I think we've got bigger issues than that to deal with. Mr. Smith: I agree.

Mayor Flaute: So you want a new perspective? Mr. Smith: I like Mr. Eppley, but I haven't seen his final report. I'm just going with the continuity. Mrs. Lommatzsch: I don't know anything about him. I don't know anything about the retreat and I'm glad that you all have information I guess I don't have. I don't know Mr. Eppley. I haven't heard about the retreat. Mayor Flaute: The only people who know him are those who spent two days with him. Mr. Fullenkamp: How are you sure you like him if you don't know him? Why even say that? Mrs. Lommatzsch: It has nothing to do with knowing him. Mr. Fullenkamp: My only question is if he can be independent, I'm okay with Mr. Eppley. If I'm assured that he can just take the perspective of Council during this process and forget about what was said during the process with the employees. Mrs. Lommatzsch: Are those his skills? Mr. Curp: I concur with what Mr. Fullenkamp is saying because I don't want to be in a session where we are talking about going in a particular direction with the topic area and we are stopped and being told when the staff had theirs that wasn't a high priority for them their interests were over here. That doesn't provide me with any benefit as far as us staying focused on where we are going. Mr. Smith: It might be good to know. Mr. Fullenkamp: I don't want to know. Mr. Curp: I don't want to know. Mr. Fullenkamp: I want to set the goals. Mr. Curp: I don't even want to see their report. Mr. Fullenkamp: No. Mr. Curp: I have an interest; it's not that I'm disinterested. I like the approach Mr. Fullenkamp mentioned earlier and that is starting with a blank piece of paper. Mr. Smith: You want to start with a blank canvas.

Mr. Carpenter: Would you like someone who is more experienced working with Councils? Mr. Eppley doesn't typically work with City Councils. Mrs. Lommatzsch: That would make a difference in my brain. Mr. Smith: I would like somebody that is familiar with cities and city government. Mr. Curp: I think a good facilitator can handle that. Their role is to pull things out of you to get you to think about things a little bit deeper than some basic operational issue and get down to a little more broad based thinking and just facilitate. If they are a good facilitator, they can do that. I don't think they have to be a public sector experience person.

Mr. Smith: Just throwing this out there, tonight we were introduced to Ms. Wheeler. She's got some experience there in city government. She's coming in green and doesn't know a lot about our city. That might be a possibility. Mayor Flaute: She knows somebody, is that what you mean? Mr. Smith: No, I'm just saying she might be. Mayor Flaute: I don't think so. Mr. Denning: He didn't mean to throw you under the bus. Mayor Flaute: At this point I'm hearing that we want a facilitator and not at this point Mr. Eppley. If anyone knows anybody that fits that, please email them to the City Manager. Mr. Denning: Is the 25th of February out then? Mayor Flaute: That's out. We can't get it together by then. We were going to do it February 25th because I wanted to keep the consistency of the staff and ours together, but at this point then we would cancel that and find out who a facilitator might be and bring that to the next meeting so we can all agree on it and get some dates for us and go with that. I'll give you the list that we talked about previously. If anyone knows anybody that they think might be good for this because I have a couple of people already in mind that have agreed to do this.

C) Discussion regarding UDO Updates

Mr. Carpenter: I guess we are still looking for input and any comments or questions regarding what we've put together.

Mr. Taylor: I believe and as you know we have been kicking these around and have been looking at them and talking about them for a while. I believe Planning

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Commission has already reviewed these and recommended these changes to Council. When we looked at this back when Mr. Lohr was our Zoning Administrator, we worked on looking at some of the operational or administrative issues that the Code hadn't addressed and trying to clean it up to make it look more user friendly if you will. In addition, we had revised the fee structure and had that approved back when Mr. Percival was Interim City Manager and a lot of these updates reflect those fees that we have already approved. We are kind of operating with two different systems, so it would be my objective to try to answer any questions you may have and if we need to make some adjustments, do that and try to get these approved as soon as possible. The document as I think people have noticed before, the highlighted parts are the parts that we changed. If you read through the whole Code you will notice that there are other things that need to be addressed and the way we looked at this originally was to get these operational needs out first and then clean up some of the other stuff as we go. That's a pretty typical process for a Zoning Code, especially one as young as this one which was adopted in 2014 as you know. So kind of going through and getting the kinks worked out. I'm just hoping to move forward on that process and answer any questions you may have.

Mayor Flaute: Thank you, Mr. Taylor. Are there any questions from Council? I had all of mine answered the last time we talked, so I don't have any new ones. Remind me what happened with the Planning Commission. What was the procedure that happened there? Mr. Taylor: Currently the way the Code works and the way it is actually proposed still is that any of the larger permits for example site plans like for the Tim Horton's that we have going in or the Dunkin' Donuts, the Zoning Administrator reviews those for completeness. The way it is worded right now is the Zoning Administrator is not to forward those to the Planning Commission until it meets the entirety of the UDO. Basically then you send it to the Planning Commission, we put in several hours of staff time putting together the staff report and planning that meeting out to get essentially a rubber stamp yes. The Planning Commission does not have the authority to overrule the UDO, so we suggested that we pull that site review requirement to go to Planning Commission out so that the completeness is done by the Zoning Administrator and then if we need to do BZA or something like that, it's more of a streamline process. From comments from Planning Commission and I think a couple members on Council, they wanted to keep that they kind of wanted to keep that and see how it continues to work. As it is written now, those major site plans still go to Planning Commission. Mayor Flaute: But the new version would not and the Planning Commission approved that? Mr. Taylor: No, it's still the way it's been. Mayor Flaute: They wanted to keep it the way it is? Mr. Taylor: They wanted to keep it the way it was.

Mr. Fullenkamp: What is the definition of a major site plan? Mr. Taylor: A shed requires a site plan, so if you are doing a residential shed, a deck, or a small addition, those don't go to Planning Commission. The things over on Airway, such as the new Dollar Tree, those don't go to Planning Commission. Mr. Fullenkamp: Tim Horton's? Mr. Taylor: Tim Horton's where you have a full development and in most cases we already have the lot set up, so like Tim Horton's would go to Planning Commission to review. They review just not the site plan and where it is situated. We also send it to our engineer to make sure that storm water or any service water is being detained or routed to the right place and we are not putting it somewhere else. Then they would review the standards for elevation, so what type of materials. Our Code talks about having a foot, a body, and a head and there's different materials you can use there. Those are reviewed by the Zoning Administrator and then passed on. Those are the kind of things they look at on a major site plan.

Mr. Fullenkamp: So an individual home build. Mr. Taylor: Like the Brantwoods, those do not. Mr. Fullenkamp: Let's talk about Torlage and a house that goes up in the vacant lot on Torlage. Mr. Taylor: In the past, that would not go to Planning Commission. Mr. Fullenkamp: So only commercial properties go. Mr. Taylor: Correct. Mr. Fullenkamp: Okay. Mr. Taylor: Like the Brantwood subdivision, that subdivision went to Planning Commission and they talked about the lots and the lot sizes. That's kind of like you folks were talking about the umbrella goals, that's kind of what the Planning Commission is meant to do. Here's the overall subdivision and then the individual site plans and houses the Code already talks about what kind of

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materials can go in there, so that just stays at an administrative function. What we have and maybe Chris can correct me if I'm wrong, but it's kind of like a planned unit development without planned unit development. The Code already talks about what is required, they meet it, and then it's kind of like a double check.

Mr. Fullenkamp: The piece that gets me is about variances. It seems like the only group in the city that can grant variances is the BZA. Mr. Taylor: That is correct. We discussed last time a major and minor variance. The minor variance would be addressed at the administrative level and we talked about how it was 15% and those would not be something that is subjective. It would be a hard number like you need to be 10 feet from the property line and you are trying to build a carport and you need 2 feet that would be administrative instead of spending time to go to the BZA. Mr. Fullenkamp: But in part of these processes, I'm seeing the Planning Commission attempting to provide variances or at least modifications that fall outside of maybe the Code. Mr. Taylor: I think that's been a habit in the past that we have been trying to get away from. Mr. Fullenkamp: A habit. Mr. Taylor: I'm not sure what the best word is there. That has happened in the past, yes.

Mr. Curp: I think that one of the things that would be beneficial for the Planning Commission would be to have their own retreat to be facilitated to looking at the direction they think from a land use planning standpoint and other related things that the city should be going in as opposed to not having meetings because there's nothing to come before them to review as far as some kind of plan or some development plan and that sort of thing. You take a look at what's being done in other communities as far as putting together a comprehensive plan for the city. We don't have that. Mr. Taylor: Correct. Mr. Curp: We should be doing that instead of canceling all of these meetings because we don't have a specific plan review to review that night. I have a similar concern and Mr. Fullenkamp has mentioned regarding variances, especially minor variances and major variances and who defines those. You mentioned the 15% variance for things like setbacks and that sort of stuff and that's all well and good for those sort of things that are pre-defined, but there is also a provision in there that says that the department can grant a variance to other things when they see that the variance will not be contrary to the public interest. I don't know who defines what's contrary to the public interest, so I don't know that I want to administrative do those things. I'd rather see those things stay in the hands of BZA until such time we can get our arms around that. I think it benefits the city. I think it benefits the developer and the property owners.

Mayor Flaute: I like the idea of having five more eyes looking at it. I know it's an extra step, but to take that step away from the Planning Commission doesn't feel like that's a good direction to go. As Mr. Curp said, maybe not just for the administration to do. Mr. Fullenkamp: When you look at the role of the Planning Commission in our Charter, it is very clear. It is a very umbrella sort of thing. It's the big picture. It's kind of like what we are supposed to do, right? The big picture and it is the BZA that allows for things to occur outside of our Zoning Code. I know our Charter says that we can by Ordinance allow it to do other things. Mr. Lohr: One of the items that Mr. Taylor and I discussed as we were going over this is exactly along the lines of what Mr. Fullenkamp just mentioned. We on staff spend a lot of time putting together these Planning Commission cases. Planning Commission in turn spends a lot of time reviewing these plans that we have already reviewed and certified as consistent with the Codified Ordinances. In doing so, staff and Planning Commission spend their time on those items and not planning things like the comprehensive plan and our parks master plan. We miss out both on a staff level and a Planning Commission level on being able to do those larger umbrella plans which are so important to the community. That was one of the concerns when we suggested refocusing Planning Commission to those items. That's exactly what we were thinking. We didn't think that we are a big enough organization to be able to duplicate work like we were when we had things like the comprehensive plan that were going undone.

Mr. Fullenkamp: I think a reasonable compromise is that even for these minor variances, you go ahead and take them to the BZA. That's the set of eyes that is supposed to be looking at this. Mayor Flaute: And they are. That's what the BZA does. Mr. Fullenkamp: But now they are proposing that a 15% administrative

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variance can be just implemented by staff. If you want eyes looking at this, I think the BZA in these situations in the organization or the commission to handle that. Anything that falls within the UDO obviously staff can okay it without anybody looking at it. If it falls within the UDO, those are the rules and you are allowed to do it. I don't know. The Planning Commission role seems to from this perspective. Mr. Denning: A pre-BZA. Mr. Fullenkamp: Yeah, kind of. That's kind of how we want it. I don't think that's how this city should be run. We have a set of rules. Mayor Flaute: Well then it comes to us and we say how we want it. Mr. Fullenkamp: No, if the BZA says something is allowed we have to take it to court to stop it. Mayor Flaute: No. Mr. Smith: Yes, we do. Mr. Fullenkamp: Yes. We can't stop a ruling by the BZA without a big deal. We can take it to Common Pleas Court and challenge it.

Mr. Taylor: If I may, I can give a real world example which I think addresses the comment you made, Mr. Fullenkamp, about Planning Commission giving variances. An example of what we are talking about would be the Champion Landscaping and I'm going to defend Planning Commission on this, but the issue we had with the UDO was about fencing. In our Ordinance we had two sections that talked about fencing that applied to this condition and each section said something different that contradicted each other so when we got into Planning Commission we talked about that. What is the UDO trying to say because there are two different standards that I think staff and especially myself wouldn't want to make that decision between the two? Planning Commission then put together in speaking with the owner a variance if you will, kind of a hybrid of those two, and later we found out that wasn't going to work for the owner and he had to go to the BZA to change it. In that case, afterwards I talked to the Planning Commission about where we should be operating. What could have happened, which might have been better or it might not have been, was that the Zoning Administrator would have said, "I'm using this section because I always use this section and we will hold Champion to the fire." If they don't like that, then they would go to the BZA and then get their variance or whatnot. Then what staff would do is then go to Planning Commission and say we've got this discrepancy in our UDO and then we would discuss that and fix that at the legislative level. That's really where we would like to move Planning Commission, but I think the habit has been approval or not approval and we are missing out on some of the bigger pictures of things. As it sits now, that's not in here. It's still the way it's been. I'm not advocating for one way or the other. I'd prefer the other, but Planning Commission and Council have the final say.

Mayor Flaute: So like the chicken thing is coming up, now they are going to make a recommendation to us and we decide whether or not we are going to accept the recommendation or turn it down, right? That's the way we have always done it. I guess I'm confused as to what we have to take to court. Mr. Smith: No, he's talking about BZA. Mayor Flaute: I know that. I thought you said Planning Commission. Mr. Taylor: Like a fence, the barbwire is not allowed in the city. BZA has allowed that. If we wanted to trump that BZA, we would have to take that to court. Mayor Flaute: I know that. I misunderstood. Thank you. Any other questions or comments about the UDO? Mr. Fullenkamp: We've covered what I'm concerned about.

Mr. Smith: I just don't want to put ourselves in a position where we do the work of the BZA and end up with a similar situation we had last year with the Parks and Rec. A member came before Council and stated that we took away their powers and they couldn't act within working on doing things for the park because they had no money to do such projects. I know that was an issue. I know some of this stuff we can do in-house, but I still like the idea of five more eyes reviewing it and giving it a glance over to see if it makes sense. Mrs. Lommatzsch: That issue was over money which is not related to the UDO. Mr. Smith: Well, no it's not, but I still want to make sure we don't take it out of perspective and give more duties to staff over the BZA and keep from using the BZA. Mr. Fullenkamp: That's not the point. It's the Planning Commission. Mayor Flaute: We are mixing them up again. BZA, definitely they make it and we don't have anything to say about it. Planning Commission, they say something and we have something to say about it.

Mr. Denning: The other thing I believe is the biggest thing here is explaining to the Planning Commission what their role is or what we are changing their role to be and

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being diplomatic about that. Still giving them plenty to do and making sure that instead of down in the fog, they are looking at the 50,000 foot picture. Do we need a business district in Center of Flight or do we want it to be agricultural? To me, that's what the Planning Commission should be doing. When we changed from 27 zoning areas to 7, maybe the answer really wasn't 7 maybe the answer was 12. That's what the Planning Commission should be looking at and that's what we should give them the ability and educate them on what their job is so they can do that as good as possible. I think it is going to be some education and not taking too much away from them, but making sure that there's a purpose for the Planning Commission. We seem to be changing this UDO, this is the second time in two years that I have seen that much paper and so it'd be nice to get it closer to right next time. I think we need to educate them too. I don't think we just need to pull stuff away from them and tell them they are doing things wrong. I think they need some information. Mr. Smith: It's a living, breathing document. It's going to change. It's unfortunate that it had to change within the two years. Mr. Denning: I get that. I'm just saying they need to feel a part of it.

Mr. Curp: I tried to find it quickly and I haven't found it, but the other issue that was in here for me was the provision allowing staff to issue Certificates of Non-Conformity for pre-existing non-permitted uses. To me, that's a variance, that's not an administrative function that's a variance and I think only the BZA should be able to grant those variances. If we can't document it and a developer or property owner or whoever can't document it just to issue a piece of paper to say it's okay doesn't work for me because it's not okay to me that's granting a variance. I don't think that's a staff function, that's a BZA function. Mr. Lohr: I will agree with Mr. Curp that the issuance of a Certificate of Non-Conformance in my experience is unusual. I think the reason why that usually doesn't exist in other places is because we are talking about a legal status conferred upon a property, so whether we were to issue a Certificate or not if that property existed lawfully prior to the adoption of this current regulation that we are talking about they would have a legal right to operate as a non-conforming use regardless of our issuance of that Certificate or not if that makes sense. Yes, the Certificate doesn't need to be there because the right to use that property is already there whether we issue the Certificate or not. Mr. Curp: I understand. In those cases where it is a legitimate pre-existing non-conforming use because we changed the Code and they got trapped, where they created the situation themselves and chose to personally violate the Code and do something they weren't supposed to do that the Code does not provide for or permit whether we change the Code or not after the fact it doesn't create a legal, non-conforming use. Mr. Lohr: Correct. Mr. Curp: I don't think in those situations we should have staff going around with the authority to grant a Certificate of Non-Conformity. If we just let those things ride where we can work those out, we work those out and if they don't work out, we still have the situation in limbo and maybe we will be able to deal with that one way or another. I don't think granting them legitimacy when they are the ones who chose to violate the Code is the right way to go.

Mr. Taylor: I would agree with that too and maybe I don't know the particular and each circumstance would be different. I almost disagree with Chris on the Non-Conforming Certificate because when you have a business, especially in the way that we became a city in 1994 and how records were kept previous to that and how they were kept after 1994 to today, the burden of proof relies on the City to prove that business was or was not conforming throughout those years. I see the Certificate as a way to document. We are not so much legitimizing the business, we are documenting what activities are happening at that business so when or if they change we now have the documentation to go to court and say, "You were doing X and now you are doing Y, which would lose your legal Non-Conforming which is a legal status that we didn't grant you we just documented what it is. Now we have the sufficient paperwork to take you to court and win in court." That's how I see that.

Mr. Curp: The situation is that once we grant somebody a legitimate Non-Conformity and we give them a piece of paper, they view that as an authorization to continue to invest in that improper use of the property and we go to court to try and change that I think the court is going to look at the fact that we gave them a piece of paper so they have now invested more money into that use and we are not going to stand very

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good ground. I will give you an example of a Non-Conforming, there is a sign company out of Cincinnati that goes around and puts up signs in the public right of way. They are usually in the form of signs on the back of benches at bus stops and they set them on the sidewalk. We had that very situation here back in the 1990's and they took us to court because we told them to move those things. When we put the Zoning Code into effect back in 1994 or 1995 or whatever it was, we grandfathered pre-existing, non-conforming uses. I don't think the court understood the application or the definition of pre-existing, non-conforming uses as opposed to non-permitted uses because putting a sign in the right of way was a violation of the Code and what they did by putting those benches out there with signs on them on the sidewalks in the right of way is not a pre-existing, non-conforming use. That's a pre-existing, non-permitted use. Nonetheless I don't think the court understood the distinction and told them it was okay to have their billboards out there on those signs in the public right of way. I don't think our staff would be doing those kinds of things as far as granting them a letter of non-conformity, but I just don't want to put it in the Code. I don't think we need to be doing those things.

Mr. Lohr: In terms of the Planning Commission discussion from what I have heard there is a handful of City Council persons that might be willing to entertain adjusting Planning Commission's authorities if we were to do it the appropriate way and as we move on we would need some direction from Council. If that is the will of Council, we would need to adjust some language on what Mr. Taylor has and then bring that back when we have the public hearing but we would need some direction on that. Mayor Flaute: That's what I was thinking. Mr. Fullenkamp: I want to talk about what Mr. Denning said before and I think it is critical. I think all of our commissions need to know what their responsibilities are. They need to be trained to know this is what they are supposed to be doing. I think there are cases where they don't have a clue. They have not read the Charter, they have not read what underlies the powers that they have, and I don't know whose responsibility that is whether it is their own responsibility or whether we have any training materials we can give to them, but that's a piece that has been missing for a long time. Mr. Denning: How much training material did you get when you started on Parks and Rec? Mrs. Lommatzsch: There are all kinds of training opportunities available and it's just a matter of whether this Council is willing to pay to have those people attend or bring someone in to train. In all of my time on Planning before and intervening recently no training was offered. Mr. Fullenkamp: I think that is a big problem. I think especially for the BZA, I think it is critical that they know what their roles are and what their responsibilities are. Mrs. Lommatzsch: We will let you tell them that. Mr. Fullenkamp: I would be happy to.

Mayor Flaute: So Chris gave us a little bit of info as to what our next move would be. You have heard the concerns of Council and I think everyone has beat this thing down to where we are down to just a couple of issues. We need to address those issues and move forward. Is that pretty much what you were saying Mr. Manager? Mr. Lohr: Yes, I think the only issue of contention that we had from the whole Council was whether Planning Commission should continue to review site plans or we should refocus their attention to the broader umbrella issues of comprehensive plans and things like that. Mayor Flaute: Mr. Curp's issue was different though. Mr. Lohr: That's correct. Mr. Curp: I think they can do both. Mayor Flaute: That's what we need. Mr. Curp: I just see what other Planning Commissions and other local government bodies in the area are doing. I don't think we have to have a 50 page glossy Plan 20/20 like somebody else has. I don't think we necessarily have to have that, but we need to have more than what we are currently doing. I think we are more reactive as opposed to proactive. Mr. Fullenkamp: The point here is if we can streamline the workload for staff at the same time retaining local control of these decisions, that's what I'm after. If there are things that two bodies are looking at and it doubles staff's workload that makes no sense. If we are building big documents for Planning Commission and then having to go and do another process with BZA, I don't see how that benefits our community other than the argument that we have more sets of eyes looking at it.

Mayor Flaute: Mr. Manager, do you kind of have a feel for what we want? Mr. Carpenter: I'd like some clarity. Mayor Flaute: So I guess we need to know what the Planning Commission has given us. Mr. Carpenter: Do we want to keep it the same

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or do we want to change? Mayor Flaute: So in here we have what the Planning Commission recommended. Mr. Taylor: To look at those large site plans. That is correct. Mayor Flaute: So we don't have to do that. Now we go back to Mr. Curp's thing, so we need to find out where that is and what that is about. Mr. Carpenter: I don't think we have settled on the Planning Commission, do we want to keep it the same or do we want to change it? Mr. Denning: I think you leave that the way it is right now until you figure out and get them trained for the bigger picture so that they are looking at the bigger picture and whatever that is and get them trained for that, you've got to have something for them to do. Mayor Flaute: I agree with that. Mrs. Lommatzsch: Well since Karen Reed, she ran a tight ship and did her homework and when you came to a Planning Commission meeting the chair knew what was going on. Unfortunately, and I love all the people who are on Planning Commission, but there is a lot of homework to be done when you sit on that board. You can't just walk in the meeting when it starts and something is lying on the dais and you do get it a couple of days ahead of time, but there's homework to be done and I think the people need to understand that it is more than just coming in and rubber stamping what these guys present. Mr. Denning: That's why I said they need some training. Mrs. Lommatzsch: Exactly and they need leadership that is willing to lead. Mr. Smith: I agree. Mayor Flaute: So we are going to leave that alone at this time. What else do we need to address?

Mr. Denning: Mr. Curp's issue with the Non-Conforming. Mr. Carpenter: Should staff issue a Non-Conforming. Mayor Flaute: So bring that back. Mr. Taylor: Can I make a suggestion? The way the Non-Conforming is the way it was in 2014. I have spoken with an attorney out of Cleveland who handles legal, non-conforming and that's his specialty. He has done several trainings for several different large Planning Commissions and groups and I have spoken to him briefly and he has entertained the idea that he would be more than happy to work with us to fix that and explain that process a little bit more. My suggestion is that we leave it how it is and then speak with him and then make a decision from there so we have more of a legal opinion on how that works and then adjust from there. I think that would be a better way to make an informed choice on that. Mayor Flaute: Okay. Mr. Smith: Can we put a time limit on that? Mayor Flaute: Next meeting? Mr. Smith: In the next three months. Mr. Taylor: Let me reach out to him as soon as possible and we will schedule it out and then I will update Council.

Mr. Smith: This would be something where he would come in and talk to staff and the Planning Commission? Mr. Taylor: First I would show him what our Code says and what it looks like. We would have probably a discussion with staff and him and look at what he's suggesting and follow his lead. Mayor Flaute: Then you would bring that back to us? Mr. Taylor: Yes, he would know what our Code says already and then he would come and make those recommendations or explain where we are inept or where we are right on and then give you the presentation as to what he suggests. Mayor Flaute: So you would suggest that he come to a Council meeting? Mr. Taylor: He would work with staff probably one day and then come to a Council meeting to explain at a work session how that is best to be used. Then we can make those adjustments. Mr. Denning: By July? Mr. Taylor: I think we can do that by July. Mr. Denning: I would like to have it sooner. Mrs. Lommatzsch: I was hoping it would be a little less costly and maybe you go to him. Mr. Taylor: It might be. Mr. Fullenkamp: There are teleconferences. Mr. Taylor: Yes and most likely what we will do is communicate back and forth electronically because I don't even have to send him our Code because it is online. Mayor Flaute: Even if we have to have the Council, we could probably do it. Mr. Smith: Is this something that we need to budget money for because I'm sure he is not going to work for free. Mr. Taylor: That is correct. He is not going to work for free. Mrs. Lommatzsch: That's why I suggested that maybe we go to him versus him coming to us. Mr. Smith: We still have to pay for his time. Mr. Taylor: I think whether he drives here or he shows up on a teleconference, his fee is the same. He does a lot with municipalities and he understands the constraints and that we are not leprechauns with a hidden pot of gold. He seemed very reasonable, so I can figure out the best and economical way to do that.

Mr. Fullenkamp: So we are going to bring this legislation forth the way it is? Mayor Flaute: Not until after we hear from this guy. Mr. Fullenkamp: That's not what I

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thought. We are going to bring this change forth, do the two readings, and then we will continue to modify this document. Mr. Taylor: I couldn't have said it better. Mayor Flaute: Is that what we want to do? Mr. Carpenter: I think there are a lot of updates in there that we need to implement right away, but we can continue to work forward. Mr. Curp: I think we need to get on with this because I would rather have the staff doing some real work instead of doing this. It's not that this isn't important, but my priorities are elsewhere. Mayor Flaute: So whatever we need to do as far as the public hearing and the readings, bring it forth and get it on the agenda. Mr. Taylor: Excellent. Then I will set up the non-conforming stuff as quickly as possible. Mr. Denning: We have to have a hearing on this, right? Mr. Taylor: That is correct and we have to publish and post that public hearing tomorrow or we won't have it for the next meeting. Mr. Denning: Okay. Mr. Fullenkamp: And then we have to have another public hearing for the second reading. Mr. Taylor: I don't believe so, but I can confirm that. Mr. Fullenkamp: I think we have to. Mayor Flaute: Okay.

ITEM 7: RECESS: The Council took a recess at 7:15 p.m.

ITEM 8: RECONVENE: The meeting was reconvened at 7:25 p.m.

ITEM 9: PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE: Mitch Rice, a student at Dominion Academy of Dayton, led the Pledge of Allegiance.

ITEM 10: MINUTES: Consider approval of the minutes of the February 2, 2017 regular Council Meeting.

A motion was made by Mr. Denning to approve the February 2, 2017 minutes as written. Mr. Smith 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 January financial report. Mr. Smith seconded the motion.

There was no discussion on 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: COMMUNICATIONS

- A) Public Hearing for Ordinance No. 17-O-615 to rename and repurpose City Fund 213, commonly known as the OPWC Issue II Burkhardt Road Fund.

Mayor Flaute opened the public hearing at 7:28 p.m. and asked for the staff report on the Ordinance.

There were no requests by the public to comment in favor or in opposition of the proposal.

The public hearing was closed at 7:28 p.m.

Mayor Flaute: We will open the floor for Council discussion and any action they might like to take. Are there any questions or comments from Council?

There was no further comment from Council.

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- B) Public Hearing for Ordinance No. 17-O-616 to rename and repurpose City Fund 404, commonly known as the Great Miami River Canoe/Kayak Launch Project Fund.

Mayor Flaute opened the public hearing at 7:29 p.m. and asked for the staff report on the Ordinance.

There were no requests by the public to comment in favor or in opposition of the proposal.

The public hearing was closed at 7:29 p.m.

Mayor Flaute: We will open the floor for Council discussion and any action they might like to take. Are there any questions or comments from Council?

There was no further comment from Council.

ITEM 14: CITY MANAGER'S REPORT:

Mr. Carpenter: In your packets, you have the City Manager's Report. There is one item I would like to give you an update with and that would be the Spaulding Road Improvement Project. Approval of the bid is on the agenda for this evening, but there is a tentatively a pre-construction meeting scheduled for February 28th so we can get that project moving forward.

Mr. Fullenkamp: I'm looking at the Open PO Status Report and my question goes to the amount of some of these purchase orders that seems to exceed the \$25,000.00 limit. Maybe you can point me to legislation that we have passed that allows these things, but I'm seeing a number of purchase orders that are open that were started this year that are in the order of \$30,000.00 and some others in the past with Choice One and others. Again, there may be legislation that I'm just not aware of. Mr. Carpenter: With the engineering firm? Mr. Fullenkamp: With Choice One Engineering. Let me go down on my list because it's not in order. We've got a \$45,000.00 purchase order for DP&L. I don't know why we would have an \$18,000.00 purchase order for City of Dayton? I'm not quite certain on that one. We have a \$30,000.00 for reimbursable repairs. Now again, I don't know what departments these are coming out of because you are not giving us the line items that are associated with these things. We have the police dispatch for \$113,000.00 and Choice One, those are 16 so we will just stick with the 2017's. Outdoor Enterprises for \$49,000.00. IAP Government Services for \$55,000.00. Again, one for Choice One Engineering on the 30th of January for \$36,075.00. I'm not sure what the rules are, but seeing these purchase orders and they are above the \$25,000.00 threshold is where my question is going and I don't expect an answer right now.

Mayor Flaute: The only thing I see is in the Fire/EMS Service information. We used to get one from Police and Service departments. Mr. Carpenter: The Police one came in right before the retreat, so it was late getting into the Manager's Project and Activities Report. I was going to add it to the next one. Mayor Flaute: The same with Service? Mr. Carpenter: Yes. Mayor Flaute: We used to have things to compare it to and charts and that and we don't anymore or at least we have one year. I've already beat that horse so just continue to have what we have if we could.

Mr. Denning: One comment. I drove on Spaulding Road on Tuesday. I'm glad it's getting repaired. Mr. Smith: It was worse than that after the winter last year.

Mr. Carpenter: Chief Robinson had an eye issue that was looking pretty bad and so he needed to go get that taken care of. He's not going to be here the rest of the meeting.

- (1) FYI Items
 - a. Council Request Sheets

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- b. Council Agenda Calendar
 - c. City Manager's Project and Activities Report
 - d. Income Tax Scorecard
 - e. Open PO Report
- (2) Monthly Verbal Reports
- a. Fire Department

Mr. Carpenter introduced Chief Stitzel for the monthly update for the Fire Department.

Mr. Stitzel: Before I start, I want to tell you that the first couple of weeks here have been very informative and I've been getting a lot of help and support from the rest of staff. It is making the transition really beneficial and we are getting ramped up and moving with the Fire Department and understanding where everything's at. I just wanted a note of thanks to my colleagues and my boss. Things are going really well so far.

The Fire Department purchased the new EMS software, the ESO software, and we had training on that the last couple of weeks and got it all ramped up. It went live on the 15th and we are currently using the new software and entering all of the data from January up to February 15th into that software. At the end of the year, we can have some true year end data to come out of that.

The new Engine 5 is now in service. It was put in service last week and we are beginning to discuss a Push-In Ceremony like we did with Engine 6. We want to do one for the northern community and do a Push-In Ceremony and we are going to couple that with our Annual Firefighter and Officer of the Year Awards, so we will do that all together. We are looking at probably at a time where it looks like the weather is going to break possibly in early April because we will be outside a little bit to push it in. So we are looking to get that scheduled and we will keep you posted as soon as we have a date.

I'm beginning to meet with all of the Chief Officers and the Lieutenants on the Fire Department to discuss the projects that were outlined in the 2017 budget and trying to find out what the statuses are and get those moving forward. We will be coming back to you with the updates on those also. That's all I have.

There were no additional questions or comments.

- b. Service Department

Mr. Carpenter introduced Mr. Miller for the monthly update for the Service Department.

Mr. Miller: Thank you, Mr. City Manager, Mayor and Council. The guys have been doing a lot of roadwork as a result of the good weather. They put down 12 tons of hot mix. The hot box really helps. The stuff stays in place. They put down 1,000 gallons of brine and 30 tons of salt and deicing. They also have been doing a lot of sign repairs and roadway obstruction clearance, roadkill type of removal.

They also have been working pretty heavily on building improvements. We have been trying to use the guidelines that Brock has provided as far as doing some renovation, specifically they have been helping the Police and also in the Service Department back there in the Service garage. They welded a steel gun rack, so that they would have some place to secure their rifles and other guns.

Also, we have been preparing for the 20 year plan for the street improvements. We've been doing a lot of measuring and doing a condition analysis and appraisal on

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the roadway conditions in preparation for our 20 year plan so we can finalize that. We took some street cores on Springfield Street where we were trying to determine the condition of the sub-street which would tell us where we need to do full-depth repairs and where we don't need to do full-depth repairs. That's pretty much it for the Service Department.

Mr. Smith: I noticed the street sweeper has been out running around. It looks good. Mr. Miller: We have been doing a lot of hauling of debris. Every time we dump it is about \$150.00. Mr. Smith: Is it? What kind of weight are we looking at? Mr. Miller: You are probably talking about 3 ½ to 4 yards. They try to fill up the dump truck pretty full when they do that. They don't go every time, it's when they get their dump truck full enough to make it economical.

Mr. Denning: How much salt do we have left? Mr. Miller: Right now we have close to 500 tons back there. Mr. Denning: Are we going to be able to store that some place? Mr. Miller: In the past, Dayton has always been gracious enough to allow us to store at their site. I don't think that relationship has changed. Hopefully it hasn't changed. Mr. Denning: I hope not. Mrs. Lommatzsch: Don't brag too soon. Mr. Denning: I've seen the weather report. We are not supposed to get below 50° the rest of the month of February. Mrs. Lommatzsch: But I've seen snow on Easter.

Mr. Denning: I have too, but it doesn't seem like it this year. The other question I have is as far as the 20 year plan, is the wall along Harshman part of that 20 year plan? The question I would have is that was the technology of the 80's or whenever that was put in, are there better ways to do that or is that the most efficient way for what we need? Mr. Miller: That's a good question. We haven't asked the engineering firm to fully explore that. I can tell you we have estimates of what it would cost to replace that wall and to also do pavement in that area. It would be about \$3 million. Mr. Denning: I drive that wall every day, so I understand and it's not in great shape. As I was driving it the other day the thought came is there a better way to do this? That would be the question, is this the most up to date way of keeping that separated or is there some way less expensive? Mr. Fullenkamp: A 20 mph speed limit. Mr. Denning: That's not going to work. Mayor Flaute: I suggested looking at the things they put in the highway, the steel rods. Mr. Denning: I don't want to make suggestions. I want them to tell me what the best way to do that is. Mayor Flaute: It's just something to look at. Mr. Fullenkamp: Your bid was for the current approach? Mr. Miller: Correct. Mr. Denning: That's fine, but I'd also like to look at is there a better way to do it? If that's the best way to do it, that's fine and I'm okay with that. I know that every time I go through there it looks like another chunk is ready to fall off. Mr. Miller: They guys repair that wall. Mr. Denning: I think we are keeping it up, but I know that the places where the water drains in the concrete is falling apart and you are not going to be able to keep repairing it forever. Is there a better way to do it? That would be my question.

Mr. Smith: My question is that wall is about 35+/- years old. Is there better material out there today that we get more life out of a new wall? Mr. Miller: My guess is there is. If it is 30 years old or thereabouts, they didn't reinforce concrete with fiber. Now you have the ability to reinforce concrete with fiber which makes it much more durable and less prone to crack. It prolongs the life of it. It is more expensive, but at the same time if you are going to be having an asset for 20 years you want it to last for 20 years. There is some technology in that realm that would reinforce the concrete and bind it together better. Mr. Smith: Because the bridge over the Mad River that they are repairing now is probably 60+ years old and it lasted quite a while. I know you run into the bridge, right into the sides. You don't hit directly into the bottom of it, but on that wall it does takes some hits from time to time. Is there something that's flexible or will give? Mrs. Lommatzsch: So they can bounce off and hit somebody else? Mr. Smith: To keep it from destroying itself when it gets hit.

Mr. Fullenkamp: The question I have is can we reconfigure it? Do we have enough room to widen the median? Mr. Miller: That would be another way to look at an alternative to see if we have the right of way. Part of the problem is that a lot of that right of way is Air Force Base. Mr. Fullenkamp: I'm sure they would be willing to cooperate with us. Mr. Miller: I'm sure they would. Mr. Denning: They moved their

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fence back already. Mr. Miller: It takes an act of Congress for them to basically do any adjustments. It would be something to explore with the Air Force Base Civil Engineering. It would be something to talk to them about. Mr. Smith: We have the space to the northwest of the wall that's ours that we could expand on and maybe straighten that curvy wall out. Mayor Flaute: I suspect there would be quite a cost to that. Mr. Miller: That's a very true statement. You've got a lot of storm water infrastructure underneath that. You also have a lot of other utilities and cables that would have to be relocated which would be pretty costly, but again we will look at alternatives to see what we can determine. That's a good thought.

Mayor Flaute: I have one quick question with the 12 tons of hot mix and the hot box. It is my understanding now that you have the hot box we don't have to go back then in the spring and put in real asphalt or is that not a correct statement? Mr. Miller: That's a fair statement under ideal conditions. Now if there's water or moisture underneath that may not be the case. Right now we are having to go back and use our cold patch. Apparently the guys have been using the hot mix patcher so much that they end up clogging up some jets and some other things, so it is being worked on right now by the vendor although they keep it very clean but still it is having some issues.

Mrs. Lommatzsch: The roads you are talking about, I have a date to hang it on and that's when I moved here and it is 40 years old. Mr. Denning: The wall? Mrs. Lommatzsch: It was being built when I moved here. Mr. Smith: I said 35+. Mrs. Lommatzsch: My question is about the fence at Shellabarger, is there an update on that? If the insurance adjusters have been out there, we certainly can go clean up the mess. It will take a while to get it fixed, but people are still asking when we are going to do something about cleaning up that fence. I know there would be a hole in it, but I'm sure the adjusters have to have been there by now. Mr. Miller: The issue is the fact that we are having difficulty matching up the fence. Mrs. Lommatzsch: I'm sure that is going to be a problem. Well let's have it made and the insurance company can pay for it. Mr. Miller: My thought was I can have my MacGyvers probably end up making it quicker than what we will be able to find it because Jay and I have been researching databases and so far we haven't had a match. Mrs. Lommatzsch: Well it may have to be custom made which the driver's insurance company should be willing to make that happen. Mayor Flaute: If there is debris out there, we need to pick it up. Mrs. Lommatzsch: Well there is it's the crushed up fence and the ruts. It looks like we aren't caring about it is the impression that we don't care about it. I explained that it takes a while with the insurance companies, but it's been six weeks. Mr. Miller: At least that. Mrs. Lommatzsch: Please sir.

There were no additional questions or comments.

c. Planning and Program Management Department

Mr. Carpenter introduced Mr. Taylor for the monthly update for the Planning and Program Management Department.

Mr. Taylor: Thank you, Mr. Manager. This morning I had the MVRPC TAC meeting. We go over most of the projects. I don't remember if I shared this, but the application to Springfield West which was a \$2.6 million project that is going to be funded. We will get the official letter here in the next couple of months. What is interesting about that is through that program there was \$36 million in approved projects for infrastructure throughout the five counties. We were lucky to have that. There were 29 projects that were funded, so we panned out really well there. That project will be moving along here and hopefully by 2021 is when that project will be finished and coupled with Springfield East that we are doing currently.

Community Clean-Up Day will be April 22nd which is Earth Day and that's a Saturday. We will have more information coming out on that. Mr. Leist has put together quite a large gathering. He's gotten some assistance from the county. I don't want to promise anything yet because nothing is solidified, but it looks like we may have a shredder out there. We will be taking the tires again. We will of course have the dumpsters. Stebbins High School has reached out to us and they have got a group

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of students that also want to volunteer so they are actually going to walk through the park and clean the park up. I think they are going to do some other things and then assist with that. It's turning out to be a really large event on April 22nd with more things to come. He's got quite a bit of help from the County, so it should be a really great event. Mr. Denning: This is going to be at Rohrer Park instead of where it was? Mr. Taylor: It is going to be a Rohrer Park. Just to put everyone's mind at ease, it is soccer season and we know Rohrer Park is the soccer park. We've coordinated with them and they are going to try to have their game on Sunday that week. We are trying to make sure we are carefully planned to everything is out of that park on Saturday so they have complete access on Sunday. There is a lot of coordination going on there and Jeremy is doing an excellent job.

One of the things Mr. Fullenkamp brought up was a PO for Outdoor Enterprises, that's the RTA Project. They have just finished, so Mr. Manager you can take that one off of your list. We will be closing that PO and that legislation was in 2016, but the PO was written in 2017.

Of course you met Ms. Wheeler. She started Monday as I think I said before. We have been doing some training and we are working on ZonePro doing permits. She's already doing some permits on her own and we are very happy to have her and look forward to progressing some of the things we discussed about earlier today in the work session and making those happen. That's all I have. Thank you.

Mr. Fullenkamp: Word on the street is we got partially funded for the CDBG grant for the park. Mr. Taylor: Yes, it was an \$80,000.00 project and it was an 80/20 split. Mr. Smith: \$56,000.00. Mr. Taylor: We got cut to \$20,000.00 which I was rather upset about. We had spoken with the County, Mr. Smith and Ms. Jones. Previously we had done demo projects, but we didn't want to do that because the NIP projects that we had coming and they suggested they wanted to see more community involvement. We talked about doing stuff in our parks and it seemed very, very well received and then come to find out we were cut dramatically. Then to add salt in our wound there were two or three projects from different cities that had demo projects that they said they didn't want to fund. I haven't quite figured out what's going on with that. They are working with us on some of the demos that we had from last year. We had a \$50,000.00 grant. We have only used \$34,000.00 of that and they are letting us roll that over up through April. We discussed that about the Bonneview project where we will be taking out the two buildings there and we are working on that. We kind of got hosed this year, but they are helping us out from last year's money. We will continue to build that relationship to see how we can build a better project to get better funding.

Mr. Fullenkamp: So what are we committed to do with that \$20,000.00? Mr. Taylor: The grant is very open. What we are doing right now in part of that project we talked about doing some landscaping. The big thing I wanted to do is make the park look more inviting and get rid of the armatures that hold the barbed wire and create that fence on the Harshman Road side to give it more of an appeal. We still want to discuss with the pee-wee football about their needs because we would like to bring that fence down to maybe a 4 foot fence, but I think that may impact their operation. We want to make sure that we can create a welcoming environment in the park and leave it open for residents, but still allow the pee-wee football to do what they need to do. What I'm looking at right now is just fencing around there. I have contacted a few contractors, but I haven't gotten anything back yet. Mr. Fullenkamp: Please keep us in the loop. Council may want to have something to say about what projects we try to implement with those remaining funds. Mr. Taylor: Since it has been cut severely.

Mr. Denning: You might want to consider taking two out of every three pine trees along that fence out because most of them are dying or are dead already. Mr. Taylor: I think that's a good point. Do we want to continue to focus on the fence? We had all of those things in that plan. We talked about resealing the parking lot, doing restriping, removing some of the dead trees and then fencing. When you look at what we asked for in our estimates and what they funded us, it almost looks like they want us to do the fencing. Again, that is an ambiguous kind of project and we can make it what we want as long as it is in that park and follows what was in that application. Mr.

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Fullenkamp: So it has to be in that park? Mr. Taylor: It has to be in that park. Mr. Fullenkamp: And somewhat follow what the original proposal was about or some portion of it. Mr. Taylor: Yes, intent is more important than the actual words written if that makes sense.

There were no additional questions or comments.

ITEM 15: PUBLIC COMMENT ON AGENDA ITEMS: There were no requests to speak before Council on agenda items.

ITEM 16: UNFINISHED BUSINESS

A. ORDINANCES

I) Ordinance No. 17-O-615 to rename and repurpose City Fund 213, commonly known as the OPWC Issue II Burkhardt Road Fund.

Mr. Carpenter introduced Ordinance No. 17-O-615 renaming and repurposing City Fund 213.

A motion was made by Mr. Denning to read Ordinance No. 17-O-615 for the second time by title only and approve its final adoption. Mr. Smith seconded the motion.

The Clerk read Ordinance No. 17-O-615 for the second time by title only.

There was no discussion on the motion.

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

II) Ordinance No. 17-O-616 to rename and repurpose City Fund 404, commonly known as the Great Miami River Canoe/Kayak Launch Project Fund.

Mr. Carpenter introduced Ordinance No. 17-O-616 renaming and repurposing City Fund 404.

A motion was made by Mr. Denning to read Ordinance No. 17-O-616 for the second time by title only and approve its final adoption. Mr. Smith seconded the motion.

The Clerk read Ordinance No. 17-O-616 for the second time by title only.

There was no discussion on the motion.

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

ITEM 17: NEW BUSINESS

A. ORDINANCES

I) Ordinance No. 17-O-617 making supplemental appropriations for current expenses and other expenditures of the City of Riverside, State of Ohio, for the period January 1 through December 31, 2017.

Mr. Carpenter introduced Ordinance No. 17-O-617 making supplemental appropriations.

A motion was made by Mr. Denning to read Ordinance No. 17-O-617 for the first time in its entirety and approve its first reading. Mr. Smith seconded the motion.

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There was no further discussion on the motion.

The Clerk read Ordinance No. 17-O-617 for the first time in its entirety.

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

A motion was made by Mr. Denning to suspend the rule that dictates the number of days between consecutive readings of ordinances. Mr. Smith seconded the motion.

Mr. Denning: One question, do we have to have a public hearing on this? Mayor Flaute: I am told by the Clerk that we do not. Mr. Denning: I'm just checking.

There was no further discussion on the motion.

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

A motion was made by Mr. Denning to read Ordinance No. 17-O-617 for the second time by title only and approve its final adoption. Mr. Smith seconded the motion.

The Clerk read Ordinance No. 17-O-617 for the second time by title only.

There was no discussion on the motion.

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

B. RESOLUTIONS

- I) Resolution No. 17-R-2241 strongly opposing the State of Ohio Governor's proposed 2017-2018 Budget, which proposes centralized collection of net profit tax returns and other provisions related to the Municipal Income Tax which will cause a substantial loss of revenue needed to support the health, safety, welfare, and economic development efforts of Ohio Municipalities.**

Mr. Carpenter introduced Resolution No. 17-R-2241 opposing the State of Ohio Governor's proposed 2017-2018 Budget.

Mr. Fullenkamp: So what exactly are we objecting to? I wasn't here at the last meeting. My first question is the statements made that it will cause a substantial loss of revenue. We've done those estimates? Mr. Carpenter: The estimate is around 5%. Mr. Fullenkamp: 5% of what? Mr. Carpenter: Of the business revenue. Mr. Fullenkamp: Where did that number come from? Mr. Carpenter: That number came from the budget proposed by the Governor. Mr. Fullenkamp: Why is it causing a 5% reduction? Mr. Carpenter: Because they are going to take over the collection services for all the municipalities in the State of Ohio. Mr. Fullenkamp: For? Mr. Carpenter: Business revenue. Mr. Smith: Income tax. Mr. Fullenkamp: For net profit? Mr. Carpenter: For a fee to do the service. Mr. Fullenkamp: The fee I saw was 1%. Mr. Carpenter: We have been informed that it is going to be more like 5%. I don't mean to say more like; we have been told it is 5%. Mr. Fullenkamp: Who told you that? Mr. Carpenter: That's the word from the Ohio Municipal League and from the Area Manager's Association. Mr. Fullenkamp: But the Ohio Municipal League has a 1% fee on their website. Mr. Carpenter: That's what we've been told. Mr. Smith: Is it 5% for the business collection for the businesses and 1% for the residential collection? Mr. Carpenter: I'm not sure how it is broken down, but that's the number that we have been told. They are going to take 5% now. Mr. Fullenkamp: I just want to know what I'm objecting to. I've done some reading and this has nothing to do with residential income tax. Mr. Carpenter: It's business. Mr. Fullenkamp: This is just business and trying to go through the business portal and assessing a 1% fee. Now the 5% shortfall may be due to eliminating the throwback and I agree with objecting to that.

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Mayor Flaute: The point to from the Mayor's Association and the Mayor/Manager's is we don't want them to be collecting taxes for us whether it is 1% or 5%. They want to get this business thing and then they want to go further to get residential. We really think that is a very bad thing. It is an attack on Home Rule. It is an attack on the cities and it is not something that would be beneficial to the city. Mr. Fullenkamp: I understand that some cities would object because they run their own tax departments, but our city uses RITA and we get charged 2-3% so it really doesn't impact us. Mayor Flaute: Yes it does because they are attacking Home Rule. They are attacking us and they want to take it all over and we don't want that. I don't want that. I'm not speaking for Council, but that is not something that is in the best interest of our city or any city in the State of Ohio. They need to let us do what we do best. Mr. Smith: You mean let us govern our own city. Mr. Fullenkamp: I would propose that I would do anything almost to get rid of the RITA tax form and we've never made demands on them. Mayor Flaute: This day in age they should be able to do a lot better and they say they've done better, but I haven't seen better.

Mr. Fullenkamp: It's the same as it's always been. Anyway, I just want to make sure why we are objecting and if it is about Home Rule, I have mixed emotions about that. This is not about the residential tax; this is about the businesses and using the business portal. Some of the objections of the business portal is that it is not very usable, so why do you want to drag more usage to the business portal when it is very hard to use. They are currently allowed to do this. Businesses are allowed to go through the business portal for their municipal tax purposes. Mr. Carpenter: Some of the speculation is this is a method for the State to collect funds to pay for the business portal or improve the business portal. That's some of the speculation. Mr. Fullenkamp: Again, these are services that every city has and there are advantages to combining these services over a region or maybe even over a state. Object as much as we do, Ohio is kind of strange in the way that it allows a municipality to tax residents. I just want to make sure we all know what we are voting about. Mr. Denning: I think what I've heard is we are believing this is the first step that the State is taking and it is setting a precedent of them collecting and eventually it's just going to be the next step and the next step until they are collecting all municipal taxes. Our objection is we don't want you doing this, we can see what you are trying to do, and don't do it. That's my understanding. Mr. Fullenkamp: It's just business friendly is the argument.

A motion was made by Mr. Denning to approve Resolution No. 17-R-2241. Mr. Smith seconded the motion.

There was no further discussion on the motion.

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

II) Resolution No. 17-R-2242 advancing \$175,000.00 from the General Fund to the OPWC Spaulding Road Fund.

Chief Carpenter introduced Resolution No. 17-R-2242 advancing \$175,000.00 to the OPWC Spaulding Road Fund.

A motion was made by Mrs. Lommatzsch to approve Resolution No. 17-R-2242. Mr. Denning seconded the motion.

There was no further discussion on the motion.

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

III) Resolution No. 17-R-2243 authorizing the City Manager to enter into a contract with Barrett Paving Materials as the lowest and best bidder for the 2017 Spaulding Road Resurfacing Project.

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Chief Carpenter introduced Resolution No. 17-R-2243 authorizing a contract with Barrett Paving Materials.

A motion was made by Mrs. Lommatzsch to approve Resolution No. 17-R-2243. Mr. Denning seconded the motion.

Mr. Denning: Do we have a timeline on when they are going to get started? Mr. Carpenter: Pre-construction is scheduled for February 28th. The original estimate I think was somewhere around April. Mr. Denning: They will start in April and maybe be finished by the Fourth of July? Mr. Carpenter: We will know more after the 28th. Mr. Denning: Keep us up to date please.

There was no further discussion on the motion.

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

ITEM 18: PUBLIC COMMENT ON NON-AGENDA ITEMS:

Janice Pitzer of Wake Forest Road requested to speak before Council regarding public records requests.

Ms. Pitzer: This is in regards to public records requests. On the 24th I met with Mr. Carpenter and Mr. Taylor in a meeting and asked for some reports and they said they would provide those to me and if I wanted anything else to let them know. I didn't have a response and at the February 2nd Council meeting, Mr. Carpenter came up to me after the meeting and said he would fill out a public records request regarding those. I said I would do that myself tomorrow morning, as I keep records of every public request that I make. This was sent as five separate public records requests: 8:22 a.m., 8:26, 8:33, 8:40, and 8:46 a.m. At 9:27 a.m., Ms. Arnold sent an email that she received my requests and asked for additional information regarding one of the reports that I was requesting and could I narrow down the year. At 2:03, I provided her with some more information and suggested she ask Council for some of the information. Ms. Arnold responded at 3:36 p.m. and said she would touch base on Monday, which would have been the 6th, and she would get back with me. I have had no response. I sent an email on Thursday the 9th of February at 8:20 a.m. asking if my requests were ready. No response. I called the City on Monday the 13th at 1:30 p.m. to see if possibly they were at the front desk and Ms. Arnold maybe forgot to notify me they were ready. Nothing is out there. My question is why am I having to wait so long to get a DVD of the February 2nd Council meeting and the reports that were promised by Mr. Carpenter and Mr. Taylor during the January 24th meeting and I have nothing? Any response?

Mayor Flaute: Mr. Manager would you like to look into that and get back with Ms. Pitzer in the morning? Ms. Pitzer: And I would like that in writing. Thank you. Mr. Carpenter: I'm sorry, Ms. Pitzer, what would you like in writing? Ms. Pitzer: Your response in writing.

Mr. Curp: What reports did you request? Ms. Pitzer: I requested the RAPCA reports, the two most recent on S&S Trucking; the EPA, the two most recent reports on S&S Trucking; the Edward Livesay focus group that I attended two different days, his final report his company name was Mosaic Strategies; and the Police investigation that was done I believe by the Sheriff's Department roughly the year 2006 till I don't know when some of you were on Council at that time, you should be aware of that; and then the DVDs of the Council meeting on February 2nd. Mayor Flaute: I think that's pretty vague. We don't know what you are looking for on the Police report. Ms. Pitzer: The Montgomery County Sheriff's Department did an investigation on the Riverside Police Department. It was provided to Council. Mrs. Lommatzsch: I've never seen such report. Mayor Flaute: I don't think I have ever seen that report. Mr. Curp: Do you know what year that was? Ms. Pitzer: It was when Bryan was here, so he came in 2006 so I'm not sure the exact year. Mayor Flaute: He started here in 2007. Mr. Fullenkamp: It may have actually been the Kettering Police Department that did the report. Ms. Pitzer: I will check. Mayor Flaute: Does anyone remember? Mr. Smith: That doesn't jog the memory. Mr.

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Denning: That was before my time. Mr. Smith: You said Kettering. That kind of jogs my memory. I know Kettering did a report, but I couldn't tell you what it was. Ms. Pitzer: Wouldn't you have a copy of that? Mr. Smith: I've got copies and copies of a lot of stuff.

Mr. Curp: Kettering came in and did a study a number of years ago, but the retention timeframe for keeping that may have come and gone for the City and we don't have it. Ms. Pitzer: You wouldn't keep something that was pretty negative to say the least. Mr. Curp: The report from Kettering that I saw wasn't negative. It certainly had some suggestions for ways the Police Department could adjust some of the things they were doing, but it was not a damning report that I recall. Ms. Pitzer: So we don't hold on. Mr. Curp: There's a lot of stuff that we get rid of. Mayor Flaute: We need the information of what it was and the Manager can look into it. Ms. Pitzer: Okay. Thank you.

Steve Massa of Planters Avenue requested to speak before Council regarding a dust nuisance.

Mr. Massa: I have a little bit of new information, but some of it is a review of some things that we talked about at several Council meetings in the past. May I proceed? Mayor Flaute: Go ahead. Mr. Massa: I'm just going to read it because it will be quicker instead of me trying to remember everything. Mayor and Council, good evening. During the January 19, 2016 Council meeting, there was a discussion concerning the dust issue on Planters Avenue. During this discussion, Mr. Flaute stated, "We have not seen the dust. We only know what you guys tell us and we are not saying you are lying or anything like that, I'm just saying we need to see it so call us." I thank you for that response, Mr. Flaute, unfortunately residents were told this same thing several years ago and they did call. This plan produced no positive effect and only served to further stress the residents. For your own information and to make everyone aware, Mr. Chodkowski was aware of the dust problem on Planters Avenue in May of 2013. Mr. Lohr viewed visual evidence of the dust on Planters Avenue on October 21, 2015. Ms. Christian viewed visual evidence of the dust on Planters Avenue on February 9, 2016. Mr. Percival viewed visual evidence of the dust on Planters Avenue on April 18, 2016 and Mr. Carpenter was shown visual evidence of the dust on Planters Avenue on July 13, 2016. That is two months shy of four years Riverside staff has been aware of this dust problem and now we are approaching another summer. I understand there are some on Council that have not seen this evidence, but rest assured all the appropriate Riverside employees have seen and are aware of the dust problem on Planters Avenue. If anyone on Council wishes to see this evidence, I would be happy to meet with you upon your request.

During the January 5, 2016 Council meeting, Riverside stated, "We have a yes that we are going to look into some products and ask Mr. Salmons to put them down so that he solves the dust problem." Ironically, this document I hold in my hand is a similar solution Salmons Trucking agreed to in May of 2013. Salmons Trucking did not fully uphold this agreement. If they had, this dust problem would have ceased to exist and I would not be standing here tonight asking for help. The residents would like to know how the same agreement that failed in 2013 could be successful in 2017. What assurance is Riverside giving that this plan will be upheld and faithfully executed?

Mayor Flaute: I think you have my cell phone number, if you don't here it is, please call me when the dust comes and I will do my best to be out there because I want to see how much this is. Mrs. Lommatzsch: What did Mr. Salmons agree to? Mr. Massa: It's highlighted. Mr. Smith: Just for clarification, when you started out your letter there you used the date January 29, 2016. That was just this year in 2017. Mr. Massa: Yes. I'm sorry. I made a mistake on that. Thanks for catching that. Mayor Flaute: The Manager will be in touch with you. Mrs. Lommatzsch: Do you need this back? We will get a copy for you. Mr. Carpenter: I will bring it to you when we are done here. Mr. Massa: Okay. Thank you.

There were no additional requests to speak before Council.

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ITEM 19: COUNCILMEMBER COMMENTS:

Mrs. Lommatzsch: There are a couple of events. The USO Super Bowl Party the Mayor and I participated in was a big hit and I think they appreciate the attention that Riverside and Fairborn helped support that Sunday afternoon event. Mayor Flaute: Just so you know there was food provided by the Miami Valley Military Affairs Association and they put on a really nice spread. Mrs. Lommatzsch and I were there to help serve it and you know a lot of these Servicemen are 18 and 19 years old, so they want to watch a Super Bowl Game and it's not like they can go to a bar so they come to the USO. We had almost a full house on that and it was a very rewarding day and I think Mrs. Lommatzsch for doing that. It was quite a good event.

Mrs. Lommatzsch: The United Rehabilitation event yesterday morning was special. Mayor Flaute: Just out of that for the United Rehabilitation Services, most of the building is in Riverside so we do get a lot of taxes from them. They have a wish list, if you have any ideas of stuff you would like to donate. Of course they take money, but they also have a wish list of items. There are footballs, sports/classic TV show DVDs, or if you have a countertop microwave, they take those kinds of things. If you want to check out the wish list for United Rehabilitation Services, they do great work over there and we were happy to see firsthand. Mr. Denning: Mr. Mayor, might I suggest that you get that to the Chamber and let them put that in their newsletter, as well as we put it in our newsletter for our residents so if they wish to donate they can.

Mrs. Lommatzsch: I think a brief story about them because I think there is a whole lot that goes on that people don't realize goes on in that corner. We obviously have the ability to find out what Riverside residents might be partaking of their services and that could be a feature in our newsletter and then follow with the wish list because there's some confidentiality involved. I'm sure the City Manager could find out. It's full of up to adult care. Mayor Flaute: They have 80 year old folks that have cerebral palsy. Mrs. Lommatzsch: They are always looking for people for their rubber ducks, the TV-a-thon and their volunteers. There's always a lot of things you can do to help. Mayor Flaute: The aging population has really made a difference over there. Thank you, Mrs. Lommatzsch. Are there any other questions or comments? Ms. Arnold: I will email this to Lynn and I will give it to Chris for anything he might need it for.

Mrs. Lommatzsch: Don't forget March 23rd is the Volunteer Dinner at Walnut Grove. March 22nd the MVMAA Reception is at Walnut Grove and you should be getting your invitation momentarily. It's a Wednesday and a Thursday night and I apologize to the Mad River School Board, it is their meeting night and we will in the future try to avoid that. I tried to change it, but I can't get an adjustment made in the schedules.

Mayor Flaute: I just have a few. I did 11 weddings in the last two weeks. St. Valentine just keeps us going on that. I also met the final candidates for the Wright State President and gave them my input. We will see if they listen.

Yesterday I attended the Dayton LaSertoma Club Service Awards and one of our residents got an award, Kaitlynn Kopa. She's a senior at Stebbins and she lives in the Forest Ridge area. She won an award. The other one was Hannah Keller who goes to Carroll High School. She was the winner of the award. She does not live in Riverside, but she goes to school at Carroll which is in Riverside. What's really cool about Hannah is besides getting money and things for being good service people, there's a contest that goes on and out of all the high schools that participated Hannah was elected to go onto the regional finals. After you go to the region, you go to the state. It's a big deal and we really are pleased that someone from Carroll won that and the Stebbins person. Mr. Smith: The award that they received or the monies that they received, was the in the form of a scholarship for college? Mayor Flaute: Yes, it is. The information is here and I'm not sure of all the things they receive, but it's a big deal. I have that information here.

If you do have a service to the community, we give out pins for services and one of them that we just had was a 15 year pin for Mr. Smith. Congratulations on your 15 years! We are glad to give you this 15 year pin for your work here. Thanks for hanging with us.

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There were no additional comments from Council.

ITEM 20: EXECUTIVE SESSION:

- A) **Personnel Discussion – Section 103.01(d)(1): *Unless the City employee or official requests a public hearing; to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a city employee or official or the investigation of charges or complaints against a City employee or official.***
- B) **Discussion of Wright Point Leases – Section 103.01(d)(7)C: *To receive and consider from an applicant for a permit, license, variance, zoning change or other similar privilege granted by the City, the following information confidentially received from the applicant: C. Production techniques and trade secrets.***

Mayor Flaute: We now will take a 5 minutes recess and we will go into executive session for the things that are on the agenda.

A motion was made by Mr. Denning to enter into executive session for the reasons stated on the agenda. Mr. Curp seconded the motion.

There was no further discussion on the motion.

A roll call vote was as follows: Mr. Denning, yes; Mr. Curp, yes; Mr. Fullenkamp, yes; Mrs. Lommatzsch, yes; Mr. Smith, yes; and Mayor Flaute, yes.

Council entered into executive session at 8:26 p.m. Council came out of executive session at 9:13 p.m.

ITEM 21: NEW BUSINESS

A. RESOLUTIONS

- I) **Resolution No. 17-R-2240 authorizing the City Manager to enter into a lease agreement with Array Information Technologies, Inc.**

Chief Carpenter introduced Resolution No. 17-R-2240 authorizing a lease agreement with Array Information Technologies, Inc.

A motion was made by Mr. Denning to approve Resolution No. 17-R-2240. Mr. Curp seconded the motion.

There was no further discussion on the motion.

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

ITEM 22: ADJOURNMENT: A motion was made by Mr. Curp to adjourn. Mr. Denning seconded the motion. There was no discussion on the motion.

All were in favor; none were opposed. The meeting was adjourned at 9:14 p.m.

William R. Flaute, Mayor

Brenna Arnold, Clerk of Council