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ITEM 1: CALL TO ORDER: Mayor Flaute called the Riverside, Ohio City Council Meeting to order at 6:01 p.m. at the Riverside Administrative Offices located at 5200 Springfield Street, Suite 100, Riverside, Ohio, 45431.

ITEM 2: ROLL CALL: Council attendance was as follows: Mr. Curp, present; Mr. Denning, present; Mr. Fullenkamp, present; Mrs. Lommatzsch, present; Mrs. Reynolds, present; Deputy Mayor Smith, 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, Mitch Miller, Service Department; Rhett Close, Police Major; and Brenna Arnold, Clerk of Council.

ITEM 3: EXCUSE ABSENT MEMBERS: All members were in attendance.

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. Reynolds 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) Board Interview for Health and Safety Commission – John Schnieders

Mayor Flaute: Mr. Schnieders, welcome. If you would like to come forward and give us a little idea of what you are doing and any other remarks you would like to make.

Mr. Schnieders: Thank you very much, Council members. My name is John Schnieders. I feel that I have some things I can do to help Riverside. I'll do anything if you guys also give me advice on trying to work with. I've been down to this lovely building several times trying to keep the Neighborhood Watch going and I was on Health and Safety, but because of my rehab stay for my leg being amputated I had to stay out of here for a while. I'm back and I hope you will accept me back in for the Health and Safety Committee. Thank you.

Mayor Flaute: Thank you for volunteering to do this again. We appreciate your work. Are there any questions from members of Council to Mr. Schnieders? Mr. Smith: You are living here in the City now? Mr. Schnieders: Oh, yes. I have lived in the same spot that I have for the last 23 years, I think it is. Mayor Flaute: I think it is longer than that even. Good deal. Mr. Smith: Okay.

A motion was made by Mrs. Reynolds to bring forth legislation for the appointment of John Schnieders to the Health and Safety Commission. Mrs. Lommatzsch seconded the motion.

There was no additional discussion on the motion.

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

B) Discussion regarding Goals and Objectives

Mr. Carpenter: Yes, Mayor. This is on the agenda to talk about I guess the retreat or when we want to develop my Goals and Objectives. Mayor Flaute: So the plan right now in our heads is that the staff is going to get together on what day? Mr. Carpenter: February 9th and 10th. Mayor Flaute: After that we were thinking that Council would get together. So we could do our retreat on a Saturday for the working folks. Mrs. Lommatzsch, are your Saturdays just as busy? Mrs. Lommatzsch: I will

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accommodate whatever they come up with. Mayor Flaute: Would you rather have another day of the week. Mrs. Lommatzsch: Whatever the most people can attend. Mayor Flaute: I know there are some other out of town issues. Mr. Denning, would Saturday be okay with you? Mr. Denning: I've got to get my other calendar and I don't have it with me. It depends on the Saturday. I know we are out of town a couple of days. Mayor Flaute: We have to make sure the person who is doing the retreat or whatever we are calling it at this point is available too. Do you think the 11th or the 18th might be the best time?

Mr. Fullenkamp: I have a question the person that is doing the retreat, what's the mean? Mayor Flaute: Mr. Manager, do you want to talk about who we've got in mind? Mr. Carpenter: We have a facilitator that is going to conduct our retreat and then I mentioned to him that he may attend the Council retreat and give a 2-3 hour debrief as part of the Council retreat. Mayor Flaute: My thought process was that it would be good to have the same person to do whatever this retreat would be and to do ours. It would just be a nice contingent or whatever to keep the transition going. That was our thought. Mr. Smith: That's fine with me to use the same person. I think you need to get with the facilitator and see when they are available and then get with us. Mr. Carpenter: Do you want to give me some dates? If we have some possible dates, I would be glad to get ahold of him and see if we can arrange it. Mayor Flaute: And try to get some information about him. Did you send a bio? Mr. Carpenter: I did not, but I can do that.

Mayor Flaute: If you could send a bio on him that would be good. The 11th or the 18th of February? Mr. Smith: I'm pretty flexible. Mrs. Reynolds: I will be out of town from the 16th through the 20th of February. Mayor Flaute: Okay, so the 11th or the 25th would work. Mrs. Reynolds: We know we all can't always be there. Mayor Flaute: Yes, we can. We've really got to try our best. I think this is very important for our City and I hope we can do it where we are all there. The 11th or the 25th at this time. Mrs. Lommatzsch: Potentially my friend is having surgery in Virginia on the 8th and it is brain surgery and I don't know when I will come back, but you can go without me. The 25th. Mayor Flaute: I was on the wrong month, the 11th or the 25th. Mr. Fullenkamp: Let's make it the 25th. Mrs. Reynolds: How long will it take for the facilitator to prepare your thoughts? Mr. Carpenter: I told him maybe 2-3 hours with Council and maybe he could condense that further, if that's necessary. Mr. Denning: The point is it will take him a while to take the information from the meeting and put it into some sort of report. Mr. Carpenter: I see what you are saying. I told him it would likely be 2 weeks later is what I told him, at least 2 weeks later. Mr. Denning: So we are still at the 25th. Mrs. Lommatzsch: The 25th works.

Mayor Flaute: The big item that I was thinking was Goals and Objectives. Is there anything else you would want to talk about at this time or should we keep it at Goals and Objectives? Mrs. Reynolds: What are you thinking sir? Mayor Flaute: Some kind of team building of some sort is my thought. I would like to do something like that. Mr. Smith: That would be a whole other meeting because the Objective parts can cover anything from infrastructure to staff realignment with Objectives. I think you need to keep it as it is, but if you want to do some team building and ad hoc committees and so forth then I think we need to schedule that for another time. Mayor Flaute: Okay. Mr. Smith: We can probably touch on it in the retreat, but I think that is something you would need to structure. Mr. Denning: I think just go over Goals and Objectives and then do that later. Mayor Flaute: Okay. Very good. We will shoot for the 25th unless we hear. Mr. Denning: I think that would be okay, but would it be Saturday evening? What timeframe are you looking at? Mrs. Lommatzsch: 8:00 a.m. Mayor Flaute: 8:00 a.m. to noon or whatever and include lunch or maybe 10:00 a.m. until 1:00 p.m. Mr. Denning: I don't see that as a problem.

Mayor Flaute: We thought about maybe having it at the Eintracht. Mr. Smith: Three hours period, total? Mayor Flaute: I don't know. Mr. Smith: For everything, I think it would take us longer than that. If the facilitator is going to talk for 2 hours just to do his part and bring us up to date on what staff talked about. That wouldn't give him time to talk to us. Mr. Fullenkamp: Won't we get a report from that person before we actually meet or shouldn't we? Mayor Flaute: What are you looking for? Mr.

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Fullenkamp: Well if he is going to make a presentation, he's got information that he could share with us beforehand. Mayor Flaute: That's one of the reasons we thought we could have the staff meet first and then he will have all the information from them to help us get the Goals and Objectives. Mr. Fullenkamp: All I'm suggesting is that we have that information before we meet. That's what I'm suggesting. Mrs. Lommatzsch: He wants a report from the staff meeting. That makes sense. Mr. Fullenkamp: Why wouldn't you want that? Mr. Denning: So that maybe the briefing won't take as long. Mrs. Lommatzsch: Exactly. Mr. Denning: He can fill in the blanks. Mrs. Lommatzsch: We can be ready for questions. Mayor Flaute: Okay. Mrs. Lommatzsch: I think we should start at least 8:00-9:00 a.m. You all pick, but I don't think we need to wait until 10:00 or 11:00 a.m.

Mrs. Reynolds: Mr. City Manager, what have you set forth for the facilitator to do so we will kind of have an idea of what his report, you know. Mr. Carpenter: Team building, communication, just to build cohesiveness so we are one focus, one team, one mission. Very general. Mr. Fullenkamp: How does that set goals? Mr. Carpenter: It becomes out of it; out of that discussion. That's the communication that I have had with him. That's the part I'm talking about with staff. Mrs. Reynolds: How many staff members sir? Mr. Carpenter: The department heads, there will be 8 of us. Mr. Smith: Okay. Where are we at on your manila tablet on numbers as far as things to discuss? I think the last time we spoke you were at 75. Mr. Carpenter: Well it's dynamic. We have knocked out some of those, but I have added. We are at 76 actually. Mr. Smith: By the time you talk about your 76, it may be a while.

Mayor Flaute: Any other questions or comments? Mrs. Lommatzsch: 8:00 a.m.? Mayor Flaute: 8:00 a.m. on Saturday the 25th. Mrs. Lommatzsch: Where? Mayor Flaute: The Eintracht Club is where we were thinking about having it. Mrs. Lommatzsch: Where in the Eintracht Club? Mr. Fullenkamp: How are we going to have access? Mrs. Lommatzsch: It's just a pretty open facility. Mr. Fullenkamp: It's one building. Mrs. Lommatzsch: I understand that, but the rooms are all pretty big, open rooms. Mayor Flaute: Would you rather have it here? Mrs. Lommatzsch: I don't care. Mr. Smith: It seems the upstairs would be better. It would be all open. We can set up tables and the guy can be in the front as opposed to being in those booths downstairs. Mr. Fullenkamp: This isn't going to be one of our events we can use it with the Eintracht Club, the two events. Mayor Flaute: We are going to have to pay for them whether we have them or not. Mr. Fullenkamp: We could use those more for the community than use them for a small group of us. If they are going to let us just use it, I'm okay with that, but if that's going to be one of our events I don't think that's a good idea. Mayor Flaute: Okay. I guess I'm a little confused because if we don't use them, we pay for them anyway. Mr. Fullenkamp: Well we are going to use them. We've got a ribbon cutting and that means we can have another event. Mr. Smith: I think we can use the Eintracht, but the idea is we keep our money in the City and using the Eintracht if we have to pay for the meeting space it's keeping our money in the City. Mr. Fullenkamp: It's \$1,500.00. Mr. Smith: \$1,500.00 for the room? Mr. Fullenkamp: True, unless we want to rent that room separately. Mrs. Lommatzsch: We could do this room or we could do Walnut Grove for not \$1,500.00.

Mr. Fullenkamp: It's going to be a public meeting. It can't be an executive session, can it? Mrs. Lommatzsch: I didn't understand it was going to be a public meeting. Mr. Fullenkamp: It's going to be public. Mrs. Reynolds: We need to check with the Eintracht calendar to see if they even have that date. They may have an event going on that evening. Mayor Flaute: If it's in the back room, I don't know how many people. Mr. Denning: Let's do it right here. Mrs. Reynolds: Right here is fine. Mrs. Lommatzsch: Yeah and everybody knows where it is too. Mr. Denning: That way if he needs the equipment or whatever. Mayor Flaute: We can bring in Joe's Pizza or something. We've always done it offsite, that's the only reason I was thinking that. Mrs. Lommatzsch: You all are going offsite? Mr. Carpenter: Yes. Mrs. Lommatzsch: That's okay. Mr. Denning: Well that was kind of a different situation. Mrs. Reynolds: Here is fine. Mayor Flaute: Good, we will do it here then. Mrs. Reynolds: Ms. Arnold, will you check and make sure there is nothing going on that date, just to be sure? Ms. Arnold: I don't think they come here on purpose on Saturdays, but I will double check. Mrs. Reynolds: Thank you very much.

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There was no further discussion.

C) Discussion with Law Director, Dalma Grandjean, regarding revision of City Charter

Mr. Carpenter: Tonight we have Mrs. Grandjean here regarding the revision of the City Charter. Mayor Flaute: Thank you, Mr. Manager. Welcome, Mrs. Grandjean.

Mrs. Grandjean: Thank you, Mayor Flaute and Council. What I've done is prepared two pages. On the second page, is the Section 13.04 of the Charter which provides for the process by which a Charter Amendment can be initiated. Such Amendment may be initiated either by a vote of at least 5 members of Council or by petition to Council signed by 10% of the electors of the Municipality based on the total number of votes in the last election. Then what I have done is listed or set forth Section 4.04 of the Charter as it now reads governing "Removal", then I have set forth Section 4.10 which are "Rules" of Council, and then Section 6.04 "Interference by Council."

The portion in red under "Rules", so as it currently reads states, "Council shall by ordinance determine and may amend its own rules and order of business in conformity with the requirements of this Charter." That's the Section where Council may enact Ordinances to essentially elaborate upon what is set forth in the Charter. While it wouldn't have to be there, it is my suggestion to put any Amendment relating to the removal process there. If you will take a minute and read that provision, what I have done is in the brackets there are two alternative clauses. It would read, "Council shall enact ordinances providing for the prompt removal from office, upon complaint and hearing" which is what the Court found was an essential provision missing from our current Charter. That could not be cured by providing a complaint and hearing, so it actually has to be enacted and provided in the Charter according to Judge Skelton. So, "upon complaint and hearing, of any member of Council who engages in misconduct in office" and then I have the two alternative clauses which would essentially define what that would be.

Alternative One, which violates Charter Sections 4.04, which is set forth above, in accordance with Article II, Section 38, which is of the Ohio Constitution which is the constitutional provision which governs removal from office of State and Local officials. And Article XVIII, Sections 3 and 7 of the Ohio Constitution, which is the Home Rule provision that I think we are all quite familiar with. Alternatively I have added the exact language, well it's not totally exact because I made it fit grammatically with the rest of the sentence, but in substance it is the same as Ohio Revised Code Section 3.07, which sets forth grounds for removal. So, or by willfully and flagrantly exercising authority or power not authorized by law, refusing or willfully neglecting to enforce the law or to perform any official duty imposed upon him by law, or is guilty of gross neglect of duty, gross immorality, drunkenness, misfeasance, malfeasance, or nonfeasance. Either of those two standards are a lot stricter than what is provided for in our Charter that the Court found to be insufficient.

In addition, Section 6.04 I think would need to be amended to remove the last sentence. I haven't done that, but it is my suggestion that happen to come into compliance with the Court's ruling. "In case any member shall be found by Council to have violated this section, Council shall declare his/her seat vacant." I think to come into compliance that provision would have to go. I've looked at some other City Charter's and the kinds of provisions we have are not unusual. I think it was probably kind of the standard practice in mid-last century to have those kinds of provisions. Today, they may not withstand constitutional challenge.

Mayor Flaute: All of the cities are going to be sued if they. Mrs. Grandjean: If they proceed, they may have difficulty. Interestingly enough there is an issue right now in Kettering where a citizen is demanding removal of a Council member under a similar provision. I don't know if any of you read about that in the paper. Mayor Flaute: I bet Xenia is watching very closely. Mrs. Grandjean: The issue in Kettering is that the Council member had two offices at the same time in violation of the Charter, the second office being an elector in the College of Electors. So he was a member of Council and the argument is that serving as an elector is another elected office and

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therefore a violation of the Kettering Council Charter provision that forbids a Council member from holding two offices. We may see more litigation on that issue.

Accordingly if Council chooses to go ahead, then it could be put in the form of a proposed Ordinance. Before that were to happen, I think there should be an executive session with the Law Director to provide some legal advice on how to proceed and what alternatives there are and what ramifications there may be. Mayor Flaute: Before we would vote on something or bring legislation forward. Mrs. Grandjean: Yes. Mayor Flaute: Okay. Any questions from members of Council? I don't know how to ask this, but you are confident that this would solve the problem? You can't ask the Judge. Mrs. Grandjean: That's why I would like to discuss it in the executive session. You ask that I propose something that could be discussed in open session, but I think there is legal advice that would need to accompany Council's decision to proceed with anything like this. I do think that something needs to be done to bring our Charter into compliance with constitutional standards because again, the Court said no matter even if you go ahead and do it properly it doesn't cure the problem because the Charter itself does not require it. Mayor Flaute: Okay. The current law suit that's against us, this wouldn't water it down a little bit or change it? Mrs. Grandjean: No. I'm not here to discuss the current law suit in open session. Mayor Flaute: Any other questions or comments?

Mrs. Reynolds: I just have a question. Mrs. Grandjean, you are talking about an executive session to share additional information with us? Mrs. Grandjean: I think to give legal advice, to discuss legal issues, to do what attorneys do with their clients, yes. I can't do that in open session. Mrs. Reynolds: I guess I don't understand that. I thought the discussion with the Law Director regarding revision of City Charter, what can't be said? I'm sorry, I don't understand. Mrs. Grandjean: We have an executive session and then you will understand what can't be said. Mayor Flaute: Okay, so the executive session that is on the agenda. Mrs. Grandjean: Not tonight because it was not on. Mayor Flaute: What are we talking about? Mrs. Grandjean: I think Council should decide whether it wants to proceed and then if it wants to proceed, then I think we could schedule an executive session to discuss various options and the ramifications. Mayor Flaute: But we still need one for tonight because it is on the agenda to have one. Mrs. Grandjean: How does the agenda read? Mayor Flaute: Is that different litigation? Mrs. Lommatzsch: Yes. Mrs. Grandjean: We are not talking litigation. This is not litigation. This is legal advice with regard to provisions in the Charter; adopting or amending the Charter. I don't consider that to be encompassed within what the notification was. Mayor Flaute: Okay. Are there any other questions or comments from Council? Yes, Mr. Fullenkamp.

Mr. Fullenkamp: Let's refresh our memory. In this situation we are talking about a Charter provision that allows a small body of legislators to accuse, to indict, to try the case, to convict, and to sentence. Police, prosecutor, jury, and judge all rolled into one. All attempt to subvert the wishes of the electorate with a process devoid of any real protections of the accused. A process that grants the accusers unlimited use of time tax payer monies to pursue the accused in a sham process while requiring the accused to pay their own way to defend themselves. I want to make one point here. Last year in 2016 this Council has spent more money pursuing my ouster than the City has spent all the crimes in this City. Can you imagine that? Council has spent more to remove me than to pay for a prosecutor to prosecute all the crimes that went to court in 2016. Think about that.

Mayor Flaute: Okay. Mr. Fullenkamp: I'm not done. Now we have a proposal to fix the definition of the process and ignore the real issues associated with due process and the rationale for expelling a Council member. I have one more comment and will offer a more equitable, durable, defensible, and fair solution, that's my last part. Luckily we live in a world full of information that is now available with a click of a mouse, so I found and downloaded the Professional Rules of Conduct. It's about 200 pages long; I've looked at it pretty closely. I found the following words at the very beginning of the document and when I say very beginning, I mean the first sentence. It sums it up nicely what should guide our attorney and the Council in matters like this. It says, "Preamble: A lawyer's Responsibilities. As an officer of the Court, a lawyer not only represents clients, but has a special responsibility for the quality of

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justice.” Now you can interpret that however you want, but that means something to me and it goes to the fairness issue, the due process issue, and this setting up a court and system that subverts the rights of the electors. So I don’t think much attention has been paid to the concept of quality by the attorneys representing the City and the Council.

Is there a solution? You bet there is, it’s called Ohio Revised Code Section 733.72 which allows for charges of wrongdoing by a municipal officer to be filed with the County Probate Court. That’s a very simple thing to do and it provides the protections that I think a City Council and any attorney should encourage to be provided to somebody that is being charged with something. The urgency that is being displayed tonight regarding this matter is a canard. The proposal promotes the power of the Council at the expense of the accused’s right for access to a fair and unbiased process. ORC 733.72, the Probate Court provides a venue and an approach that incorporates those ideals. In fact, this approach was and is available to prosecute charges of wrongdoing by a municipal officer. That’s how you could have come after me, but you chose not to. Why our legal counsel and City Council did not employ and are not considering employing ORC 733.72 is inexplicable to me. Perhaps they can edify the residents regarding their position and why this has not been and is not being considered.

In summary, a process that makes the City Council the Police, prosecutor, jury, and judge all rolled into one is wrong. It denies the accused of a fair and unbiased process. The residents of this community expect and deserve better. If Council can’t be fair in their dealings with a member of Council, a member of the community that has elected that member of Council, it’s almost certain that Council will not be fair in their dealings with the residents of the community. That’s all I have to say.

Mrs. Grandjean: If I may respond, Mr. Fullenkamp I believe you do not properly interpret the language that I drafted because the language that I drafted indicates that it is to come into compliance with the Article II Section 38 of the Ohio Constitution according to which Sections 3.07 and Sections 733.72 and the following applicable provisions were enacted. It states, “Council shall enact ordinances providing for” and so the whole point of this provision is to ensure that those are set forth, that standards are set forth and due process procedures are set forth. Mr. Fullenkamp: Well you will have to explain that to us more completely and to the community more completely because that is what I’m looking for. I don’t want anybody treated like I have been treated over the last 8 months.

Mayor Flaute: Okay. All I will say is all of us took an oath. We were all sworn in that we would protect and enforce the provisions and the parts of the Charter and it didn’t say whether it would be free or how much it is going to cost. We said we would enforce the provisions of the Charter. That’s what we were sworn in to do and that’s what we did. For you to say we spent money and that we shouldn’t have is not true. Mr. Fullenkamp: I didn’t say that. Mayor Flaute: You said we spent more money on whatever. Mr. Fullenkamp: You spent more coming after me than you did on all the prosecutions. Mayor Flaute: We were supporting the provision of the Charter. Mr. Fullenkamp: And it was not constitutional. Mayor Flaute: When we were sworn in, it was constitutional. It was our Charter and I have lived by that Charter for the last 22 years, as you should have. Mr. Fullenkamp: I did.

Mrs. Reynolds: I just have to ask a question, if I may. Mayor Flaute: Yes. Mrs. Reynolds: My concern, Mrs. Grandjean, is the fact that you on August 11th you came into this Council chamber and gave some recommendations. In those recommendations you indicated and it was a question that was asked after you gave those recommendations, the Mayor asked a question, “So if we do the bold steps, would we be putting our City in jeopardy of something someday?” You pointed out, “I will point out that Riverside is a Home Rule city with its own Charter. By virtue of being a Home Rule city, it has rights that statutory cities would not have.” You went on to talk about that a little bit and about midway of the second full paragraph on page 6 of 10 of the documents we have, you said, “There is nothing in the Federal or Ohio Constitution that I am aware of that would override that, but I just say that if you were proceed along those lines there must be due process.” You made that caveat

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there, but you said you knew nothing in the Federal or Ohio Constitution. I guess I'm just going to ask because I've tried to read all of the court documents and proceedings that we have received. I saw much case law that says we were in jeopardy or proved or showed cases that we could be in jeopardy. Does your firm not have a research arm or was that just something you said not thinking? That really concerns me. It bothers me because we have spent and Mr. Fullenkamp's account of the dollars, that is a staggering amount that we have spent. It really is. The Mayor makes a point that as Council we took an oath of office that we would abide by that. This whole thing has gotten totally out of control and I don't know why it got to that point. I don't know why we let it get to that point. We didn't sit down and think.

My concern now, you said before on August 11th that you saw no jeopardy, I don't know if there is anything else in our Charter that I need to be concerned with. I'm going to ask this Council to do a full review of our Charter to make sure that we are on solid footing constitutionally, federally, state-wide. I need to know that because I don't want anyone that sits up here to ever have to go through what we have all gone through. This has caused a great confusion. It's caused friendships to be severed and I truly mean severed. They have been cut to the bone on the things that have been said inside and outside of this room. We will never overcome that. We will never overcome it, having said that, we need to make sure that we are as on sound of footing as we can possibly be moving forward from this moment. I'm putting everything behind me. I'm looking to the next group of people that sit up here and I understand the Mayor's point. He felt that what he was doing was right. We found out that it wasn't right. We found that out. I don't ever want to be in that situation again. I too had looked up those Professional Rules of Conduct for people, for attorneys, because I will tell you I have been denied information that I needed to try to make some sensible arguments. That was wrong. I was not allowed to have information that could have stopped rumors outside those doors. I don't know why, didn't want me to see something that's all I can come up with now.

I hope that when you looked at what you were bringing to Council tonight you looked at other areas of our Charter to see if anything needed to be corrected and that's what I'm going to ask that this Council do is do a complete Charter review ourselves. We've had Charter Commissions that have worked diligently and all of us know that. They've worked with the guidance of the law firm that we have employed. This was never caught before and as late as August 11th, no one thought anything in our Charter was unconstitutional, but it's been determined now. All we have to go on is what the courts have ruled on, so we need to get it together and do what's right by the citizens, by anybody that wants to run for this office and sit here and make these decisions should never have this fear and this dread of when somebody doesn't like them or somebody sees something differently they are going to go through this again. No. It's not fair to that staff. It's not fair to these people out here. It's not fair to us. Let's do it right. Thank you. Mrs. Grandjean: Mrs. Reynolds: I would like to point out that I did not make any particular recommendation. I listed some options and I did not say there was no jeopardy, I was counseling caution. Mr. Fullenkamp: I will read the minutes and they are directly from them if you want me to. You did say that. Mrs. Reynolds: It is ma'am. Mrs. Grandjean: Say? Mr. Fullenkamp: "I'm not saying that wouldn't create legal liability." Those are your words. Mrs. Grandjean: I said I'm not saying that and that has not happened. There has not been a finding of legal liability.

Mr. Fullenkamp: Alright, so let's dance. I have a question. Who directed you to do this work? Mrs. Grandjean: This right here? Mayor Flaute: I did. Mr. Fullenkamp: So in some cases we need to vote on you doing work for us and providing information and other cases you can be directed by an individual? Mrs. Grandjean: I don't know that there is any reason that the Mayor can't ask me to submit a proposed revision to a Charter. It's not being decided that it is going to be put on or anything would happen. A vote of Council would have to be required in order for this to proceed. Mr. Fullenkamp: So when a Council member requests un-redacted invoices from your firm, then you require a vote? Mrs. Grandjean: Well given the circumstances, yes. Mr. Fullenkamp: What are those circumstances? Mrs. Grandjean: Ongoing litigation and I felt that it should be the responsibility of Council to make that decision. I was not comfortable making that decision myself, I felt that was something Council should weigh in on. Yes, I did think that.

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Mayor Flaute: Thank you, Mrs. Grandjean. Is Council okay with proceeding with this? Mr. Smith: I think it is something we need to meet as a whole and discuss and see what options there are out there. This is one version of possibly several that we could look at possibly. I think we need to give it some thought. I thought we were going to meet as a whole, as Council to discuss changing of the removal process. Mayor Flaute: That's simply what the Law Director said is that's what we need to do. Mr. Smith: It kind of looks like maybe you went and did it on your own. Mayor Flaute: What did I do on my own? Yeah, I asked that she do this research and now that we have got the research we have to decide as a Council what we are going to do with it. Mrs. Grandjean: I would not want this to be something that would be voted on. This is meant to be something for you to begin the process, not to end the process. That's why I said I do think that a meeting in executive session would be appropriate to discuss issues related to any such proposed change in the Charter. Mr. Smith: Okay. Mayor Flaute: So it is okay with Council to proceed? Mr. Fullenkamp: What's that mean? Mrs. Reynolds: Proceed to do what? Mayor Flaute: Have an executive session to talk about this.

Mr. Curp: One of the things that the executive session is for, for those who are at this point uncomfortable about whether or not to have an executive session, one of the things an executive session is for is to take a look at what is being discussed to actually determine whether an executive session is an appropriate place for that discussion or whether it should be taking place in open session. I'm not concerned about going about it with that approach. I think what the Law Director has brought before us is simply a recommendation for the Council to take a look at what needs to be done and has given us a base point to begin with. That doesn't disturb me at all. I understand the comments I heard earlier from Mr. Fullenkamp about 733.72, but as with every other piece of legislation that gets enacted it's good until it becomes the mercy of the court to determine that, no it is not appropriate. We had a similar discussion in a previous meeting about the Salmons property over in Flora Park and putting some kind of chemical down to keep the dust down and the issue was could the City unilaterally go and do that. The reason that was brought up was because there's some verbiage in our Ordinances in dealing with Code Enforcement that says the City can take unilateral action to go do those things. Well that's all well and good until Mr. Salmons decides he wants to go to court and tell us no we can't violate his property rights and unilaterally do something.

My whole point is what the Law Director is recommending is that we sit down and start taking a look at this and she's provided a base point for us to start working from. I have no qualms over that at all as I think the Law Director does operate under in a professional manner. I think she has done so even going back to August. I don't think it is good to take things out of context from either the minutes from the meeting when she provided the report or to take things out of context from the report because if you go back and take a look at her report, she does say there is risk, she did say that we would be at the mercy of the courts and that the Council should give some consideration how it wants to move forward and so the Council moved forward. She also said that she felt that it was best for the Council to seek outside counsel because she as a Law Director represents all members of the Council and it would be difficult for her to represent six people and not one person out of the seven or to represent one person and not the other six. The Council moved on and I just don't think that the Law Director has acted improperly, unprofessionally, conducted herself wrongly. I think she has been professional and open about what she has brought to this Council. I don't see anything wrong with what she is recommending tonight and that is to take a look at things. If there are people that are uncomfortable about going into executive session, that's what executive session is for is to take a look and decide whether we even need to be in there. Whether we do that tonight or do it in a future meeting doesn't matter to me. I'm okay with that approach. Mr. Fullenkamp: We can't do it tonight. Mayor Flaute: So let's do it at a future meeting. We will do executive session at a future meeting.

Mr. Fullenkamp: I want to respond to something you said that she represents all of Council and yet I'm considered an adverse party by her and she did an investigation where the adverse party and the six other people on Council were treated differently

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and have been treated differently. I don't know why you didn't recuse yourself from the very beginning. Mayor Flaute: You did. Mr. Fullenkamp: No, she didn't. She did the investigation. Mayor Flaute: You can respond or not. Mrs. Grandjean: I was asked to do an investigation. It was consistent with my duties as Law Director. I represent the Council as a body. When there is a conflict with an individual Council member, yes, when one Council member then sues the Council then that Council member does become an adverse party to the body of the Council. Mr. Fullenkamp: I was already an adverse party before the suit was filed, once the process began. Mrs. Grandjean: Once Council decided to bring the charges, yes. Mr. Fullenkamp: Correct. Mrs. Grandjean: Does that answer your question? It's different. Mr. Fullenkamp: I have a ton of questions, but we are not going to discuss it. Mayor Flaute: Okay at this point we should move forward with an executive session at the next meeting to discuss this? Is Council okay with that? Mr. Smith: Yeah, that's fine. Mrs. Reynolds: The next meeting being? Ms. Arnold: March 2nd. Mr. Smith: February 2nd. Ms. Arnold: February 2nd, I'm getting a little ahead of myself. I'm sorry. That's a Thursday. Mayor Flaute: Mrs. Grandjean, thank you. You have done a lot of work for this and we appreciate your efforts. Mrs. Grandjean: Thank you, Mayor. Thank you, members of Council.

There was no further discussion.

D) Report from Special Counsel, David Williamson

Mayor Flaute: Next is a report from our special counsel, Mr. Williamson. Mr. Williamson, would you please come forward and give your report. Mr. Williamson: Mr. Mayor and Council, I am at your pleasure on how you wish for me to proceed. I have brought a written report for each Council member. I can distribute that to you, I can read the report, and I can proceed however you want. I know that your hour is running late and so however you wish for me to proceed; I am at your pleasure. Mr. Smith: I would prefer that the report be read aloud. Mr. Denning: Or at least a summary thereof. Mayor Flaute: That will be fine. I know it's a little late, but.

Mr. Williamson: May it please the Council it's already been discussed during Mrs. Grandjean's presentation here this evening, so I will kind of skip some of that background but again remind everyone that on August 11, 2016, the Law Director notified this Council of complaints made concerning Mr. Fullenkamp. Sections 4.04 and 6.04 of the Charter direct that Council shall take action if circumstances set forth in those sections are found to exist. I was charged by Council to investigate and report back upon the allegations. On September 1, Council adopted a Resolution scheduling a hearing during the September 15, 2016 regular scheduled Council meeting for the purpose of considering my report and a notice of the allegations and the date of the hearing were delivered to Mr. Fullenkamp in Council chambers and made part of the agenda for the September 15 meeting.

On the afternoon of September 15, prior to the Council meeting, Mr. Fullenkamp filed a lawsuit in Montgomery County Common Pleas Court and asked, among other things, for the Court to issue a Temporary Restraining Order to prohibit Council from going forward with the hearing. The Court denied Mr. Fullenkamp's request and Council was free to proceed with the hearing that evening. However, due to a question regarding the constitutionality of the certain sections of the City Charter, Council decided on September 15 to table the Resolution to hold the hearing pending further clarification from the Common Pleas Court.

On November 22, 2016, Montgomery County Common Pleas Court Judge Richard Skelton issued a Decision and Entry finding that those words contained in Sections 4.04 and 6.04 of the Charter, which direct Council to declare vacant the seat of a Council member under certain circumstances, were unconstitutional as being in conflict with AR. II, Sec. 38 of the Ohio Constitution. Specifically, the Court found that the Ohio Constitution required that a Charter section related to the removal of a Council member must contain the required wording "upon complaint and hearing." Sections 4.04 and 6.04 of the Charter presently do not contain those words. Might I add this is not part of my report, but it was not apparent at that point in time of the unconstitutionality simply because of the Home Rule provision of which this Charter

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operates. Indeed this issue is being argued just this week in the Ohio Supreme Court regarding the City of Dayton's use of the speed and red light cameras as to whether or not those provisions of the Constitution conflict with the Home Rule provisions of Ohio Law.

The acts of notifying a Council member, as Mrs. Grandjean has already said, in holding a hearing and providing due process are inadequate to cure the conflict. Even though this present Council issued a notice and resolved to hold a hearing, still the words "upon complaint and hearing" must be in the Charter before Council can act to declare a Council member's seat vacant. The reasoning for this requirement is again, it has nothing to do with Mr. Fullenkamp, it has nothing to do with any of the personalities on this Council, it has to do with as Mrs. Reynolds suggested future Councils and the reason for this requirement is that future Councils not exercise their discretion not to give a notice and hold a hearing. Accordingly, Judge Skelton has enjoined this Council from taking further action to declare vacant the Council seat of Mr. Fullenkamp or to otherwise remove him from his elected office based upon the present wording of the present Sections 4.04 and 6.04.

Judge Skelton declared as moot Mr. Fullenkamp's remaining challenges to the Charter. As the Council-Manager form of government remains in place, including the prohibition against a Council member directing an employee to perform services or take action related to municipal operations, what follows is my report and findings on the allegations I was charged to investigate, with again the caveat Council may take no action to remove Mr. Fullenkamp or any other Council member from his or her elected office based upon the presently worded Sections 4.04 and 6.04 of the Charter.

If you will permit me to give some background of the City Charter and the Council-Manager form of government that the citizens of Riverside have chosen to adopt. When the citizens of Riverside adopted the Charter, they specifically voted to establish a Council-Manager form of government. That's contained in Section 2.01 of the Charter. Advantages of such a system include the freeing up of elected officials' time to concentrate upon and establish policy while the day-to-day operations of the City are carried out by an approved professional manager and administrative staff. The Manager is accountable to the entire Council, and not just one particular elected official as in a Strong Mayor form of government that some other municipalities adopt. The Council-Manager form of government encourages neighborhood input into the political process and eliminates partisan politics from hiring, firing, and contracting decisions.

Under the Council-Manager form, the Manager is fully responsible for municipal administration. Because the Manager comes to his/her position with the training and experience to act as the chief administrator of the City, the prevailing norms in the Council-Manager form are administrative competence and efficiency. You Council members are elected to represent the citizens' policy interests, not to engage in day-to-day operations of the City. In this way, a Council member need not be experienced or an expert in municipal administration and is free to espouse political positions to his/her fellow Council members and to the citizenry at large. On the contrary, the Manager is expected to abstain from political involvement. Given this separation of interests, Council members are expected to refrain from intruding into the Manager's role as chief executive.

This is why the Riverside Charter and as Mrs. Grandjean referred, like many other city charters that have adopted the Council-Manager (*sic*) form of government, that's why the Charter prohibits Council members from directing the actions of administrative staff or otherwise interfering in administrative matters. Such behavior can lead to confusion among staff as to who they are answerable and accountable to, and to an inefficient allocation of municipal resources. The prohibition against Council interference is necessary to protect staff from undue influence and pressure from individual Council members and to allow them to perform their duties in the priority set by their boss, the City Manager. If a Council member wishes to influence an administrative action or decision, he or she must bring the matter to the attention

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of the Manager and/or Council as a whole who can then decide whether to address the issue as a matter of policy.

We've talked about Section 6.04 which is entitled "INTERFERENCE BY COUNCIL", and that immediately follows the enumeration of the City Manager's role in Section 6.03, entitled "POWERS AND DUTIES". That's the section of the Charter that this is found in, the section that refers to the City Manager. Section 6.04 is directed solely at the Mayor and the Council members, and you alone are subject to its' provisions. The section does not prohibit all communication between Council members and staff, but instead expressly authorizes communication for the specific purpose of "inquiry or investigation incident to carrying out their powers, duties and responsibilities as set forth in this Charter". The inclusion of these words indicates the intent of the People of Riverside to not ban all communications between Council members and administrative staff, but to limit communication to inquiry or investigation incident to carrying out Council's powers. Those powers are legislative, not administrative and those are all set forth in Charter Sections 2.01 and 4.01 and Ord. 111.02.

What is prohibited is conduct that goes beyond authorized words and conversation and crosses the line of directing or taking administrative action. Section 6.03(e) of the Charter expressly mandates that it is the City Manager who directs and supervises the administration of all departments, officers and agencies of the City. In short, the authority granted by the Charter to a Council member to communicate with administrative staff is limited to "inquiry and investigation" and does not extend to directing or supervising staff to take or not to take action.

Section 6.04 preserves the integrity of the City Manager's position. The prohibition is more clearly stated in Title Three of the Administrative Code entitled "Legislative", Chapter 111 entitled "Council", and particularly C.O.111.02 entitled "Powers, Jurisdiction, Functions and Limitations". That ordinance section states in part: "Individual members of Council shall not direct a Municipal officer or employee to perform services or take action related to municipal operations except as provided by the Charter".

Reasons for the prohibition include the avoidance of potential contradictory directives to staff from a Council member and from the Manager, or a duplication of effort by staff on a particular matter. Prohibiting interference by Council members with the administrative service for which the Manager is responsible also encourages the efficient and cost effective allocation of City resources. Further, it maintains the channels of accountability for an administrative action through the chain of command established by the Charter. An action taken by a staff member at the direction of a Council member falls outside of the Manager's purview and leaves open the accountability of both the Council member and the staff member for such action.

Thus, the questions for Council's consideration are and the facts investigated whether Mr. Fullenkamp directed Municipal officers or employees to perform services or take actions related to municipal operations except as provided by the Charter; and 2) did Mr. Fullenkamp fail to deal solely with the City Manager when dealing with that part of the administrative service for which the Manager is responsible?

Both questions appear to be answered yes and again I put the caveat out Council may not act upon these findings with regards to those sections of the Code talking about removal of office.

My investigation was primarily focused upon two members of the administrative service who report to the City Manager, the Chief of Police and the Director of Planning and Program Management. Let me first address Chief Frank Robinson.

The first incident involves a matter involving the address at 754 Minnesota. During the early morning hours of May 18, 2016, the Riverside Police Department received a report of gun shots fired in the area of 754 Minnesota, the result of a dispute between the victim/witness and a suspect who did not reside at that address. No other residents of the address were involved in the incident. Officers responded to the

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dispatch, the suspect was located and taken into custody, the welfare of the residents inside the house was checked, and the police officers cleared the scene.

A number of hours later, a neighbor called and requested a wellness check at the address. Although the police had a suspect in custody and had cleared the scene, an officer was dispatched at 8:01 a.m. but was unable to make contact with anyone as there was no answer at the door. At 10:24 a.m., Mr. Fullenkamp sent an email to Chief Robinson inquiring about the requested wellness check, and requesting detailed information about the 754 Minnesota address "to determine a path forward to assure the safety, peace and quiet of the people that live nearby." Although the police had attempted contact in response to the requested wellness check from the citizen, Chief Robinson interpreted Mr. Fullenkamp's email as directing him to take action to conduct a wellness check and report back to him the results of same, and to determine a plan going forward concerning the 754 Minnesota address, including nuisance abatement.

At the time, Chief Robinson was on vacation, so he telephoned Sergeant Rhett Close and the two discussed the matter at length. In Chief Robinson's absence, Sergeant Close responded to Mr. Fullenkamp's email. Mr. Fullenkamp then replied to Sergeant Close stating "the goal is to get these folks to simmer down so that they are not disturbing the peace and quiet of the neighborhood continuously. The current approach is clearly not working..." A copy of the email exchange of May 18th is attached to this report.

It should be noted that the procedure for abatement of a public nuisance by activity or use is governed by Code of Ordinances 1343.08. It is the Zoning Administrator who is the administrative staff designated to determine and declare if a public nuisance by activity or use exists. Mr. Fullenkamp's interaction with Planning Director Brock Taylor, which I will outline below, demonstrates his familiarity with this process. Accordingly, Mr. Fullenkamp's comments to Chief Robinson concerning "a plan going forward including nuisance abatement" were misplaced, outside the chain of the City Manager's authority, and amounted to directions by a Council member to an employee to perform services or take action related to municipal operations under C.O.111.02.

The second matter concerns a citizen by the name of Thomas Ralston. Mr. Ralston was charged by Criminal Complaint and Summons on June 3, 2016 with Aggravated Menacing. An Arraignment on the charge was scheduled for June 14. Prior to Mr. Ralston's initial court appearance, Mr. Fullenkamp telephoned Chief Robinson. According to Chief Robinson, Mr. Fullenkamp asked if the Chief thought that the police officer who had filed the charge had done what he was supposed to do, and suggested that the Chief needed to reevaluate the filling of the charge. The Chief advised Mr. Fullenkamp that he stood by his officer's decision. Mr. Fullenkamp then asked several times what could be done to fix this and claimed that he had known Mr. Ralston for several years and was sure that Mr. Ralston would not do what he was charged with doing. The Chief interpreted these questions as an attempt to influence a criminal prosecution begun by the police department. Prior to receiving the call from Mr. Fullenkamp, the Chief had received no communication from the Interim City Manager or any other person in the City Manager's Office concerning the matter.

On June 7, 2016, Mr. Fullenkamp sent Chief Robinson an email, requesting records of police and dispatch reports, audio, body cam and car cam recordings, duty rosters, and "any other relevant information that resulted in a summons being issued for Mr. Tom Ralston on E. 4th Street." The Chief found the request highly irregular because it was specific to Mr. Ralston's case and followed the earlier specific inquiry about Mr. Ralston. These requests by Mr. Fullenkamp marked the first time during the Chief's 23 year career as a police officer that he had been asked by an elected official to justify the filing of a criminal charge or directed to provide police records regarding a specific on-going criminal prosecution. Chief Robinson complied with Mr. Fullenkamp's request and sent a courtesy copy of his response to all Council members. A copy of that email exchange is attached as Exhibit 2. There is a typographical error on my report, that exchange is dated June 7 not May 18.

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On June 8, 2016, Mr. Fullenkamp approached Chief Robinson at Council chambers and asked why the Chief had copied all Council members with the response to the request for Mr. Ralston's records.

The Chief replied: "Because I felt you were trying to come between my officers and the citizen in a case my people were working on." This is the kind of scenario that the prohibitions against Council interference or directives to staff are designed to avoid. A staff member was made to feel that a Council member was interfering with his department's operations, then was reprimanded for sending a courtesy copy of his interaction with that one Council member to remaining Council members.

When informed why Chief Robinson had copied the other Council members, Mr. Fullenkamp became agitated and said: "If you want to play those games, then we will play them." The Chief responded: "I'm not playing any games." Chief Robinson considered Mr. Fullenkamp's words and actions as directing him to take action in Mr. Ralston's case, and Mr. Fullenkamp's comments in Council chambers as threatening the Chief's employment. The exchange between Chief Robinson and Mr. Fullenkamp was witnessed and verified by Council Member Curp. Mr. Curp's statement submitted to the Law Director on August 5, 2016 is attached to this report as Exhibit 3.

Mr. Fullenkamp's inquiries to the Chief of Police about a specific criminal defendant, coupled with a request for detailed information concerning the same criminal prosecution, is interference with a particular on-going administrative matter and not a general inquiry about department processes and procedures. Such general inquiries could be made through the City Manager. I found no evidence of any follow-up legislative action proposed or taken that would suggest that Mr. Fullenkamp's requests were related to proposed or contemplated legislation by Council not specific to Mr. Ralston.

Code of Ordinance 111.02 states that the legislative power of the City is vested in Council who has the power to enact ordinances, resolutions, and other measures necessary to carry out Council's legislative functions. Charter Section 6.04 limits communication by members of Council with staff to inquiry or investigation incident to those legislative functions. Accordingly, Mr. Fullenkamp's actions went beyond authorized inquiry or investigation of matters related to the legislative functions of Council, and amounted to a directive to perform services or take action related to an administrative operation of the police department.

I turn to Planning Director, Brock Taylor. The first incident involving Mr. Taylor involves the address of 541 Beatrice. Mr. Taylor's department began nuisance abatement proceedings against the owner of property located at 541 Beatrice Drive in January, 2016. At a meeting held at the City administration offices, Mr. Fullenkamp questioned the decision to proceed with this particular nuisance abatement and strongly suggested that the pending action be dropped and that Mr. Taylor instead work with the nephew of the property owner. Mr. Taylor felt intimidated and felt he had no other option but to take the action to stop the proceedings to complete the nuisance abatement. At the very least, this amounts to a violation of Code of Ordinance 111.02 directing an administrative staff member to take action.

The second matter involves S&S Trucking. In a role reversal of sorts to the 541 Beatrice Drive matter, on July 21, 2016, Mr. Fullenkamp asked Mr. Taylor why his Department had not issued citations to the owner of S&S Trucking, a business where truck trailers and/or containers were stored. Various neighbors have repeatedly come to Council meetings to complain about their perceived lack of action against S&S Trucking. Mr. Taylor informed Mr. Fullenkamp that the City Manager had instructed him, Mr. Taylor, to defer issuing citations, to work with the business owner, and give him a period of time to comply. Mr. Fullenkamp became agitated and told Mr. Taylor that he should have disregarded the City Manager's instructions. Mr. Taylor's email to the Law Director dated July 22nd is attached to the report as Exhibit 4. This exchange was witnessed by Council Member Mike Smith. Mr. Smith's email to the Law Director concerning the event is attached to my report as Exhibit 5. Also

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present were Clerk, Brenna Arnold, Chris Lohr, Zoning Administrator at that time, Chief Robinson, and Council Member Michael Denning.

According to Mr. Smith, he heard Mr. Fullenkamp tell Mr. Taylor that “the residents are going to keep coming” and directed Mr. Taylor to “do his job.” According to Mr. Taylor, he heard Mr. Fullenkamp say “They are going to keep coming.” Mr. Taylor asked Mr. Fullenkamp if he was encouraging the neighbors to which Mr. Fullenkamp replied, “Yes I am.” Mr. Taylor asked, “Why? We have issued the nonconforming certificate and are doing all that we can.” Mr. Fullenkamp replied, “No you’re not. You haven’t tagged his trailers.” When Council Smith interrupted, Mr. Fullenkamp told him to “shut up and sit down.”

The actions of directing a staff member to ignore the directions of the City Manager, to take specific action in a pending administrative matter, of encouraging City residents to repeatedly address Council about the issue, and to project an intimidating attitude toward staff and fellow Council members, are all actions which combine in this instance to cross the line of those communications between Council and staff that are authorized by the Charter. While Mr. Fullenkamp or any member of this Council is free to encourage the citizens of this community to attend and address Council on any matter of City business, if such encouragement is used as a surrogate to influence or intimidate staff members that would amount to interference with the administrative service rather than acting in a legislative capacity. There is no indication that Mr. Fullenkamp dealt solely with the City Manager concerning S&S Trucking, or consulted with fellow Council members about taking legislative action in the matter, if indeed his comments to Mr. Taylor were related to legislative matters at all. As such, the communications fall outside that communication by a Council member with staff which authorized by the Charter.

The final incident involves the Union Schoolhouse Road Resurfacing Project. As part of this project, Mr. Taylor had dealings with Stacy Vallance who works for the Montgomery County Engineer. As part of his job responsibilities, Mr. Taylor communicates and coordinates with regional partners like Ms. Vallance on a regular basis and as part of the daily tasks and ongoing operations of his department. Like other partnerships, this type of a relationship takes time to nurture and develop and requires Mr. Taylor’s attention in order to keep the City in good standing, especially given the expertise each partner brings to the relationship.

According to Mr. Taylor, when Bryan Chodkowski departed as City Manager, the application process for certain infrastructure projects got behind and Ms. Vallance was very helpful in allowing Mr. Taylor’s department to submit some materials after the deadline. Prior to Council’s work session on August 18, Mr. Taylor sent a memo to Council about this project. At the August 18 Council work session, Mr. Fullenkamp stated on the record that he had telephoned Ms. Vallance and discussed the project the previous day. He also stated that staff other than Mr. Taylor had received emails about it. The copy of the first page and highlighted copies of the relevant pages of the August 18 Council Meeting Minutes are attached to my report as Exhibit 6.

Mr. Taylor states that he was unaware of Mr. Fullenkamp’s phone call to Ms. Vallance, or the emails to other staff, but later called Ms. Vallance who confirmed the call from Mr. Fullenkamp. Mr. Taylor felt embarrassed and concerned that his relationship with Ms. Vallance had been compromised. Again, there is no evidence of Mr. Fullenkamp working solely through the City Manager on this matter. Instead it appears that Mr. Fullenkamp purposely interfered with an on-going administrative matter in order to make inquiries, not of the City Manager, not of staff, but directly with an important regional partner of the City. If a Council member feels that the kind of outside inquiry as Mr. Fullenkamp made with a County Engineer should be made, that Council member must deal solely with the City Manager.

Finally, a word about the Selective Request for and Provision of Records and Information. On a number of the occasions mentioned above, a pattern has emerged of Mr. Fullenkamp directing staff to provide detailed and oftentimes voluminous records of specific ongoing administrative matters. Now like any municipality, Riverside is subject to Freedom of Information Act requests from any citizen.

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However, when repeated records requests by a Council member serve no apparent legislative purpose, and may be viewed as retaliatory, then such requests risk being viewed by staff as implicit directives to take certain action. Again, a Council member may communicate with staff for the purpose of making an inquiry or an investigation regarding a legislative matter. There should never appear to be a question to staff between records requests for legitimate legislative purposes and requests intended to hinder, harass, or annoy. It is best to leave those requests through the City Manager.

Of further concern is that on two occasions involving different staff members, after each respective staff member shared Mr. Fullenkamp's requested records with other members of this Council, Mr. Fullenkamp became upset and agitated. This behavior raises a suspicion of less than transparent government and emphasizes an advantage of this Council-Manager form of government Riverside has chosen to adopt. Because Council wields the legislative power in the City, Council's actions must be conducted in public and Council members must be accountable to the citizens who elect them. You just this evening had a discussion about executive session and whether things should be done in executive session or done in public session. Activities taken by staff members at the direction of Council members are not conducted in public session. Further, administrative staff should refrain from engaging in partisan politics and should not be forced to pick and choose between Council members or show favorites as between them. The legislative process is a collaborative one where all members of the legislative body should be equally informed. The Charter keeping the separation between the legislative function of Council and the administrative function of the City Manager ensures transparency, accountability, and citizen input into the policy making process. The staff members did the right thing by sharing the requested records with the remainder of Council. Mr. Fullenkamp's attitude toward such sharing is misplaced and could be interpreted by staff as directing them not to take the proper action of keeping all Council members informed.

My final Conclusion and Recommendation and again let me preface it by saying I have nothing to do with what Mrs. Grandjean has expressed to you this evening. That is not what you charged me to do. You charged me to do an investigation and a report. That is what I have done. How and if you wish to change your Charter is a matter up to you.

However, the citizens of Riverside chose the Council-Manager form of government. Until and unless that form is changed, Council members are limited in their contact with staff members. For the variety of reasons stated in my report, the limitation of such interaction between Council and staff preserves and protects the integrity of the office of the City Manager. I recommend that the City Manager clearly communicate to staff those provisions of the Charter and ordinances mentioned in this report with instructions that any inquiries from Council members that a staff member feels might be the province of the City Manager should be referred to the City Manager. When in doubt, go talk to the City Manager. Council members, each and every one of you, should also refrain from exceeding the limits of your authority when communicating with administrative staff. Ladies and gentlemen, that is the end of my report. Mayor Flaute: Thank you, Mr. Williamson. At this time, if there are any questions as far as the report goes we can have those questions now. Are there any questions as far as just the report? Seeing none thank you, Mr. Williamson. We appreciate it very much and we appreciate your work.

There was no further discussion.

E) Presentation – Swearing In of Firefighter Manuel Kirkland

Mayor Flaute: The agenda says that we should go into executive session, but we also have a presentation of swearing in Firefight Manuel Kirkland and there are a bunch of people here waiting on that. Is it okay if we go ahead and do that right now before we go into executive session? Mr. Denning: That's fine. Mrs. Lommatzsch: Absolutely. Mayor Flaute: Would you please bring Mr. Kirkland in? We will now move into the presentations and swearing in of Firefighter Manuel Kirkland. Mr. Manager, to you.

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Mr. Carpenter: Yes, thank you Mayor. We would like to introduce our newest firefighter, Manuel Kirkland, and give the honor of Battalion Chief Turner to swear him in. I'm sorry. The Mayor will swear him in and you will introduce.

Battalion Chief Turner: Good evening. It is my great privilege to introduce our newest full-timer to the Fire Department. This is Manuel Kirkland. Manuel has been in the Fire Service since 2011. He graduated from Cuyahoga Community College Fire Academy in Cleveland, Ohio. He has an Associate's degree in Fire Science from Cuyahoga Community College and he received his Paramedic Certification in 2013. He is a part-time employee at Brookville Fire Department and has been on the Riverside Department since 2015. He is extremely grateful to have the opportunity to serve the City of Riverside. He and his wife are expecting their first child in July.

Mayor Flaute: I will just say a few words before we have the swearing in. First of all, thank you all for coming to the meeting and supporting all your fellow firefighters and policemen. It is very important that you are all here and we thank you. For the members of Mr. Kirkland's family, we thank you for coming and appreciate your patience with the meeting getting a little longer than anticipated. We do appreciate your patience. With that, we will do the swearing in.

Mayor Flaute administered the Oath of Office to Firefighter/Paramedic Manuel Kirkland and Council welcomed the Mr. Kirkland.

Mayor Flaute: Again, thank you for all the work you do and stay safe.

F) Executive Session

I) Pending Litigation – Section 103.01(d)(3): *Conferences with any attorney representing the City as counsel, concerning disputes involving the City, its Council, boards, commissions, officials, and employees that are subject of pending or imminent court action or discussion of any matters where are properly covered under the attorney-client privilege as recognized by the law of Ohio.*

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

There was no discussion on the motion.

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

Mayor Flaute: I'm not sure how long. It will probably be 15 minutes or so and we will be back out and will start our regular meeting at that time.

Council entered into executive session at 7:36 p.m. Council came out of executive session at 8:22 p.m.

ITEM 7: RECESS: The Council took a recess at 8:22 p.m.

ITEM 8: RECONVENE: The meeting was reconvened at 8:26 p.m.

ITEM 9: PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE: Mayor Flaute led the Pledge of Allegiance.

ITEM 10: MINUTES: Consider approval of the minutes of the December 29, 2016 special Council meeting and January 5, 2017 regular Council Meeting.

A motion was made by Mrs. Reynolds to approve the December 29, 2016 and January 5, 2017 minutes as written. Mr. Denning seconded the motion.

There was no discussion on the motion.

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

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

Mr. Carpenter introduced Mr. Garrett to go over the prior month's finance report.

A motion was made by Mrs. Reynolds to accept the December financial report. Mr. Denning 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: CITY MANAGER'S REPORT:

Mr. Carpenter was absent at the start of the City Manager's Report.

Mayor Flaute: The next thing is the City Manager's Report, Mr. Assistant City Manager. Mr. Lohr: I will give the floor to Major Close for the Police Department report. Mr. Fullenkamp: Will we get to ask questions about what's in the report? Mayor Flaute: We don't have the City Manager yet, so we will have some when the reports are finished.

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

Major Close: Thank you, Mr. Mayor. I will try to keep it pretty short this evening. As you are all aware and probably saw on the news, we did have a critical incident last night with a standoff. We would like to thank Montgomery County Sheriff's Department, their Regional SWAT Team, in addition to the HRT Team that assisted us in bringing that to a peaceful resolution where everybody went home and nobody was injured. We were able to do that after about 7 hours. Our officers did an excellent job confining the situation and we brought in the appropriate assistance to make sure that was brought to a peaceful resolution. Mayor Flaute: I want to thank the City Manager for letting everybody know about that. We appreciate it.

Major Close: Secondly, we had also earlier this week Montgomery County's Auditor met with the K-9s from Huber Heights, Butler Township, and us and awarded them a ceremonial dog license because even the K-9s have that. It was kind of a reminder for the public to renew their dog license, but we did participate in that with a press release. It was attended pretty well and we had 4 of the K-9s from the immediate area there with the Montgomery County Auditor. I just wanted to pass that information along.

Lastly on kind of what is going on with the Police Department, since the budget has been approved and we have moved forward we spoke about the CMI rollout. The

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Police Department is going to utilize CMI as our report management system and also the property room inventory system and I believe the Assistant Mayor had talked about in the past being able to do crime mapping and being able to track some of those things so the public could see it. This software is going to allow us to do that and we are going to be able to in the future as we get this rolled out. I just had the kickoff meeting last week, but we will actually be able to put a link where we are able to do some crime mapping and get some statistical reports out there. It is going to increase the efficiency of the Police Department in how we do our reports, how we track our statistical data by over 50%, and reduce redundancies that we currently have to allow officers to be out on the street more than they are typing reports and duplicating work. I'm very excited about this system. Huber Heights uses the complete system. It's already what we use for dispatch, but this is the rest of that system. Butler Township also uses it, so we are looking forward to that and we are going to be able to provide the City Manager and also Council with a lot more statistical data in the future once this rolls out and we are able to start tracking more data, more effectively.

Lastly, I know there is legislation coming up tonight to reference the reorganization with the second Major position. I just would like to let Council know that we have been operating since Sergeant Trego had retired, we are short a Sergeant awaiting the decision for the second Major's position. I would like to express it is a critical time to make sure that we are able to get that because we are not able to hire an additional person until that is moved. I do have some information, I know the City Manager is going to speak more to it and I can answer some more questions, but we are in desperate need to get that other officer there since we are down from our allotted number. That's all I have. Thank you, Mr. Mayor. Thank you, City Manager. Mayor Flaute: Any questions for Major Close?

Mr. Fullenkamp: I might as well ask one question that has to do with the vehicle list that was handed to us I think it was last night or yesterday afternoon. I'm looking at these and we have two tranches of cars that we have bought this year. One of those the purchase was on June 9th and the second purchase was August 31st. What grabs my attention is the price seems to increase by \$7,000.00 for the latest purchase. Is there a good explanation for that? Mr. Carpenter: I don't have the list in front of me, but I didn't hear the vehicles. Which Department? Mr. Fullenkamp: The Police Department. Mr. Carpenter: For the Police Department there was a purchase in June and there was a purchase in August. Mr. Fullenkamp: The purchase in August was \$7,000.00 higher per vehicle than the purchase in June. Major Close: Mr. City Manager, are we speaking to the ones we purchased or the lease options? Mr. Fullenkamp: The lease. The lease is \$7,000.00 more purchase price. Major Close: Both of those vehicles, I'm not sure which one you are looking at. Mr. Fullenkamp: Both. Major Close: No, I don't know what paperwork you are looking at to reference that, but the amount that was presented was the amount that we paid for those vehicles and they were leased on the same day. I'm not sure what that is, but I can get that answer to you and show you exactly. The lease amount that I present that we leased them for. Mr. Fullenkamp: What I'm more interested in is answering the question, why the purchased vehicles cost \$7,000.00 less than the leased vehicles. Major Close: Again, I don't have that paperwork in front of me. I believe I know the answer to that, but I will check. The answer is because the leased vehicles were fully outfitted and equipped. The purchased vehicles were then were done afterwards, so the purchase price for an un-upfitted vehicle is going to be less than one that the lease price includes the upfitting of that vehicle. That would be my guess without seeing that, as to the difference in that. Mr. Fullenkamp: I'd like to see the documentation that that is the case for all 5 of those vehicles. Mayor Flaute: Any other questions or comments from Council?

Mr. Fullenkamp: I have one more question. You need to check your mileage on one of the 2016 Ford Interceptors that was purchased in August. You have it down that it has 29,000 miles on it. I kind of find that hard to believe. Mr. Carpenter: For the Police Department? Mr. Fullenkamp: Police Department. Mayor Flaute: Thank you, Major Close. Major Close: Thank you, Mr. Mayor.

There were no additional questions or comments.

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b. Fire Department

Mr. Carpenter: Next up is the Fire Department. I just have a few things I would like to touch on. Engine 105 was on GovDeals. The minimum was not met, which was \$5,000.00, but we did get an offer of \$2,200.00 and I am looking forward to proceed with that offer. Mrs. Lommatzsch: That's the one over there sitting in the lot? Mr. Carpenter: At the Service Department, yeah. Then the older Engine the 87, we refer to it as Engine 106, is ready to go on GovDeals right now.

I know there was some interest in the amount of Narcan the Fire Department administered in 2016 and also the number of overdoses that we were dispatched to. In 2016, the Fire Department administered 148 doses of Narcan, now that could be multiple doses on one call so it is not necessarily saying it was 148 calls that required Narcan. Also we were dispatched to 150 overdose calls. That doesn't include probably all of the overdoses and not all of those overdoses would be attributed to say heroin, they could just be prescription pills or something. That's just the direct dispatch was 150 overdose and we administered Narcan 148 times.

Also, we are pursuing EMS software it's called ESO. We are working on the details of the agreement. I think they have those in order, but it is supposed to provide us with a lot more data and a lot more statistics. It has the ease of transmitting our runs to the State of Ohio which is a requirement and then also it can be delivered more readily to our billing company, MED3000 or McKesson, much more than the one company that we have. The other factor that makes it more appealing is that they have much better tech support than what FH Medic has been able to provide us.

The only other thing and I will just touch on it briefly here is the SAFER grant. I know I was going to come up with more information, but the help desk evidently is not responding due to the Inauguration that is going to go on tomorrow. They have kind of shut down their phones, so I do not have all the information that I would like. When we get to that legislation I can talk about how we want to move forward with that or not move until next time. That's all I have. Mayor Flaute: Any questions or comments for the City Manager?

Mr. Fullenkamp: The mutual aid report that was given to us yesterday. Mr. Carpenter: Yes. Mr. Fullenkamp: I'm seeing 679, this is for EMS, were given and 149 were received. How many total runs does just EMS make a year? Mr. Carpenter: I don't have the total for this year completely, but I can tell you last year was over 3,000 calls just for EMS. Mr. Fullenkamp: So 20% of our runs are mutual aid runs. Mr. Carpenter: Yes. Mayor Flaute: What is our choice though? Mr. Fullenkamp: Is that typical for the department? Mr. Carpenter: Typical? I don't know. I would say no is my first answer, but I could check and see what other departments are doing. Mr. Fullenkamp: You know what my concerns are is that 1) it doesn't pay for itself and we are not collecting enough revenue from those mutual aid runs and that it increases the wear and tear on our vehicles and it removes these EMS crews from our community during that time. Mayor Flaute: So are you suggesting we stop? Mr. Fullenkamp: I didn't say that. Mr. Smith: What are you saying? Mr. Fullenkamp: I'm just asking questions. Mayor Flaute: What are you saying?

Mr. Fullenkamp: I'm asking him questions. I'm not asking you questions. So I want to know if we are being compensated fairly by these surrounding communities when we provide this service. That's what I'm looking for because if we are subsidizing EMS services to other communities out of our tax payers' pockets, there is an inequity there. That's what I'm after. Mrs. Lommatzsch: I think at the same time if you are going to start doing that we need to compare apples to apples. We need to know how many runs other people come into our community. Mr. Fullenkamp: And we do. We had 148 received. Mrs. Lommatzsch: Right. Nobody knows when there is going to be a major calamity and if we are going to try in any effort to get involved in regionalism in this county and surrounding counties, which I am very involved in, we have got to not go out and tell people we are not going to be mutual aid. Mr. Fullenkamp: We are providing 4 times, almost 5 times, the number of mutual aid calls

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than we are receiving. Mrs. Lommatzsch: But I'm okay with that. Mayor Flaute: What if one of those 148 was you? We have the mutual aid agreement. It has been working very well. Mr. Fullenkamp: I'm not sure. It hasn't been working necessarily very well for us from a fiscal perspective. Mayor Flaute: What if it was you?

Mr. Carpenter: I will just say on the EMS calls currently we average around \$233.00 a call. Mr. Fullenkamp: Say that again. Mr. Carpenter: We average \$233.00 a call is what we collect, net. Mr. Fullenkamp: So those are insurance billings and Medicare billing and Medicaid billing? Mr. Carpenter: Yes, combined. Mr. Fullenkamp: Is that just mutual aid runs? Mr. Carpenter: That's all our EMS calls. Mr. Fullenkamp: Do we know what just our mutual aid runs bring in? Mr. Carpenter: No, I have asked staff to check into that. It's an intensive process because if you look by zip code then you have to break it down by street, so it is going to take some time. Mr. Fullenkamp: I just want to make sure our tax payers are being treated fairly in this mutual aid process and maybe there needs to be rethinking and a reimbursement plan for especially when you have communities that have cut their Fire Departments and then require more mutual aid and they are doing it on the backs of cities like ours. That's one of my big concerns and we need know that has happened we know that is currently happening. Mrs. Lommatzsch: What communities are those? Mr. Fullenkamp: Greene County and the City of Dayton.

Mr. Carpenter: We do rely on other departments on a fire. Every fire that we have, we have mutual aid; an engine and a ladder. Mr. Fullenkamp: I'm not concerned necessarily about the Fire. I'm more concerned about the EMS runs. Mr. Smith: The mutual aid package that the Fire Chief signed includes Fire and EMS. Mr. Fullenkamp: That's fine. Mr. Smith: If you want to drop out of the mutual aid agreement with the surrounding communities. Mr. Fullenkamp: I didn't say drop out. Mayor Flaute: Or if you want to discourage the other communities from helping us, I think that would be a very bad error and I am agreeing with Mrs. Lommatzsch that we should not be doing that. Mr. Fullenkamp: We know regionalism is going nowhere real fast. Mayor Flaute: Mutual aid for those 148 people who got it. Mr. Fullenkamp: All I'm suggesting is that there may be in mutual aid agreements a reimbursement attribute to this too, not just a free service, especially when it is cities and counties that are cutting their costs by reducing their personnel for Fire and EMS. When that cost comes back to us, that's what I'm talking about. Mayor Flaute: About 10 years ago we had to cut back because of things and we got the mutual aid that we needed. I don't think we should be discouraging that.

Mrs. Reynolds: I don't know what the mutual aid agreement says. Could you get me a copy of that, sir? Mr. Carpenter: There are two agreements that we have. We have an automatic mutual aid with the City of Dayton and Huber Heights. There is equipment in the station located on Smithville and the station located on Brandt, those Dayton firehouses that when there is a call in Riverside it is automatically dispatched to prevent any type of delay. The same equipment is in Huber fire stations as well. When there is a fire in Riverside, those houses automatically open up and they send equipment. We have the same for Dayton in the first in areas that is automatic and that would entail the Woodman Park Apartments and the Forest Ridge area primarily. We are automatically dispatched when there is a call in those areas. Then there is the regional mutual aid and that's more countywide. When someone needs help, they go to the closest station for that particular emergency. Mrs. Reynolds: So the automatic dispatches is because the proximity of where the call is at. Mr. Carpenter: Yes and it is to avoid any type of delay because when you have a regular mutual aid call it is usually one dispatch center calling another dispatch center and then they make a phone call to send the equipment. The one area that is really unusual to me is Airway Shopping Center. We had a call a couple years ago of smoke in one of the stores over there. With that cell tower if somebody in the building or in the parking lot calls 911 it goes to Beavercreek dispatch. I have contacted Verizon because that was the phone. I tested it on my own phone. I have contacted the FCC and there it is really difficult to get that changed. Mr. Denning: You just have to make sure you tell them where you are at so they can dispatch. Mr. Carpenter: Exactly, so the Beavercreek has to call Huber dispatch and then dispatch us. That's a very unusual situation, but it is not exclusive to Riverside everybody else has similar type problems.

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Mrs. Reynolds: So you will get me a copy of the mutual aid agreements, but can I ask just one thing? You said the average reimbursement is \$233.00 for an EMS run. Mr. Carpenter: That's as of the last report, the rolling 12 month period it averaged \$233.00 net. Mrs. Reynolds: I had received some information this last week and I sent you an email asking about the BLS and the ALS because I understand for Medicare that they pay a higher rate when you have a certain. Is that something we paid close attention to? Mr. Carpenter: Our numbers automatically are set up to bill everybody at the Medicare rate. Mrs. Reynolds: Okay, but within Medicare. Mr. Carpenter: There is a BLS, ALS1 and ALS2. Mrs. Reynolds: Okay, so that's automatically put in and that's how it is billed because they were saying that there was upwards of \$900.00 could be reimbursed for an ambulance run. Mr. Carpenter: You can make that number whatever you wish to. That's correct. Mrs. Reynolds: Okay. Would you care at some other time to sit down and explain that to me? Mr. Carpenter: I would be glad to. Mrs. Reynolds: Okay, thank you.

Mr. Smith: In support of the mutual aid, we don't have an aerial truck or a ladder truck and they are \$1 million and you don't use them that often. When Page Manor Shopping Center caught fire just a couple of years ago, I believe we had 7 ladder trucks on that scene from various departments as far away as Butler Township. Our mutual aid came in very handy on the Fire Service. When I was on Beaver Creek Fire Department, we came to Riverside as much as we did to Beaver Creek because staffing was low in Riverside; they didn't have the staffing so we had to cover a lot of the south side of Riverside at the time. It goes back and forth. You will have a lot of mutual aid and then you will give a lot. Mayor Flaute: So what you are saying is don't mess with the mutual aid. Mr. Smith: Yeah, it's fine just the way it is. It's working. I mean the men are getting paid whether they are on the road or not, so we are spending the money. Yes, it is wear and tear on our vehicles, but look at the experience these men and women are getting to improve their skills. Mayor Flaute: And look at what our residents are getting. Mr. Smith: We have good, quality people and Beaver Creek does to because they come to our rescue, Fairborn, Dayton, and all of them, so we've got good quality people. I don't see a reason to question the mutual aid or even mess with it or change it at all. I'm pleased with it. Mayor Flaute: Any other comments or questions? Seeing none thank you, Mr. Manager.

There were no additional questions or comments.

c. Service Department

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

Mr. Miller: Thank you, Mr. City Manager. I've been doing some training. We got pesticides, playground inspections which are very important, safety procedures like chainsaws and all the equipment they have been doing some safety training on. Of course, they have been fighting white death. We've got a set up that the guys installed for making brine onsite as opposed to running long distance to get it from Fairborn and some of the other places that we have procured brine from. Basically, they have also used about 300 tons of salt for snow and ice removal. The guys have got things down pretty pat, really well as far as pretreatment. Pretreatment is a very excellent way to ensure that if you have a major snow event, it doesn't get ahead of you. It basically is a good investment in time and resources. They have been doing a lot of black top patching with the weather the way it is the new hot box has really been helpful in this time of year in particular we would probably be going to cold patch, which doesn't stay in place. It's been very helpful for us to not have to revisit a pothole 6 times during the winter. With the hot mix it stays in place pretty well. We've been doing a lot of construction and inspection project reviews.

We repaired a couple large extruded sheet signs on Route 4 and also multiple other sign repairs and guardrail repair on Woodman from Route 35 northbound to Springfield Street. A lot of vehicle maintenance and equipment maintenance, whenever we have a snow event the aftermath they are doing a lot of work on them. We do have a situation where one of our trucks, the front frame rusted so bad that

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when they lifted up the bed it actually went side goggled. I don't know how else to put that, but it didn't have two anchor points in the back and as a result when we lifted it up it was lifting up on only anchor point. That vehicle right now is dead line. We took it to an equipment dealer to see whether it was worthwhile to fix it based on the information we received from them, it is not worthwhile to repair. Unfortunately, the whole frame is rusted in a similar fashion.

The guys have been remodeling of the Road Department. If you get an opportunity, I would welcome you to go back and take a look at what they have done. It is pretty impressive. They have been doing a lot of hazard illumination clean ups. I have been working with Choice One, our engineer of record, on crack sealing, paint striping, and mill and fill. We also have been working with our contractor with the company to take core samples on East Springfield Street. In the past, that hasn't been done. It's kind of important to know what the substrate is so that if you do a repair it lasts the test of time. We like for any repairs we do, mill and fills or whatever, to last at least 15-20 years. This will ensure that it will last that test of time. We sent out letters for the Safe Routes to School project which is on Valley Street.

We have been working on the entryway signs as far as trying to get them back up and operational. We do need a little clarification on what the Council would like and the one sign in question is up on Harshman, whether to reinstall it in the center or send it on the side like we are going to be doing with the Woodman sign.

We have an issue with 800 Cascade, I'm not sure if you are aware at that site there is a perpetual spring. We are working on a PO to get a directional bore and tie in into a catch basin so that problem will be alleviated, corrected or whatever. We have been working on insurance reimbursements. Like on guardrails, we've got also signs if they have been hit or fencing if it has been hit, if we get a police report that indicates there is insurance on that particular vehicle we have been submitting for reimbursement. Right now we have probably got about \$100,000.00 in reimbursement requests to insurance companies and hopefully we will recover some of that money so that we then can basically fix the problem and at the same time not impact our budget. In the past, Tom set up a specific line item in your budget for reimbursables and I believe Mrs. Reynolds emailed me and had a question on that. IT's kind of neat. It enables us to go out and repair things yet have it not directly impact our operational expenses which in the years past it has always hit our bottom line operational expenses. Now with that reimbursable account, we have an offset where we are able to not have to have an impact on our operational expenses and we are able to do the repairs. At the same time we are going to be able to track anything that was a reimbursable. It would take a lot of research. I don't know how many requests that Jay has in right now to the insurance company. I think it is 10 or 15, something like that. That's about all I have to say. Are there any questions? Mayor Flaute: Thank you, Mr. Miller. Are there any questions from Council?

Mr. Denning: Mr. Miller, I heard on the radio or television that Dayton has an app that they use that people can put in so that they can send exact locations of potholes and things like that. My suggestion would be that we look into the possibility of getting that or whatever that process is or at least talk to them about what we need to do or what it would cost us. It may not be cost effective, but how many of you have smart phones with GPS on it. From the way I understand it you put the app on and you punch the button where it's at and it gets sent to the Street Department and then they have that information very quickly rather than us having to make a phone call and say, "Well, it's somewhere on Springfield Street about here" and hope they get the right pothole. It would be interesting to find out if it is a fairly inexpensive app that we could use. Mr. Carpenter: We have looked at one software vendor called SeeClickFix and we wanted to compare them with some others, but the cost I think for the full package was upwards about \$18,000.00 a year. We just wanted to see if we could get something that would be more cost effective. Mr. Denning: And \$18,000.00 would fill a lot of potholes and so in our community it may not be cost effective, but for Dayton it may be because they have a lot larger population and a lot more streets. It would be something for us to at least consider and take a look at. I got the opportunity to see some of the vendors as the ICMA Conference and it looks like it is something that would be of value here in Riverside it's just getting something

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that is cost effective. Mr. Denning: Make sure it is cost effective. Mayor Flaute: Any other questions or comments?

Mr. Fullenkamp: On the City Manager's Report, there is the Comprehensive Street Improvement Plan and the sentence is, "Some tweaking is still required from Choice One." Can you explain what tweaking means? Mr. Carpenter: They sent us the list of all of the streets and we asked them if they could do it where we feel it would be more cost effective if they could list the streets more by neighborhood versus a couple south, a couple north, a couple east, and a couple west. We wanted to see what that would look like. Mr. Fullenkamp: Okay. Also for the 2017 crack sealing program, do we have a list of streets that we are going to address? Mr. Carpenter: Yes, those were submitted to...help me out Mitch. Mr. Miller: Choice One. Jay went out and did an assessment and evaluation and that information has been turned over to Choice One.

Mr. Fullenkamp: So do we have a list of streets that we are considering for crack seal? Mr. Miller: If you want us to email you a list. Mr. Fullenkamp: I think I would like to know where these streets are around the community. Does that include cape seal or is that a different program? Mr. Miller: That is a different program. Mr. Fullenkamp: Have we selected those streets yet? Mr. Miller: We are working on it. A lot of times it depends on the nature of the street and the character. We may have to do a mill and fill in one area where it is in bad shape. We may need to do crack seal and then the cape seal, so it may involve all three elements. Mr. Fullenkamp: Because the argument has been made in the past that if we get our bids in early we have a better chance of getting a good price. Mr. Miller: Yes, sir, that is correct. We are working on getting all of the data together so we can make that happen. That is correct. Mr. Carpenter: The Service Department had a meeting with Choice One on that very topic a week or so ago, so it was right after the first of the year so we can start talking about identifying the streets and getting everything in motion.

Mr. Fullenkamp: So make sure you keep Council informed about what and where. You talked about this broken truck. What's the cost estimate to replace it? Mr. Miller: You are talking about \$79,852.00. Mr. Fullenkamp: And that outfits it? Mr. Miller: \$80,000.00 to round it off. Mr. Fullenkamp: But does that outfit it? Mr. Miller: Yes. Mr. Fullenkamp: So that is pretty similar to the price we paid for the freight liners. Okay, thank you. That's all I have. Mr. Miller: The replacement truck quote is a freight liner also. We are trying to get everything as compatible as possible. They have made some new innovations, some of it is interchangeable and some of it is not.

Mr. Smith: Mr. Miller, can we get a 2016 at a reduced rate versus a 2017? Mr. Miller: I can ask. Mr. Smith: How much do we use that truck? Is it like a back-up truck or a third truck? Mr. Miller: The new truck? Mr. Smith: No, the one that is broken. Mr. Miller: We are not using it at all because it is a safety issue. Mr. Smith: When it was in service where was it at in the line up? Mr. Miller: It had a load salt on it and it was actively engaged. Mr. Smith: Is it a front line truck? Mr. Miller: It's one of the older trucks. I think it is a 2003, if my memory is correct, so it is 12-13 years old. Mr. Smith: Okay. Mr. Fullenkamp: So our goal is to have 7 dump trucks in service? Mr. Miller: That would be a good goal. We would be able to be much more effective and responsive. Mr. Fullenkamp: Right now you have 6 with the dead one, so you need one more is what you are saying. Mr. Miller: That would be a great goal to have that, now whether or not money is in the budget. The other proposal that I am looking at and getting quotes on now is for a lease program too with a potential rollover. Part of our problem is we tend to keep our equipment 10, 12, 13 years and in the heavy salt environment that we are in probably after the 5th or 6th year we start getting repair problems. We could make payments with the expenses that we are spending on the repairs; we could make lease payments. I'm kind of trying to get information together so that we have choices and we can use those choices in a way that will benefit the City. The other thing you don't realize about the repairs, you've got two guys that end up dedicated to taking it to the company that you are going to have repair and half of their day is gone. One man day is gone with them just getting the piece of equipment to where it needs to go to be repaired. Mr. Fullenkamp: Isn't a solution to this a real long term capital investment program for our vehicles? Mr. Miller: Absolutely. Mr.

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Fullenkamp: And do we have that? Mr. Miller: We have proposed one which will be for your review at some point in time once I get all the data.

Mayor Flaute: Thank you, Mr. Miller. Are there any questions for the Manager for the Manager's Report? I just have one. Under Planning and Program Management Code Enforcement Information for September 2016, no update, is that for the UDO? What is that? Mr. Carpenter: Good question. Mayor Flaute: It's right under Eintracht Club and it says Planning and Program Management Code Enforcement Information for September 2016, no update. I don't remember what that is. Mr. Taylor: That's where usually the month numbers of how many tickets we wrote or how many violations and we didn't have December's numbers. I think that September 2016 is clearly a typo in there. On the next report you should have December's numbers and then we will get you January's. I haven't run those because we haven't had time to run those.

Mr. Smith: Has the Zoning Administrator that you selected committed yet? Mr. Carpenter: Yes, but I will let Chris give you the latest. Mr. Lohr: Yes, we have a commitment. She sent me back the signed offer earlier in the week and she is moving from New York, so we need to help her make some arrangements to get here and hopefully her start date will be February 13th is what we are looking at. We are very excited about the candidate that we got. She has a Master's degree in City and Regional Planning from Rutgers, a GIS certificate, and lots of good practical experience, professional experience after the Master's, as well as lots of good fellowship and internship experience before that, so we are very excited to have her coming. Mr. Smith: Okay. Thank you.

There were no additional questions or comments.

ITEM 14: PUBLIC COMMENT ON AGENDA ITEMS: There were no requests to speak before Council regarding Agenda Items.

ITEM 15: NEW BUSINESS

A. ORDINANCES

- I) Ordinance No. 17-O-613 making supplemental appropriations for current expenses and other expenditures of the City of Riverside, State of Ohio, for the period beginning January 1 through December 31, 2017.**

Mr. Carpenter introduced Ordinance No. 17-O-613 making supplemental appropriations.

A motion was made by Mrs. Reynolds to read Ordinance No. 17-O-613 for the first time in its entirety and approve its first reading. Mr. Denning seconded the motion.

Mr. Fullenkamp: On the Exhibit and I don't know the answer; shouldn't the Exhibit reflect both the transfers out and the department in which the transfers are going in? Mr. Garrett: That's not been our practice normally because we appropriate the expenses and the revenues are just kind of presented in the budget, they are not actually appropriated so I didn't make a change. Sometimes if there is a significant change, I do add a couple of revenue lines into the expense appropriation but not always. Mr. Fullenkamp: So in the ordinance we only record the transfer out. Mr. Garrett: Correct. Mr. Fullenkamp: And you said a significant change and \$1.5 million is a pretty significant change. Mr. Garrett: Well I think you probably got the email with the details that it is the two road projects and the total of them was the \$1.5 million dollars. Mr. Fullenkamp: Was there just confusion about where this money should be residing or how did we make that mistake? Mr. Garrett: We followed our prior practice where we have done several road projects in the past and once we were done we received all the reimbursement from the State, we transferred the money back into the General Fund because that effort was done. The only thing that

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is really different about these two projects is the grants for both of those projects had a loan commitment, so we still have an obligation to pay back a portion of money and State Law has a provision that we weren't aware of that requires the money to be kept in reserves so that loan gets paid back. Mr. Fullenkamp: Thank you.

Mayor Flaute: Mr. Manager, do you want to talk about the emergency of this? Is it your desire to have an emergency? Mr. Carpenter: I would like to request an emergency so we can get this information and this correction made so the 2015 audit can move forward and we can get our report. Mayor Flaute: Alright.

There was no further discussion on the motion.

The Clerk read Ordinance No. 17-O-613 for the first time in its entirety.

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

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

Mrs. Reynolds: Mr. City Manager, in looking at this and you requesting an emergency on this action, what is the emergency? What are we not being able to spend? Mr. Carpenter: It's not really about spending. Mr. Garrett: We are not really spending any money we are transferring it from the General Fund to the Debt Retirement Fund where it is just going to sit. It is still going to be in our bank account. We are not actually spending anything. The urgency would be just that this is an error that has been found in the audit of the 2015 year and in order to finish that out they want to see evidence that we have made the correction on our books. Mrs. Reynolds: Okay, so it is to correct the audit. Mr. Garrett: Yes. Mrs. Reynolds: Okay. Mayor Flaute: Thank you, Mr. Garrett.

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-613 for the second time by title only and approve its final adoption. Mrs. Reynolds seconded the motion.

The Clerk read Ordinance No. 17-O-613 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-614 approving employee position titles, number of positions, and pay ranges, and to repeal Ordinance 16-O594 adopted April 7, 2016.

Mr. Carpenter introduced Ordinance No. 17-O-614 approving employee position titles, number of positions, and pay ranges.

A motion was made by Mr. Denning to read Ordinance No. 17-O-614 for the first time in its entirety and approve its first reading. Mr. Smith seconded the motion.

Ms. Arnold: I have a comment. I just picked up that I have the wrong year up here, so I will correct that. I apologize. Mayor Flaute: Thank you.

The Clerk read Ordinance No. 17-O-614 for the first time in its entirety.

Mrs. Reynolds: I do have one question. Mr. City Manager, is there any immediate impact on the budget with this pay range other than the Major's position? Mr. Carpenter: No. Mrs. Reynolds: You've asked for increases, so are those increases?

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Mr. Carpenter: No, we are not anticipating any difference. Mrs. Reynolds: Thank you.

Mr. Fullenkamp: In your memo, you talk about overtime being reduced and I'm wondering why do you believe that? Mr. Carpenter: Well after having a discussion with the Police Department staff, this position is primarily like the Sergeant that is in the Detectives. That Sergeant traditionally has earned lots of overtime. There is overtime available to Sergeants currently for court transports and things of that nature that won't be impacted by this change, but the significant difference in the overtime is for the Sergeant that is in the Detectives' Section. The plan is to move another officer into the Detectives so we will have 4 Detectives and then the Major would oversee the Department and have better, effective scheduling and also handle more administrative duties. Major, would you like to add anything else that I may have left out? Major Close: I can touch on a few other things Councilman Fullenkamp. We reduced the number of Sergeants. You have 5 Sergeants that are readily available to take overtime; overtime is going to be available. There is a pay difference at the overtime rate of \$8.71 between a Sergeant at overtime and a Patrolman at overtime, so by reducing the number of Sergeants from 5 to 4 you eliminate some of the availability of the Sergeant. That is automatically going to save money. You only have 4 Sergeants that are available to take overtime rather than 5. Detective Sergeant on average is over 100+ hours a year of overtime due to incidences like last night where I was on the scene for 7 hours, but I don't collect overtime. You have a Sergeant out there at \$58.52 that adds up over the years. That's where the savings is going to be at. In addition, that's the tangible savings.

Mr. Fullenkamp: I want to ask a question. You are saying the overtime will be shifted to Lieutenants or whatever you call them. Major Close: It would be shifted to Patrolmen that could be available, but there is an \$8.71 difference less than a Sergeant's pay would be. Mr. Fullenkamp: So the need for overtime is not going to be reduced. Major Close: The need for overtime is going to be there for court transports regardless if we have 100 officers or 50, but the amount of pay that we are paying per overtime dollar or hour will be reduced. Mr. Fullenkamp: Because the Patrolmen are going to be doing. Major Close: The Patrolmen then would most likely take that because there are only 4 Sergeants rather than 5, so that's the tangible money value and there are a lot of intangibles as the City Manager touched on. I can't do all of the grant writing, do the administrative tasks, record the master scheduling, the property room, oversight, community outreach, meetings, all of the things that need to be done in order to make sure that we are operating from the top down and making sure we are managing those overtime dollars and they are utilized in the best possible way. This will allow us to have more oversight, better control, better community outreach, and I think be able to serve the community in a better manner. Mr. Fullenkamp: Okay. Mayor Flaute: Thank you, Major Close.

Mr. Fullenkamp: I do have a couple questions. What's the basis for changing these pay scales? Mr. Carpenter: We have done some comparison with other communities and we are certainly out of whack compared to other communities, but the more urgent need is that we have some people that are at the top of the pay scale and they cannot received a raise on their pay. Some are quickly approaching the top of their pay ranges as well. Mr. Fullenkamp: Does anyone get an automatic increase? Mr. Carpenter: Automatic? Mr. Fullenkamp: There at the bottom or close to the bottom. Mr. Carpenter: Of the Table of Organization you are looking at? I guess I don't understand you are saying it says automatic pay raise? Mr. Fullenkamp: Well let's say there is somebody at the bottom of the pay scale and you increase them. Mr. Carpenter: Oh, someone who is on the minimum? Mr. Fullenkamp: Yeah. Mr. Carpenter: No, I think everybody is above the minimum that is currently listed. Mr. Fullenkamp: So how many of these people are at the top of their pay scale? Mr. Carpenter: One for sure and we have two that if they would receive the 2.5% plus 1.5% incentive would exceed that pay range. Mr. Fullenkamp: Okay, thanks.

Mrs. Reynolds: Major Close, I just want to make sure. You said a Patrol Officer would pick up the overtime if there was a need for it rather than a Sergeant? Major Close: By just looking at it if you only have 4 Sergeants that could potentially take the overtime rather than 5, there is going to be a reduction in the amount of cost for the

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tangible amount. Mrs. Reynolds: Okay. I just wanted to make sure I understood that. Thank you. Major Close: Yes, ma'am.

There was no further discussion on the motion.

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

B. RESOLUTIONS

I) Resolution No. 17-R-2233 accepting the lowest, responsive, and best qualified bid for tenant improvements to Suites 101 and 300 at 5100 Springfield Street, Riverside, Ohio.

Mr. Carpenter introduced Resolution No. 17-R-2233 accepting a bid for tenant improvements.

A motion was made by Mrs. Reynolds to approve Resolution No. 17-R-2233. Mr. Denning seconded the motion.

Mrs. Reynolds: Mr. City Manager, it says in the Resolution that, "the bid received varies only by approximately 10% from a pre-bid estimate, which was obtained for the purpose of establishing a proposal amount. Whereas, the U.S. Corps of Engineers will be reimbursing the City of Riverside for the total costs of the improvements," but you've asked that the City create a purchase order in the amount of roughly \$55,000.00. Is that just a pass through? Mr. Murray nodded yes. Mrs. Reynolds: Okay, that's all I needed to know. Thank you. Mayor Flaute: Do you want to make any comments, Bob?

Mr. Murray: Just to bring it up one more time. For the first time ever I have used a third-party contract administrator to work on this project. It very much relieved my time and the amount of time I have to deal on building out the tenants. It also came in cheaper. I did bid this out myself and it came back \$1,000.00 cheaper using this group than it did when I did it individually. I don't have to divert my time to do something like building out the improvements as well as it seems to be cheaper. This is a very good thing and it came in cheaper because they go to so many more contractors. This is a statewide bidding process approved by the State of Ohio. It meets all the requirements from our ordinances as well as the ORC. I will continue to use these guys because they are very reasonable and the fact that it saves me a lot of time. This is the first one and it would be painless for us either way because we are reimbursed by the Corps of Engineers. The next one they will be working on is the parking lots here and they are in the middle of doing that. We will see that come to fruition too. Mayor Flaute: Thank you, Mr. Murray.

There was no further discussion on the motion.

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

II) Resolution No. 17-R-2234 authorizing the City Manager to submit a "Staffing for Adequate Fire & Emergency Response Grant" (SAFER) Application.

Chief Carpenter introduced Resolution No. 17-R-2234 authorizing the submission of a SAFER application.

Mr. Carpenter: I think it may be best that we table this until the next meeting. I do not have all of the information that I was expecting to receive by the time we met here today, but I just would like to answer any questions regarding the memo that was adjoining the legislation if there are any.

Mr. Denning: There isn't a deadline that we need to get this? Mr. Carpenter: The grant must be submitted by February 10th. Mr. Denning: Okay, so we've got the next meeting. Mr. Carpenter: Part of the reason I wanted to do it today was that if staff is

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going to put in the time and effort to make this happen that I get the permission to move forward today, but I have some information that I received and I was really questioning it and I wanted to get further information on that. With the help desk not being responsive, I think it might not be a good idea. Mrs. Reynolds: If you don't have the information, sir, I think it is best not to. What happens at the end of the 3 year period? Mr. Carpenter: There is no requirement to maintain the positions beyond 3 years. Mr. Fullenkamp: So what's the plan? Mr. Carpenter: What's the plan after 3 years? Mr. Fullenkamp: Is there a plan for the out years? Mr. Carpenter: The plan is that we have some people that are eligible to retire or are approaching retirement, so at the end of 3 years it is a possibility that there would be some vacant positions that these people could move into. Otherwise if we can't afford it, we would have to let them go.

Mrs. Reynolds: So we are almost at \$400,000.00 as the city share. Mr. Smith: That's the cost of a period of 3 years. Mr. Carpenter: 3 people for 3 years. Mrs. Reynolds: 3 people for 3 years, so \$400,000.00. Mr. Carpenter: It would normally be around \$900,000.00. It's about \$100,000.00 a year roughly. Mrs. Reynolds: It's about \$100,000.00 a year. Mr. Carpenter: For an employee with all the benefits. Mrs. Reynolds: With benefits, I see benefits are included in the reimbursables. Mr. Carpenter: Our current budget for part-time employees is \$396,000.00 per year. Mrs. Reynolds: \$396,000.00 for part-time. Mr. Carpenter: Correct. Mrs. Reynolds: And you would defray those over to this. Mr. Carpenter: Those dollars would come from that amount. Mrs. Reynolds: So actually there would be no city share in that line of thinking. Mr. Carpenter: That is correct.

Mayor Flaute: But are we creating 3 positions? Mr. Carpenter: Yes, we would have to. It would be 3 additional full-time positions which would benefit us that we would have a guaranteed paramedic on duty. Also we are having a shortage and difficulty in getting part-time personnel. Looking at the numbers from the new hires their schedule calls for 29 or 112 hours, but looking at other employees they work around 2700 hours. Part-timers are currently limited to about 1500 hours, so they average below 30 hours in a week. Mayor Flaute: You can't use attrition or anything? Mr. Carpenter: During the time of the grant, you cannot use attrition. Mayor Flaute: After the grant, do we have to hire these folks? Mr. Carpenter: No, not after 3 years. During the course of the grant if someone retires, you cannot fill them with one of these grant employees. You have to fill it during those 3 years. Mrs. Reynolds: So it is no attrition. Mr. Carpenter: Beyond 3 years the thought is we have some employees that are eligible to retire and we have some employees approaching retirement. They don't have to retire but they say they are going to retire, so we could use the grant employees and move them into the full-time position. There is no guarantee. Mayor Flaute: Historically we tried that one time with the Police and we ended up having the hire that person and make it a position then. Mr. Carpenter: The SAFER grant has changed forms over the years. Mrs. Reynolds: Would you say that again how we can move them into the positions? Mr. Carpenter: At the end of 3 years, so that would be year 2020, if we have retirements. Mrs. Reynolds: That year. Mr. Carpenter: Yeah. Mrs. Reynolds: Okay.

Mr. Fullenkamp: So the SAFER grant requires you to if somebody resigns or retires during the term of the SAFER grant, you can't leave that slot open? Mr. Carpenter: There is a time period where you must fill it. You can't leave it vacant I believe it was 6 months. You can't leave it vacant beyond 6 months and you can't fill it with one of the grant employees. Mr. Smith: During the grant period or after the grant period? Mr. Fullenkamp: During. Mr. Carpenter: Yeah, it would be during the 3 years of the grant. Mr. Smith: Okay, so when the 3 years expires and the opening still exists we could put that person in. Mr. Carpenter: That's the thought. Mayor Flaute: We will move on then.

There was no further discussion on the motion.

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

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ITEM 16: PUBLIC COMMENT ON NON-AGENDA ITEMS:

Mr. Ricky Sturgill of Byesville Boulevard requested to speak before Council regarding complaints of dust issue.

Mr. Sturgill: I'm here really representing S&S Trucking as you all know. We keep getting the complaints about dust control and anything you can imagine. We've had the EPA out. This man has done everything he can. He has complied with this Council to keep the dust down and everything. I just really want you to know it is not an issue of dust control it is an issue of people here that do not like Jerry Salmons so they keep bringing up issues and then once they do their little ring around dust control and EPA they start all over again. A lot of it is the direction of Mr. Fullenkamp right here. He is backing these guys and he is making a powerful bunch of guys out of this and I'm sure you are all tired of hearing about this as much as I am. It's a matter of people not liking a certain person and I have heard people on Council talking about fairness for all and all of this, well that's not going on here. I just want to make it aware to the whole Council that this is not an issue of a business. It is not an issue of dust control. It is an issue of a few people in the neighborhood that don't like Jerry Salmons and somebody in power is help fueling this fire and is fixing to go even further. I don't know if there has been an issue about Mike Stump's property yet. He's got the prettiest property in Riverside, Ohio and he has a tow truck and junk cars and he's got the nicest place you've seen, but there is going to be an issue coming up on it. It's not about Mike Stump and his junk cars. It's about Jerry Salmons owning the property in the back of his property, but Mike's got 100 year lease on it. With Jerry Salmons being on the title as the owner of that property, it's going to fall in his lap for the clean-up of it. Something has to stop. I just wanted to bring it to the Council's attention and maybe I wasn't supposed to bring up Mr. Fullenkamp's name. Mayor Flaute: I would appreciate you just talk to Council. Thank you very much. We do appreciate you coming before us.

Mr. Sturgill: I also wonder if I say Planters is everybody here aware of Planters? Mayor Flaute: We are all aware of where Planters Avenue is. Mr. Sturgill: Have you seen it in the last year? Have you made the left off of Springfield Street and drove up Planters? There is I think some illegal activity that is taking place there with a wooden guardrail against the road, construction cones put up against the road with fence posts drove into the ground sticking out about 3 inches with no consideration of the neighborhood children getting hurt and nobody seems to be doing nothing about it. I heard they were supposed to remove it 2 months ago, but nobody is removing it and nobody has done anything because they have I feel somebody in a higher power stopping all of that from taking place and I would like that to be investigated and checked into. Mayor Flaute: Someone from staff can get with you tomorrow morning or if you want to talk to them after the meeting. Someone from staff will get ahold of you. Thank you, sir. Mr. Sturgill: Thank you.

Mr. Steve Massa of Planters Avenue requested to speak before Council regarding the dust issue.

Mr. Massa: This is a continuation of what you just heard. I'm not sure what Mr. Sturgill meant by there's no dust. I live there and whenever it's dry I see dust plumes all the time. Now I just want to live without breathing dust. That's all I've ever asked this Council or the staff and the City is partially at fault for the way the Salmons' feel because the issue hasn't been taken care of correctly. I don't believe in the past they really communicated well with the Salmons or myself or any other resident in that area. I don't hate Mr. Salmons. We don't have to like each other. I don't have to like Mr. Sturgill. I personally and if anybody else wants it done too in the neighborhood that's their prerogative to want that done, I don't want to breathe the dust. I don't want to open my window and my kitchen table is covered with dust. I don't know how they can fix it. They tried watering a few times. It worked out good at first, but then last year it kind of tapered off because it is a nuisance and it's a perpetual task to have to keep watering and I understand that, but there truly is dust. If Mr. Sturgill wants to explain to me why he thinks there is not dust, I'm welcome to listen to him right now if he wants to come back up and if you will allow him. Mr. Sturgill: I would like that. Mr. Massa: Okay, I'm going to sit down.

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Mayor Flaute: At this time the City Manager has offered to come over and see the dust. We have not seen the dust, is that a correct statement that none of our staff has seen the dust? Is that correct? Mr. Carpenter: I don't think that's the right question. Mayor Flaute: When the dust is there, call us? Call us. 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. If I let you speak then I am going to have to let Mr. Sturgill speak. Mr. Massa: I just wanted to say it's not a good thing for residents to have to call in. Mayor Flaute: Well we haven't seen it. Anyway, Mr. Sturgill did you want to say something? Mr. Strugill: I just wanted to say it's not just one problem you created with the dust, it's the whole plat is made of gravel berms and if you go down any given street I don't care where it is in the neighborhood it's bringing up dust. Mayor Flaute: Please call us when there's dust and one of us will try our best to get out there. I believe I heard the City Manager tell me that, so please do that so we can see what we are working with and get this done.

There were no additional requests to speak before Council.

ITEM 17: COUNCILMEMBER COMMENTS:

Mr. Smith: In lieu of tonight's information on this report that we were handed, I would like this to be put on the website under the title of Special Report. This is the first opportunity that we have had to say our side of the story as to what lead to the lawsuit or the allegations of Mr. Fullenkamp. I think we need to put it out there for the residents to be able to read as opposed to just putting it in the minutes. I think they need to be able to go and research that. Mayor Flaute: I'm thinking no. Mrs. Reynolds: That's a bad idea. Mayor Flaute: It's already in the minutes. I don't think that would be something we would want to do. Mr. Fullenkamp: If that were to happen, I want the court filings to go on too. Mr. Smith: The court filings are public record already. Mr. Fullenkamp: So is this. Mayor Flaute: Unless somebody disagrees with that.

Mrs. Reynolds: I just want to mention to you all that tomorrow is the Inauguration of the 45th President of the United States. He will take the Oath of Office at noon. There are 35 words that are so important and meaningful in that Oath. I hope we all will take the time tomorrow to listen to those words and think about those words. They mean a lot to us. I'm going to pray for the new President and I'm going to continuously thank the retiring President for all that's been done and all that will be done. I think we all need to keep that in mind. This is our nation and I hope that we can all work to do as that Oath tomorrow will say to preserve, protect, and defend the United States and the Constitution of this United States. It's not often that we sit down and think about just where we are at in this world and tomorrow is probably one of those days that we will think about that. The next 4 years or the next whatever as long as we are safe and as long as we are protected I can't ask much more from anybody. It's just something I wanted to mention. Thank you very much, Mayor, I appreciate that.

Mrs. Lommatzsch: I have a couple things. I would like to compliment the Economic Development Director's guidance on fixing up the building on Linden Avenue, the U-Haul facility. I know they worked endlessly with community not liking that property and it is absolutely spectacular including the sidewalks. We will be in touch with the manager and we will be setting up a ribbon cutting and a community open house so people can see the storage facility and walk through the place and look at it. If you do Linden Avenue as much as I do, it's just absolutely spectacular and I know that Bob worked really hard on that. Mr. Murray: We put the thing in place, but Brock actually brought it to fruition. A lot of the credit goes to him for beating on people. Mrs. Lommatzsch: The whole improvement of the whole area is just amazing.

I would like to put another date on your calendar. I am very much into regionalism and have been for a number of years. I have been asked by the Miami Valley Military Affairs Association for their Spring Social Meet and Greet will not be at the base, it's going to be at Walnut Grove County Club and the host will be the Chamber, the City and the School Board. It doesn't cost you anything, it's just your name is out there.

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It's not costing you anything. It will be the same deal where we all pay is how it is paid for. Walnut Grove is very, very excited about having the event there. That will be on March 22nd a Wednesday evening and the next night we will be there again for the Volunteer event. You will be getting invitations, but I was just delighted when they contacted me and wanted to know where in Riverside we could host the 5 county areas.

I do need some reprieve. My Fair Housing Board and my Miami Valley Regional Planning Commission meet the same morning, one at 9:00 a.m. in one building and one at 10:00 a.m. in another building. Mayor Flaute: Just let me know. Mr. Fullenkamp: Send me the specifics. Mrs. Lommatzsch: It's the 2nd of February. I did last time and I ran from one to the other. It's really tough when you are going to be as old as I am next week. Mayor Flaute: I will be in Columbus that day. Mr. Fullenkamp: I'm the alternate, so I will take care of it. Mayor Flaute: Good, thank you. Mrs. Lommatzsch: But kudos to you because driving down that street is such a pleasure. We will be inviting you all to a ribbon cutting when we get that set up.

Mr. Curp: Mr. Manager, I would also like to thank you and the staff for the great job that was done over at the U-Haul on Linden. I know that Mr. Murray in jest talked about Brock's beating on people and I can assure you that the word I got was that the construction management folks for U-Haul were delighted with the treatment that they received from the City of Riverside in helping them get through the project. I got that through people who were related to one of the construction management folks, so I want to thank the staff for not only providing a nice looking corner for the neighborhood, but for creating a positive image of the City staff in the minds of people that we had to deal with.

The second item, at the last meeting I mentioned that the Income Tax Aid for the elderly program was starting up, the program sponsored by AARP and the IRS. If you know of people who need some assistance, I would urge you to have them contact one of the local facilities as soon as possible because this year we are using new software. It's going to take a little bit longer because of that software. It's going to take a little bit longer to prepare a return for individuals and so that means there will be fewer slots available. We are doing our best to service everybody that we can, but if you know people who would need assistance I urge you to have them call and make an appointment now. That goes up through the middle of April just before the filing deadline. A lot of people don't get all of their tax forms until after the last day of this month if they have brokerage statements or reportable income or losses heaven forbid. Those don't come out until maybe the middle of February or sometime afterwards. It doesn't mean that you can't make an appointment for some time in March or sometime in April. You can call up and make an appointment for some date in the future. You don't have to have all of your forms in hand today at the time that you make an appointment. If you've got folks that need some assistance or if you need assistance yourself, I urge you to contact either the Senior Citizen's Center in the City of Kettering, the Senior Citizen's Center in Huber Heights, or the Washington Township Recreation Center. People love to help out.

Mayor Flaute: I just have a few. First of all, I did 4 weddings in the last two weeks. I am partaking in the Martin Luther King Day holidays and of course we all know the important things he did to our country and we will honor him.

Also, I went to a thing about Bee City. Vandalia has become a Bee City and I know we have been talking about chickens and bees and we need to please move forward with that. Ms. Arnold: We have bees. Mayor Flaute: We have bees, but is there a requirement? Mr. Fullenkamp: We have bees. Ms. Arnold: No chickens, but we have bees. Mayor Flaute: Okay, good. Well if we want to be a Bee City then we can apply for that also. Monday, January 23rd is IN Crowd Chamber will be at the Greek Isle in Page Manor. \$15.00 and you get a great meal and drinks and tip, everything's included. Come on down and meet and have dinner with some of the best people in the world that is our folks here in Riverside and many of our business owners.

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Lastly, thank you all for your patience tonight. I know we went a lot longer than normal and I apologize for that, but we had to get done what we did so thank you very, very much for your patience.

There were no additional comments from Council.

ITEM 18: EXECUTIVE SESSION:

- A) Fire Chief 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 investigation of charges or complaints against a City employee or official.***

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

There was no further discussion on the motion.

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

Mayor Flaute: We are going into executive session, but I don't expect any legislation to be done after the meeting. If you want to stay around, you are welcome to stay around and see if we have any. Thank you all very much for your patience.

Council entered into executive session at 9:49 p.m. Council came out of executive session at 10:10 p.m.

ITEM 20: 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 10:10 p.m.

William R. Flaute, Mayor

Brenna Arnold, Clerk of Council