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

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

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

Mayor Flaute: Mr. Curp emailed me today and said he wasn't going to be here. Deputy Mayor Smith and Mr. Fullenkamp are in Pittsburgh representing us there at National League of Cities.

ITEM 3: EXCUSE ABSENT MEMBERS: A motion was made by Mrs. Reynolds to excuse Mr. Curp, Mr. Fullenkamp, and Deputy Mayor Smith. Mrs. Lommatzsch seconded the motion. There was no discussion on the motion. All were in favor; none were opposed. **Motion carried.**

ITEM 4: ADDITIONS OR CORRECTIONS TO AGENDA:

Mayor Flaute: I have one correction for the presentation on the Valley Pike VOC will not be Kevin, it will be Jason Sewell. Please make that change.

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) Liquor Control Application – Ash5 LLC for 2560 Valley Street, 1st Floor, Riverside, Ohio 45404

Mr. Carpenter introduced the liquor control application for Council's review.

Mrs. Reynolds: Mr. City Manager, this is a new owner. Mr. Carpenter: It's a renewal. I don't know about the status of the owner. Ms. Arnold: I emailed you all some information from Liquor Control. It looks like it is a new owner and they own and have a liquor license for a Valero down the street. I sent to Council the information which Mr. Fullenkamp had requested for research on any Liquor Control licenses that have been held or are currently held for the applicant and research on the address itself. Mr. Fullenkamp requested that at the last meeting, so I did do that and emailed the information to you. He does hold the other liquor license. There were some violations, but if I remember correctly they had been a couple of years ago and there was nothing recent. There were previous owners for Morgan's Drive Thru, but there were no violations for any of those. In the future I will be sure to do that so you will have them in your packets, but I had not been this done before.

Mrs. Reynolds: What alcohol sales are in a C-1 and a C-2? Mr. Carpenter: I will have to refer to Chief. I don't know if you know the specifics on that. Mrs. Lommatzsch: It is beer and wine. I don't think it is hard liquor. Chief Robinson: Yes, it is just beer and wine. Mrs. Lommatzsch: I remember that from that issue on Spinning Road. Mayor Flaute: If there is no objection to that, we will go ahead and approve that application.

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B) Presentation – Valley Pike VOC Site – Jason Sewell from the Environmental Protection Agency

Mr. Carpenter introduced Jason Sewell to speak to the issue at the Valley Pike VOC site.

Mr. Sewell: Good evening. Thank you for entertaining me. Several weeks ago, I had the opportunity to meet with Mr. Carpenter and give him an update. They asked me to be here tonight so we could give a general update to the whole Council. Again I am Jason Sewell. I'm an On-Scene Coordinator with U.S. Environmental Protection Agency out of Region 5. I am the delegated On-Scene Coordinator for the Valley Pike VOC Site for removal actions that we are doing there and I'll get into some distinctions with other people that will be becoming involved. I want to briefly recap. The Valley Pike VOC Site involves contaminated soil and ground water. You can see the Vadose Zone, there is a red area there and that would represent a contaminated source of soil. That contamination makes its way down to groundwater and as a fluid moves along with groundwater flow. Vapors and evaporation that comes off of these chemicals are volatile and organic compounds. Those vapors also move through air space and soil that's above what you would have as groundwater. So vapors and contaminated groundwater move along uninhibited by property boundaries and so forth and these vapors have the ability to come up where people can be exposed to these vapors. That whole process, that pathway, we call a Vapor Intrusion Exposure Pathway.

I have a lot of information on these slides. I don't mean to go all the way through it, but I plan on leaving the presentation for you to review at another time. I want to recap briefly. Since 2013, Ohio EPA began studying the groundwater at the Site and documenting the presence of contaminated groundwater and then collecting air samples and documenting that these vapors make their way into the void air space. They requested assistance from us at the U.S. EPA and we went on to continue the study and document that those vapors make their way into shallow gas beneath slabs for homes and other buildings and that those vapors do make their way into some homes. With documenting that completed exposure pathway, we consulted with Public Health Departments including the Ohio Department of Health as well as the Dayton and Montgomery County Public Health Department, who gave us exposure levels that we should try to mitigate this so people are not exposed to the vapors above these levels.

Since that time, the U.S. EPA has conducted sampling at over 400 homes to see who may be exposed above these levels and which homes may be below these levels. For homes that are above those levels, we have installed what we call vapor abatement systems. It's essentially like the radon system where it will remove those vapors from below the home and short circuit the pathway to the outdoor air. Then we conduct sampling after we have essentially mitigated the home. We have determined that the Mullins Rubber Products property is at least one source of contamination to the groundwater. By bringing our information to Mullins, they entered into an agreement with the EPA in January to pick up where we have brought the clean up to. They signed this binding legal agreement that is called an Agreement and Order on Consent or an AOC. I will cover quickly what they are going to do underneath this AOC. I want to point out that even though we have entered this Agreement, I continue to monitor all the work. I don't want anyone to get the misunderstanding that because they begin doing work that the EPA goes away. We continue to monitor work as we go along. It's just that the work will be done by contractors on behalf of Mullins instead of through EPA contractors.

Briefly that Agreement spells out definitively that the boundaries for which Mullins is going to conduct the work. This boundary has actually been expanded twice since we started the study and generally it expands not because it is moving fast or there is a new release. It is more that as we increase the scope of wider areas, so we increase the boundaries and increase the study again, so twice the boundaries have increased. For now, this is what is captured in that legal document. That's not to say there might not be people outside of that area that are impacted. This is just a list. Under our Agreement, Mullins had to provide lots of plans ahead of time where we

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would get a chance to review the plans and ensure they were the quality that we need. They have established worker health and safety plans, two plans that cover the quality of work they are going to be doing and then they have submitted one plan that is going to describe how they are trying to reduce the source area of contamination on their property. There is another plan that is describing how they are going to take over the sampling assessment of homes off their property, which is the work the EPA has been doing until now. I would like to point out that all the other plans at the top are finalized and in use or under way. The last plan is the plan where they are taking over the work for us. We are this close to having it approved so that they can begin work. I would expect that to be completed here in the next week or two and they will be able to start work in December, which is really ideal time to do this kind of work.

I pointed out that they are going to do work on their property, so what they have done is install a giant vacuum that draws air out of the ground. This chemical has a propensity to evaporate, so it evaporates into the air that is being drawn out of the ground. You draw this liquid out of the soil overtime just by sucking the vapors off the top of it. This system was put in over the winter and based on their ongoing samples that they have been doing to monitor the progress, it is working very well.

The work that they are going to be doing offsite, I wanted to tell you about. They are going to collect samples, not just at homes, but also at churches and businesses. That way they can go further than where we have gone so far. They are only required to abate residential homes, so if they find that there is a Vapor Intrusion Pathway at churches and businesses then we share that information with the owners of the churches and businesses. The EPA can work with them for technical support and safety analysis, but if there is an abatement system necessary it may be coming on their insurance to provide that or some other mechanism. That would be between them and Mullins. They will be collecting a sampling of homes, churches and businesses. For homes that exceed our screening levels, Mullins will be putting in these Vapor Abatement Systems. They will be doing the sampling to show those systems are effective and then to assist with the electrical demands these systems require because there is a little electric fan inside them. Mullins every January is giving a \$75.00 stipend to people who have one of these systems inside their home until the system is no longer needed. I want to point out that they are required to keep me updated under the Agreement.

We are very close to where their plan will be finalized and they will be able to take over where we have been doing the work. I will point out that we are still doing some sampling. We have a round that we will be conducting this December, so once we complete that a Mullins consultant will pick up from there. Mullins is only required to deal with those homes inside that perimeter, so if there are residents that are concerned and are outside the perimeter I still have the ability from the EPA to do sampling to give them piece of mind or decide whether they need a system regardless of the Agreement Mullins has agreed to so far. I would like to point out as well the Dayton and Montgomery County Public Health Department has made themselves available so that when Mullins takes over this process, they have volunteered to go along with the Mullins contractor to make sure there is a public health official available to answer any questions people may have about vapor intrusion. Again the EPA will maintain oversight of the work and contracting what we call split-sampling it. Just as they were providing public health services to us, they would continue to provide public health services to the Mullins contractor.

Briefly even though the Mullins contractor hasn't started work at the homes yet, I do want to point out they have leaned forward into this. They have mailed out 121 access agreement packets and you can see what has gone on from there. A handful of people have returned the packets. You run into a problem where people aren't returning the packets, but they won't give up after this round. We require them to give several rounds of notice and it is part of the agreement we are finalizing now that they will not just give up on homes they think would be abandoned or something like that. We require them to go through an exhaustive effort to make sure that they have ensured that no one is going to be living here and in a year's time they will recheck it again to make sure. Maybe it was a rental unit that no one was living in, but that may

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change in a year. We are not going to let something like that fall through the cracks. That's what is covered in the agreement. I don't mean to speak on if they would try to introduce a chemical to make it go away faster and also to install an underground barrier at their property boundary, so as contamination would be leaving the property it would encounter this treatment barrier and the pollution would be reduced as the groundwater naturally flows down. We think their proposal is sound and we have bought into it. I think their perceived as plans, but they have not been conducted yet.

In September, the EPA listed the site on what we call the National Priority List or the NPL. I work for Superfund and there are really two general programs in Superfund; the removal side of the house, where I work and where we work under emergencies and time-critical work, and then the remedial house. NPL sites are the remedial house. The sites that get listed on the NPL have been studied exhaustively and have been scored against this hazard ranking score and there is determined to be that there is a significant enough threat that needs to be further studied and monitored and put through this remedial process, in addition to what we are already doing in the removal process. The site was listed in September. The EPA has assigned a Remedial Project Manager to manage that process and we are going to introduce that to you.

Again I don't mean to speak on behalf of them, but I will let you know what can be expected there. The link here will take you to the listing of the site. The remedial process is kind of like what we have already done, but more in-depth. We have already conducted studies to determine initially where the contamination is at, where our samples indicate it is coming from, and taking an action to be protective of public health while more information is gathered. In the remedial process, that is where they pick up. They maybe they sample out wider. They sample out farther. They sample over time to see if concentrations are continuing to go up or they seem to be going down. As a part of that remedial investigation, they decide if there is further clean up needed. Maybe there is and maybe there isn't. Maybe what we've already got going now, by the time they complete this remedial investigation shows that there is very little more that needs to be done. That is a possibility, but there is no guarantee of that. That process can be conducted by the EPA, but the approach, as with the removal side of the house, is to reach potentially responsible parties to see if they want to enter into an agreement with us to start to conduct the work that we have been doing. The remedial side of the house, we will do the same thing. They will seek Mullins or whoever else may be determined to be responsible to ask if they want to enter into an agreement to do this work, rather than the government tax dollar. There is a possibility that there will be a new agreement in addition to the one that we already have. It wouldn't replace it; it would be in addition to.

Through the whole Superfund process, regardless of the removal or remedial side of the house, we take engagement with the public very seriously. We have a Community Involvement Coordinator assigned to every site. That person for this site is Heriberto Leon. He is the same CIC for me and he will be the same CIC for the Remedial Project Manager. We all work together to make sure that we have a coordinated process, so we don't cause Mullins to do duplicate work. We definitely engage with the community to make sure that everybody's concerns are answered and so on. I want to point out the site for the Valley Pike VOC site has changed. If you were used to visiting that site before, that old link won't work. As long as you Google Valley Pike and EPA, you should be able to find it on the first couple of links.

For the Behr Site and the Valley Crest Site, Heriberto, our Community Involvement Coordinator, will tend to go out for a brief amount of time and will write a Community Involvement Plan. It happens that the Behr, Valley Crest, and Valley Pike sites are so close together and a lot of the needs are the same. All of those sites were put into one Community Involvement Plan, so that's available online. I have the link here for it. That's about it unless you have any questions. I want to introduce you to again to Heriberto, the Community Involvement Coordinator, and I will leave the contact information for him. I'm available for contact with any type of questions you may have, especially technical related questions. Jenny Davison is the Remedial Project Manager for the Site. The remedial process will probably end sometime in the 2017 era, but in the meantime we will continue our work. I also want to point out that I left

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an email here for TRC Solutions. They have established the following email for correspondence. That's all I have.

Mrs. Reynolds: Mr. Sewell, thank you very much. I think the City Manager knows the importance of getting the information out into the community again and that's why he asked that you be here. I'm going to just take a personal note. Two years ago this coming December 10th we had our first public meeting. At that time, there was great concern about EPA. I said at that meeting that I put my trust in you all and I felt very comfortable that you being in our community was the best thing that could happen to us under the circumstances. I want you to know that you all have proved that to be very true. Our community has been well-served by you all and I appreciate that. This was a blow to all of us as city leaders trying to decide what we could do and how we could be proactive and you made that very easy. All of the groups and Steve Renninger, from the very beginning, and I appreciate that you have picked up that mantle and are going with that. Thank you very much.

Mr. Sewell: I would like to add that Riverside has been very good to us for this project and I really want to applaud the community. We have probably 80% of the homeowners respond to us which are very high. Other sites we could have participation as low as 20-25%. We don't give up on the remainder; it just takes so much longer to engage them. We are still striving to get 100%, but I will say that the residents have been very good about coming out for us. Mrs. Reynolds: As soon as the complete agreement is finalized, you will make sure we get a copy of that? Mr. Sewell: Absolutely. We will let you know about a new facts sheet that we have posted on the website, but I will also email to you that describes for homeowners who they can expect to see in the neighborhood and why, who is a government representative and who is working under the oversight of the government representative. I'll have one of those coming out for the removal process here pretty soon and then I'm sure you will start to see the remedial side in 2017 will also be releasing a fact sheet.

Mr. Denning: We know approximately the size of the plume and all of that. Do we have any idea how long this is going to take for it to kind of dissipate? Five, seven, twelve, fifteen years? Mr. Sewell: I can't put a timeline on it. I will say the remedial process can take years. By the time they conduct studies and again, we need to study years to understand the trend. That can take 5-10 years depending on how complex the job is and so that can be pretty frustrating for people sometimes when you are waiting and waiting for something to start. Fortunately we have a removal process going on at Valley Pike whereas in some cases you may have a remedial investigation going on where there is nothing going on. Hopefully people will bear with us. We are being protective of public health and getting the vapor intrusion. Mr. Denning: I understand it takes time. When people ask us how long this is going to take. Mrs. Lommatzsch: I've heard 20 years. Mr. Denning: That's reasonable, but I would just like to have some general idea. The answer is this is going to go on for a while and we are going to keep an eye on it and make sure if it grows bigger, we will deal with that. Mr. Sewell: I can't put a time on it now. I think the vapor extraction system that is on the property at Mullins is performing very well. I think everybody is hopeful that it will show a significant improvement in just a handful of years, single digits or less. As you remove that source, you stop continuing to add contamination to groundwater. If you remove the source, groundwater that is constantly moving has some potential over time to flush. If they are treating groundwater even as it is flushing and reducing it where it has already gone, that hopefully will take a big chunk out of it as well. I can't put a year on it.

Mayor Flaute: The Behr contamination in the northern area was about 10 years ago and they are showing signs of improvement there. Mrs. Lommatzsch: I was unable to attend the last meeting, but I have attended all the others. Since then I have received no emails, so I just want to assure that I am still on the email list. Here is my card. Mr. Sewell: Do you mean an email list for meetings? Mrs. Lommatzsch: For information that goes out. I was getting it and then I didn't come to that meeting on the 14th because I was out of town. Would you just be sure because I have been attending all of the meetings? I went to Mullins and saw the filtration system and all of that. I just couldn't make that meeting. Mr. Sewell: I will say that you may have

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been used to getting what we call Pollution Reports in the past. When Mullins starts up work, I will start issuing Pollution Reports for their work. It's just general. Mrs. Lommatzsch: Okay. I just didn't make it to that meeting, now I've got nothing.

Mayor Flaute: The remedial stuff that you were talking about, if Mullins decides to do that, you will let us know when we have to have public hearings and everything. Mr. Sewell: In its entirety, the remedial process is a giant version of what we have already done. If there will be more studies and investigation once they feel they have enough information to figure out what is the best remedy, let's say a spectrum of remedies I don't know if it would be 3 or 5 or 10. They may say we do nothing. Maybe we put on this system. Maybe we put on that system. We would hold public meetings were people come in. Mayor Flaute: So if you decide to put on this system or that system, you are going to let us know and then we will have public meetings again to tell everybody what we are doing and why we are doing it. Mr. Sewell: Yes, there will be public meetings and people will give input saying I'm concerned if you do that. Every time someone gives a comment, after the meeting the EPA goes through a process to address every comment and recirculate how each of those comments was addressed back to the public. It's an involved community process. Mayor Flaute: My worry is that will create more questions and fear. Mr. Denning: Those questions make people think and gets us better answers. Mrs. Lommatzsch: Questions are good. Mrs. Reynolds: Jason, have a good holiday.

C) Presentation – Source Water Protection Program (Well Field) – Ordinance Revisions – James Shoemaker with City of Dayton and Kenton Domer-Shank with Public Health Department

Mr. Murray: This is a groundwater session and I've got James Shoemaker here with me. He is the head Hydrologist with the City of Dayton and Kenton Domer-Shank, who is with Montgomery County Public Health. These guys go out and do a lot of the surveys of our businesses for us. If you want to go to the Introduction page, again this is a collaboration between the City of Dayton and Riverside. The Well Field Protection Program was established in 1987 and adopted in 1988. The changes that Jeff is going to talk to you about are designed to reflect the current science and water resource community practices. The City of Dayton passed their legislation back in July 2015. The idea is to redraw the districts to more accurately reflect the time and travel. I'll let Jim do a history of the program and why this came about.

Mr. Shoemaker: Thanks, Bob. Good evening, City Council. I wanted to start out with a history, but also why we actually have a Source Water Protection Program. I wanted to go back to the early 80's and late 70's. At that time, the EPA required a lot more sampling and different chemicals to analyze. Before that time, there weren't any laboratory standards to even analyze for those chemicals. When that happened and it wasn't just in Dayton, it was nationally and globally, is it turns out in groundwater a lot of those chemicals came up in the analysis. Because of that we learned that there are certain chemicals, such as the Valley Street plume chemicals, which are chlorinated solvents, were found in the groundwater. Other chemicals were found in surface water, in lakes, and reservoirs. It didn't just affect the groundwater suppliers, like City of Dayton, it pretty much affected all suppliers. As a result, we were looking at different ways to deal with that. In the early days, it was really slow going. There is a lot of industry in the Source Water Protection area and wherever we see monitoring of groundwater close to industrial areas, we find these chemicals. That kind of started everything back in the early 80's. Our Well Fields are surrounded by residential and commercial, but also fairly significant industrial areas. We can't undo that, so the only thing we could do is find ways and protective strategies to protect the water supply.

In 1985, everything started. The Ohio EPA approached the City of Dayton and said, "You supply water to a lot of people. We need to do something about this." There was a Memorandum of Understanding between City of Dayton and Ohio EPA that we would develop a groundwater protection program. Note that started before the Sherwin Williams fire. In 1986 under the Safe Drinking Water Act amendments, they developed a Well Field Protection Program. We now call that Source Water Protection Program. In 1987 was the Sherwin Williams fire, so that was an industrial

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area in our Miami Well Field with 1.5 million gallons of paint and paint products that went up in flames. Fortunately most of it went up in flames and not down into the aquifer, but we did have to shut down our drinking water wells at least temporarily until that was cleaned up. In August 1988 Dayton was one of only three programs nationwide, so we were one of the pioneers. By 1990, all the surrounding jurisdictions including the cities of Huber Heights, Riverside, Vandalia and Harrison Township approved Zoning Ordinances, which paralleled Dayton's. Dayton was the first program in the State to be endorsed by the Ohio EPA.

How do we measure the success so far of the program? One is what does our finished water look like compared to the past? There have been significant improvements in that. As far as chlorinated solvents, which was found along Valley Street, we haven't seen any detections in 15 years. At the businesses, housekeeping practices have improved greatly. That's most of the businesses, can't say that for all of them. We continue to have 90% occupancy in at least Dayton's portion of the Source Water Protection area. The earlier predictions back in the early 80's saying we would destroy development fortunately did not come to light.

Mr. Murray: The idea here today is to get a path forward for us to adopt the legislation that Dayton is asking us to do. This is today's map, so you can see what we have in the Well Field. Riverside there is in blue. What Jim is proposing is for us to redo these lines; to do Zoning changes and text amendments to comply with the new regulations. Right now our agreement is such that we receive \$82,700.00 every year for staff time to review applications and to help in the Well Field for education, retain, and recruit businesses. This is Public Health and monitoring those businesses. This is Dayton and locating early warning monitoring wells. Riverside is also the enforcement agent for non-complying businesses, so if somebody does exceed the amount of chemicals they are allocated we would be the ones that enforce that. We attend Well Field Board meetings, pre-fund Board meetings, and multi-jurisdictional meetings on a monthly and quarterly basis. We participate in the Children's Groundwater Festival which I think the Mayor has gone to almost every one of those. We submit draft versions of an annual report which is done every December and we compile and present Risk Point Buy-Down Grant applications.

Mrs. Reynolds: Mayor is it alright if we ask questions? Mayor Flaute: Go ahead.
Mrs. Reynolds: The enforcement for non-compliant businesses, how do we monitor?
Mr. Murray: That's done through Montgomery County, so Kenton's people go out and visit each one of those businesses and take an inventory, a physical inventory of what's onsite. For instance if it is five gallons of paint that they are allocated and there are 10 gallons there, then they produce a letter to us and ask us what to do to correct that situation.
Mrs. Reynolds: How do you all correspond with one another on those inspections? Is there a time lag or is there an immediate action?

Mr. Domer-Shank: In terms of how we correspond, we not only copy the City on any letters we might send back to the businesses, but we also call. In other words if we have one that is over, typically we will pick up the phone and say they are over whatever the circumstance might be; sometimes it might be a seasonal thing. There are also others where they are a habitual problem and sometimes we will work with the City on a longer term solution with some of those folks and have success with that as well.
Mr. Murray: That's right. A habitual offender is Brantwood School. They have seasonal needs for heating oil. It goes up and then it goes back down. That's okay. They allow that because it is seasonal. There are maybe two or three other companies that are like that. In general, we are very good though. Do you know anybody now that is habitual that way?
Mr. Domer-Shank: In Riverside, I don't think so. We had the guy that Clyde was always talking about...Floyd.
Mr. Murray: We just knocked that building down. Thank you very much. That was the R.E. Fair building on the corner there, which is notorious, and that's no longer an issue. That's dirt.

Mrs. Reynolds: The business is given a timeframe in which to reduce the amount that they have. Is that how?
Mr. Domer-Shank: Generally, it depends on the circumstances. If it's a seasonal type thing like that, then usually we will go back out to check it again. It's typically a month or two, but it depends on the situation.

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Overall, we typically go out annually. If it is a business that has more than what we call a conforming amount, which is minimal, like some of these churches have 20 gallons of paint or something, they are allowed to have that. We will go out every other year on the conforming uses. On the non-conforming uses we go out annually. If they are over, then we would go out typically within a month or two if it is a seasonal type thing. If it is one where it is more habitual, then we will get with the City about what to do in this case. They tend not to be so typical actually. Mr. Murray: I would say in general we have done a very good job in reducing the amount of companies out there that require the substances that are being regulated right now. If you think up and down Springfield Street, how many companies we have removed that had a large amount of chemicals that are regulated. Right now, I'm going to say we have very few in the Riverside boundaries that have a large quantity of the type of chemicals that these guys are looking to regulate.

Mrs. Reynolds: Well you have it bolded and underlined. When I look at enforcement because I don't know how time-consuming that is on our staff. Mr. Murray: We are not so much really. Again, our guys do very well and these guys do a very good job of monitoring it and if they do exceed the amount they are regularly making sure they come back into compliance. I can't think of once where we would really have to take somebody to court to do that. In the 10 years I have been here, we haven't had any. Mr. Domer-Shank: A couple success stories in the history of the program, just from seeing it from the inside and I'm like Bob, I've been there 10 years and we have people who have been there forever like Jim. We have a couple of staff members who have been there for decades and one that's been there since the beginning of the program. Because they go in routinely, they got to know a lot of these business operators and understand what their circumstances are.

Some of the big success stories have been the removal of a lot of buried storage tanks because there were a lot out there that people maybe weren't using and had forgotten about. We have been able to subsidize the removal of those through the funding of the Board. I'd say the other big success story is that a lot of the businesses have at the urging and sort of having it called to their attention have gotten a lot of stuff stored that they really don't use that much and could be a little smarter with their inventory. A lot of them have found ways to reduce what they have and are below what their cap was set for originally. In addition, a lot of them have found newer materials that are not as toxic that they can move to. For instance certain coolants and cutting oils for machine shops, they have gone from petroleum based in most cases to water based materials. There have been some of those bigger successes and some of the gradual successes. Most of the businesses have been cooperative actually. They know they have liability if they have a bunch of stuff sitting around, especially if you come in and point it out to them they can't claim ignorance any longer.

Mrs. Reynolds: So it's working together with the businesses to make sure that they are in full compliance with an understanding of why. Mr. Domer-Shank: Right. Mrs. Reynolds: Thank you. Mayor Flaute: Which is what really irritates me, I don't believe, especially the southern suburbs appreciate what we have to do. I know you call them success stories and they are, but they are businesses in our community that either had to leave or have to put up with this. I know life is not fair and I guess what would happen if we wouldn't do legislation for that? What happens then? Mr. Murray: Of course, the risk of the Well Field goes up substantially. Mayor Flaute: It doesn't seem like anyone else cares about that except Dayton, Riverside and Harrison Township. Mr. Murray: We are where the water is, absolutely. Mayor Flaute: I know you have tried to recognize us for being good stewards, but I don't know if a lot of those communities know what we have to put up with to be those good stewards. Mr. Denning: How many businesses we have to turn away because we are in a Well Field Protection area. Mayor Flaute: Exactly. It hurts our City.

Mrs. Reynolds: Are these standards too stringent? Mrs. Lommatzsch: They are more stringent. Mrs. Reynolds: Why? Mr. Domer-Shank: Are you saying the new proposal standards are more stringent than the old ones? Is that the question? Mrs. Reynolds: If we having to turn businesses away and I'm the first to tell you this is not something that I know a lot about so I have to plow my way through here and I'm

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sorry, but if we are that important to the betterment of the water and keeping that water as it is and keeping everyone around us safe, as the Mayor says, what is in it for us that we can make such a big difference? Mr. Domer-Shank: That's a good question and one possible answer is that these businesses do get financial incentives for some of the things that we suggest would be improvements or risk reductions. In other words if they have some kind of infrastructure needs that would make their situation less risky, the Well Field Protection Fund which is supported by all the water users that buy Dayton water which is most everybody. They all benefit from that and they all pay for that as well. Those businesses located in your area get grants a lot of times or low interest loans, sometimes they will have some of each. That's one benefit that your businesses get. I don't know if that offsets any negatives you would have about folks that wanted to move in with a huge industrial operation. I'm not sure how on the Economic Development side how that pans out.

Mr. Murray: First of all just to back up a minute, the way the amount of chemicals onsite was determined in the very beginning of the program. We had people go out and measure how much they needed. How many gallons do you need to run your operation? That was set and it set their high limit. We weren't telling anybody at that time, and correct me if I'm wrong Jim, but at that time we weren't telling anybody to reduce. We were saying you need five gallons of cutting oil, you've got it. Nobody was taking it away. Mr. Domer-Shank: And is that the most you would use. That was part of the conversation as well. Mr. Murray: It could be 10, if they said sometimes I use 10. Along came what's known as the Risk Point Buy-Down. From the slide that's the second entry there.

We've received in Riverside \$1 million from the Well Field over the time that we have had it to do Risk Point Buy-Downs. Some of that are things like taking away businesses. We've used this extensively to buy things like the R.E. Fair building and businesses within the Well Field that had Points associated with it. We were able to clean up a lot here while using that program. We have received \$1.3 million in grants and that's primarily going to clean the DAPP property. We have received \$312,500.00 for low interest loans of which we still have an outstanding balance of \$194,500.00 and that is on the DAPP property. We've got a zero percent loan and we don't owe anything back for another two years. That's some of the things we have received here to date out of the Well Field Protection Program. What were responsible for before and our obligations are putting the Zoning in place that established the outline of who is in that area and who is responsible for the inventories they have and monitoring that. If I can move on because I think some of these things are going to be answered.

All I want to do here was define the responsibilities of the Buy-Down Program and that's every business inventoried. It established the TMDI which is Total Maximum Daily Inventory. Every property is entitled to a base of up to 160 lbs. That means if they still don't have any onsite, we will give you 160 lbs. to play with for later. The Risk Point Buy-Down pays businesses to decrease the TMDI and the current rate is \$1.79 going to \$4.00/lb. It is going up to \$4.00 and we used this for the R.E. Fair Building; all three buildings that were there. Circle K across the way; we used it for that. We took those gas tanks out of that critical area across the street. In addition, the benefit received from a low interest loans in purchasing the DAPP facilities of which again \$194,500.00 is still outstanding. Well Field Funds are managed by Citywide Development, so they are the bank for this whole program. Everybody that has City of Dayton water pays in a buck. That buck goes to Citywide and then is dispersed out through the program. This has been a major benefit because what we've been able to do is purchase buildings using this fund and tear those buildings down to establish other things there.

What do businesses receive? They have received the opportunity for grants and loans in the amount of \$135,000.00. They have contract obligations, primarily around the poundage that they've got onsite. Currently Public Health Dayton-Montgomery County conducts onsite inspections. That's two guys in our area that have become very friendly with the businesses and no complaints from any businesses in dealing with these people. New businesses complete the Zoning Compliance Form and record it to see if they are in the Well Field. BZA would hear any variances, so if

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anybody wants to increase the amount of TMDIs or the number of gallons that would go to the BZA. The BZA would say yea or nay based on that, so we control that in the City of Riverside. Our controlling documents in the UDO are Section 1109.5(c) which is the Overlay District and Annual Service Agreement which we sign with Dayton every year. Now I just want Jim to give us the science. Why this is coming up now?

Mr. Shoemaker: The number one reason why we are changing is we were actually asked by the Ohio EPA. We have not revisited the model since 1993 and we have probably a 27% decrease in demand. While the Ohio EPA says if you increase more than 15%, you need to redraw this. However there is so much more information that we have now that we didn't have in 1986 and 1987 when we did the model before. We know so much more about the aquafer and we decided to do that back in 2011, I believe was the first simulation that we did for the model. I will not get too heavy on the science part of this, but the yellow lines that you see there are path lines. In this simulation, it is a five year time of travel. Basically each path line represents five years of travel to a drinking water well. Then we had our GIS folks digitize the outside portions of those lines and then gave a command under GIS that if it touches a parcel, the entire parcel is in. Once you see the map, you will see zigzagging lines and it's not smooth like you might think.

The model itself is five layers. The first layer is the upper aquafer. The second layer is a confining layer. The third layer is an intermediate aquafer. The fourth layer, again, is a confining layer. The fifth layer is the lower aquafer. We have water supply wells in each of those aquifers, so we are not just modeling the aquafer as a whole, but each individual aquifer. A lot of this information was not available back in the mid 80's. There was some difference in the size. The one year time and travel, which is shaded yellow, is about 20% smaller than the original. In the case of Riverside, most areas shrunk, but there was one area that kind of bulged. Mayor Flaute: Which area was that? Mr. Shoemaker: One was Valley Street. Bob, help me out with that. Are there other areas that grew? It seemed like most of it shrank, except along Valley Street and the reason for that is that was our Mad River Well Field. We pump heavier from that Well Field. This time around, we pretty much will go with the wells that we prefer to pump. We have 105 wells and only 40% of those wells are pumping at any one time. That was the strategic decision made a while back. It gives us options if there was a catastrophic event that could wipe out a portion of a Well Field, we have a lot more wells to work with. Do you want to add anything? Mr. Murray: No, I think that's it, but again our acreage actually shrunk. It's changed, so there are some areas that weren't in the Well Field that will be going forward. In general, it did shrink and we have the exact measurements on that here.

Mr. Shoemaker: Now the purple area is the five year time and travel. We will implement some strategic protections and allow the Fund to help those businesses out as well. Mayor Flaute: So when you get a chance, if you could let us know. You probably don't know the answer now, but when you do know those new areas. Is there a lot of industry there? Mrs. Lommatzsch: It's in the purple on your map. Mr. Murray: There are some businesses there that will be covered and have not been in the past. It's maybe 10 or something like that. Mayor Flaute: If you could sometime let me know what those businesses are. Mr. Murray: Certainly, this is just an introduction. You will know exactly who those businesses are as we move forward. Mayor Flaute: Before legislation, I would like to know what businesses. Mr. Murray: I'll show you what my plan is and bring forth legislation. It's a little different to what we might have done in the past.

Mr. Shoemaker: Those businesses would also have the opportunity to tell us the greatest amount they would have at any one time. Mr. Murray: New operations, changing and prioritizing Well Field Zones. What Dayton has done is set up three different areas for us. The Well Head Operations is where they are doing the real pumping. Those are right over top of the wells. The next is the Well Field Protection Overlay. This is the area most affected by Riverside. That's the one year time and travel that Jim talked about a few minutes ago. Finally we have the Well Field Resource Area, which is the five year time and travel. This is areas that will not be regulated formally, businesses in those areas will be asked to comply and will receive

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benefits if surveys are done and studies are done and they put in an action plan to limit the amount of chemicals that they have onsite. The area that is most affected is that Well Field Protection Overlay District. It is shrinking, but changing in Riverside. Our businesses are going to be less, but they are going to be different.

Fines have increased to \$1,000.00 to \$50,000.00. If we do have a bad player, the fines go up to \$50,000.00. As with the original program, variances in the amounts will be brought to our BZA. Variances are allowed once they file for that variance and we find good reason. The BZA Findings of Facts for granting TMDI variances, so there are a series of rules for which we can do that under. They will propose the rules under which we can grant variances. It increases prohibited land uses, so more uses will not be allowed. Increases definition of regulated substances, so there are more substances there and I think that is an EPA requirement not necessarily something we have control over. It does establish the water resource area and that's the five year time and travel where we can get voluntary compliance with the businesses in that area. The amount of monitoring wells increases by 150 and these are just monitoring wells. We are not using that water; we are just making sure we know what is going on. The Well Field Protection Program will not be known as the Source Water Protection Program.

The Water Resource Area or WP businesses will have the ability to utilize the following Well Field products: An Environmental Consultant will be given free to those businesses in that area. Access to the Well Field Fund, which they do not have now, for low interest loans and possible grants to help them monitor and create safe storage areas for the chemicals that they do have. There is free training to staff making sure that if something does happen, those people know about it. That's a free service.

Again, we've got 1,463 acres currently zoned in the Well Field Overlay District. The proposal will knock that down to 1,104. Existing businesses are 69 and we are going to go down to 50, but again they are different businesses. There will be something we have to do there to make sure those people are in compliance. The main changes are the new district called Water Resource Area, which most of the west side of Riverside is under. That is a voluntary compliance district.

What I propose because this is so significant and because it is different and because there are monetary considerations with what we are trying to do here, I'd like to request that City Council draft and initiate this amendment. This will come directly from you guys is what I'm trying to do. Staff will work to give to you drafts of the legislation and we talk it out at this level. You would then adopt it by motion and send it down to Planning, so instead of starting at Planning it would start here. You guys would initiate the amendment and craft it to the way you like it. Again, there are monetary considerations here and that's why I would like to start with City Council. Planning would then follow Section 1105.7(D) of the UDO. They would do the Public Hearings. They would notify the property owners and refer back to you if they have any changes. City Council then would provide notice to the owners again and we could conduct the final Public Hearing. Because of the seriousness of this, I would like to do this with City Council before taking it over to Planning. City Council has monetary obligations. If we enter into this agreement, it is not just a Zoning change or an amendment or map change. This is a little bit more than that and more consideration.

What we are going to do? We are going to draft a Map Amendment by parcel. We will look at the maps that the City of Riverside has given to us and we are going to work with Montgomery County to line this out on a parcel by parcel basis. The Map Amendment will be by parcel with your approval. We will review the business list to make sure we understand that and make sure everything in there is something basically we want to see as well as what they want to see. We will then draft a Text Amendment using Dayton's Zoning Ordinances and the Well Field Department Regulations, which they have already passed. We will modify those to come up with our own Text Amendment for which services the needs and ensures growth for Riverside in the future. What I am proposing is a Text Amendment, a Map Amendment, which again will be modifying by Council. Any questions at all?

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Mrs. Reynolds: I thought I understood it until you got to the changes. Mayor Flaute: Is Council okay with bringing forth legislation? Mrs. Reynolds: Can we talk about this more? I'm the first to tell you, I'm a little lost right now. Mr. Murray: We are going to. Mayor Flaute: Are you talking now? Mrs. Reynolds: No, later. Mayor Flaute: We will bring forth legislation, if you all agree. Mr. Murray: This will be a work session item. Mrs. Reynolds: What is proposed businesses? Fifty, but different. Talk about different. Mr. Murray: Right now our area is 1,400 acres and we are going to cut that down. We are not taking this and shrinking it to this. We are taking this and modifying to that. We are taking into account a new area that currently isn't in there and that was the area that Jim was talking about. We are going to go up Valley Street further than what we are going up now. Mrs. Reynolds: Going west in the purple area is what you are talking about. Mr. Murray: Actually going to toward Springfield, so this is going up towards Industrial, which is where Industrial Wood Pallet and up that way. There's a string of businesses up there that we are going to be looking at that we haven't looked at before. There is a trucking company there. Mayor Flaute: So it is my understanding there are 69 businesses in this Well Field and now there are only going to be 50. Mr. Murray: Approximately. Mrs. Lommatzsch: There are going to be different ones. Mr. Murray: Yes. Mayor Flaute: So it is less businesses, but there are about 10 new ones. Mr. Denning: Because we are redrawing the lines. Mr. Murray: So if you take 10 from those 50 and subtract that from 69, we are excluding 59 businesses.

Mr. Denning: Mr. Murray, since we were talking about the sewage systems last meeting my question would be since some of this is in the Well Field Protection Area and probably in the new Well Field Protection Area, is there a way we could get some funding from that to help the residents tie into? There should be a way for us to leverage some of this because taking them off of septic is going to help protect the water. Mr. Murray: It's complicated, but we will discuss that. Mayor Flaute: Any other questions or comments? So is Council okay with bringing forth the plan that has been outlined to us? Okay. Thank you, Mr. Murray and Mr. Jim and Mr. Kent.

ITEM 7: RECESS: The Council took a recess at 7:12 p.m.

ITEM 8: RECONVENE: The meeting was reconvened at 7:24 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 November 3, 2016 regular Council Meeting. A motion was made by Mrs. Reynolds to approve the minutes as written. Mr. Denning seconded the motion. There was no discussion on the motion. All were in favor; none were opposed. **Motion carried.**

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

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

Mr. Garrett: It's ongoing business. The October financial statements have been completed and posted on the website.

A motion was made by Mr. Denning to accept the October financial report. Mrs. Reynolds seconded the motion. There was no discussion on the motion. All were in favor; none were opposed. **Motion carried.**

ITEM 12: INTRODUCTION: Jo Lease, Leasing and Property Manager

Mr. Murray: I'd like to introduce to Council Jo Lease. Jo has a 20 year history in real estate and he has been here about 3 months, so I think he is going to stay. I think he is enjoying it. He has a B.S. degree from the University of Cincinnati. He is a real estate broker licensed in Ohio. He has extensive experiences with these buildings in that he worked for one of the management companies that oversaw the property while it was in foreclosure. What I most like about Jo is that every tenant I talked to

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gave him a glowing recommendation and that's why he is here. He's brought a level of professionalism that exceeds mine and a level of financial analysis that is assisting me in putting together a complete marketing plan and a management and marketing of these buildings. Welcome Jo, please.

Mr. Lease: I'm just happy to be here and working on this project. Thank you very much. Mayor Flaute: We hope to get these buildings filled up. Mr. Lease: Will do.

ITEM 13: 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 14: CITY MANAGER'S REPORT:

Mr. Carpenter: The City Manager's Report is in your packet, if you have any questions regarding that I would be happy to answer those. If I can't, I will refer to staff.

Mrs. Reynolds: Mr. City Manager, I still have about 5 or 6 things on the Council Request Sheet that I don't know if we are in progress or what we are doing. I'm mainly concerned because we have had some conversation on the nuisance abatement which is #5. Is there any way that we can tighten that up a little bit in emergency situations? Did Republic about sending the property owner instead of the renter? The Fire and Police ingoing and outgoing and my very favorite the calendar of due dates. I think we really need to see that. I think it would help all of us keep on track with grants that are due, when they are due, and application due dates. I don't know if Mr. Miller has had a chance to talk with you regarding seasonal outsourcing or yearly Roto Rooter and that service. Other than that, whenever you can get those I would appreciate it. Mr. Carpenter: There are updates with those and my apologies that they are not here. I can address those and give you a brief update now or I can send it to all of you in an email. Mrs. Reynolds: You can send it; that would be fine.

Mrs. Reynolds: Looking at the Woodman sign relocation project on your report. I was a little confused and maybe I'm just reading it wrong. "We sent you a task order for the engineering to install the new "Welcome to Riverside" sign on August 15th." Sent it to who? Mr. Carpenter: This is a cut and paste. This is what we received for the Choice One engineering and so since that what we have done is ask Choice One to see about cost savings to address that sign as well as the one up on Harshman and to do a little research on the safety and how we can make it better on Harshman. Also if it doesn't look right or doesn't look appealing, what is the option to moving it on the side of the road as well. We are just waiting on feedback from them on more so the Harshman stuff because we do have a quote for Woodman. We just haven't given them the okay to do that to see if we can save some money. Mrs. Reynolds: So this is for the Harshman area. Mr. Carpenter: This is actually for Woodman, but they are working on Harshman aspect to see if we can save some money doing both at the same time.

Mrs. Reynolds: I know Mrs. Lommatzsch asked several meetings back about the entry sign coming off of Route 4. It is still in disrepair and it looks bad. I would appreciate it along with Mrs. Lommatzsch if you could please get that taken care of. Mr. Carpenter: We will address that.

Mrs. Reynolds: On the Eintracht Club, great job on the parking lot. It looks very nice and it is much easier to walk across. It is great. Thank you all very much for that. I appreciate that. That's all I have.

Mayor Flaute: I see that for the Zoning Administrator you had six applicants as of 11/04. Where are we at on that? Mr. Carpenter: I'm going to refer to Mr. Lohr. He can give you a precise update on that. Mr. Lohr: With the additional posting, we had approximately 30 applicants, six of which we attempted to interview, however we lost some people to other jobs and that sort of thing. We interviewed two applicants and of those applicants we were not satisfied that was the best Zoning Administrator candidate that we could get, so we reposted it in some other sources. Since then we

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have gotten in about a dozen additional applications and we've got five interviews scheduled for next Monday. We are going to do some short phone interviews to weed through those and see who we want to bring in for face-to-face interviews. Mayor Flaute: Thank you, Mr. Lohr. We appreciate it.

- (1) FYI Items
 - a. Council Request Sheets
 - b. Council Agenda Calendar
 - c. City Manager's Project and Activities Report
 - d. Open PO Report
- (2) Monthly Verbal Reports
 - a. Police Department

Chief Carpenter introduced Chief Robinson for the monthly update for the Police Department.

Chief Robinson: Thank you, sir. A couple Council meetings ago, we talked about Narcan and all that good stuff. I think Mr. Fullenkamp brought up something in reference to doing something more with reaching out to the folks to move forward. Not just Police intervention, but more of trying to get them some help. I didn't get a chance to really speak to him about that, but what I remember was that we have this program already in place called Cornerstone. I mentioned it back in September about Cornerstone on Linden at the Claypool Building and it is called Operation Front Door. Riverside, Dayton PD, Montgomery County SO and the DEA are all involved in this. It is 24 hours a day and seven days a week. If there is a person we come in contact with that asks for help, we will get them to Cornerstone if we have to drive them ourselves. They will make the arrangements to start to help. The stipulations are that they can't be high or on drugs at the time. They can't have had Narcan within a recent amount of time. Either of those things will negate them from going in and getting help at that time. My understanding is at this point we have had five folks that we have tried to get into the program, but only one accepted. We did take that person down. I can't give you an update on that person's progress. That's not something I will be able to do due to HIPAA things, however the other folks have decided to continue to do their drugging ways which is unfortunate for them. We are going to continue this program. I'm not too crazy about how we are tracking it right now. I think we are doing a really good job at tracking the Narcan, but on this program five seemed a little bit low for me when I did the numbers. I will be looking at that to make sure we get a little better number.

I wanted to give you an update on Narcan as well. We are actually getting that at a very reasonable price at this point, so I am very pleased about that because it is very expensive. We got 20 doses of it yesterday because we were down to one. All of the officers have a kit that has two and every kit is assigned to them. They take that kit in and out of the building because of the weather conditions and how they change. We want to make sure the medicine inside does not get spoiled basically. When I say every officer has their own kit, they are responsible for getting a new one and they have to tell me why they need a new one, where they used it, how they used it and all of that good stuff. We are tracking that pretty well.

There are a lot of events that we attended like the Halloween Parade this past month. We attended the Hometown Holiday. I just want to apologize that I was not there. I wanted to be there, but I could not make it. I know Officer Stamper was there and did a really good job with the kids, as he always does. I was very pleased with that. We had some Girl Scouts tour the building. That kind of thing happens quite often and we have little packets that we give to the children when they show up to the PD. We show them around and not that it is an elaborate building, but they still like it. We

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take them out and show them the car and let them flip on the lights and sirens. They like it.

I'm not sure if you have seen any of our Policemen and Firemen, but because it is No Shave November we allowed the Policemen to not shave in November. We are actually in a competition with the Fire Department, although they can't grow a beard because of the breathing apparatus. They are growing mustaches and we are in a competition, but it is really about raising money for a charity. So far, we have raised \$2,000.00. I think we are going to use \$1,000.00 of that for Kolmen for a Cure, which is for cancer. The other part we are going to use at Christmastime to do some good with some of the kids in Riverside. I mentioned to Sergeant Colon today because he will probably be working on this project that we need to contact the school for some appropriate folks, so we can intervene into their lives with some of that good cheer. We are looking forward to that and it is always a good time to have that happen. I love those things. They are awesome.

All folks in the PD are wrapping up their training for the year. This year we were mandated 20 more hours from the State of Ohio, so that's 20 more than what we had last year and that doesn't include the firearms, Taser, and defensive tactics or driving, that is something completely different. An example of that is one class was eight hours and everyone had to attend it and it was only given on Monday. It was a challenge to get everyone in there to get that done only on that Monday. We are going to have to finish with the training. We have booked our training from last year about 40% from what we did last year including all the things that we did at the County and also with the firearms.

I always want to give a pat on the back for some of the folks in the PD for what they do. I'll tell you that this past month we have been swamped, if you will, in the Detective Section. I will be honest with you, there are things pending that we have a hard time getting to because there are so many of them. A lot of them have to do with theft and things like that. I hate to say that, but it's tough because there is just so much going on. This month we had seven sexual assaults in the City. That takes a lot of time. I just want to give a pat on the back to the Detective Section for being able to do what they have done. Detectives Matt Sturgeon, Christine Krueger and Ryan Cooper, they had 42 felony cases come in and we were able to file felony charges on 20 individuals during that time. That's not to say that all those other cases have gone away, it just means that they are still working on the other cases. During that timeframe while all that is going on, we were still able to make those filings. I just want to make sure that everyone knows that my Detective Section is really doing a bang up job and I want everybody to know that.

The last thing I want to talk about and everybody love this is the K-9, Tina. She is still on track and Officer Jackson is doing a very good job in the school still. We are hoping to see Tina the first of December, so she will be in here to impress you or something. Thank you very much. Do you have any questions? Mayor Flaute: Seeing none, thank you for your service.

b. Fire Department

Chief Carpenter: I will go over a few highlights for the Fire Department. This past Saturday we had the engine ceremony and dedicated a new fire engine at Station 6. I appreciate everyone who could make it in attendance. I was a little concerned that we would not have enough space for all the vehicles, but we were successful. I'm very pleased with the number of those that could make it. It's a beautiful fire engine and we are very thankful to the community for their support in the purchase of the two engines. It's very beautiful and something I think Riverside should be very proud of. The guys continue to train and drive the new vehicle. Our goal is to get it in service before the end of the month, if not sooner. Most of the equipment has been mounted and we are making sure everybody is trained on the operation before it is placed in service. The second engine is supposed to be at the All American Fire, our dealer. The engine typically goes there to get some final touches taken care of that weren't done at the factory. It's a little bit less money to have it done locally and they are going to have it for a couple of weeks. I've called down there to the sales rep and he

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hasn't responded on whether it is there or not, but it is supposed to have been there on Monday. Nevertheless, it should be there now. We should get it in a couple weeks, that is when we have our appointment to get it all stripped and detailed. Then we will start the process again as far as getting it outfitted. It should be quicker to get it in service because it is a twin engine to the first one, so the guys should understand all the operations and driving.

We do have a Firefighter candidate. The first Firefighter we gave an offer to was unsuccessful in the physical, so we moved on down the line and he takes his physical tomorrow. Upon successful completion of his physical, which we should know next week, we hope to have him on the job a couple of week after that. Once we get news that everything is successful, we will do an introduction.

Other than that, the guys are continuing to do a great job. We receive kudos all the time from community members and also from the hospital staff that our guys are doing a great job. We were in attendance at the Hometown Holiday to show off the engine as well with very positive feedback. We delivered Santa in the new engine and it is always a pleasure to do that. Other than that, the Fire Department is operating really well.

Mayor Flaute: Very good. Are we looking for a new Chief yet? Mr. Carpenter: The Chief closing is tomorrow and I have seen a few of the applicants; I don't know if I have seen them all. I know I have seen five of the applicants and I know four of those folks. They are all good people.

Mayor Flaute: So we bought two of them. The old ones were 2002 models, so that's pretty good. I hear they got 80,000+ miles on them and that's pretty amazing for just driving around Riverside. Maybe next time we ought to kind of look at altering and getting one at a time. Did we get a cheaper price because we bought two at a time?

Mr. Carpenter: It was better to buy the chassis at the same times, so we did get a discount for building them at the same time. The initial thought was to stagger the delivery, but unfortunately the delivery got delayed. Some of it was due to the factory and some of it was due to scheduling to pick it up. The thought was we could pick it up, get it in service, and then if we discovered any changes needed to the body we would be able to do so. As far as staggering from years, I guess we could have done that but we didn't.

Mayor Flaute: At least this coming year, we won't have another \$500,000.00 on a fire truck. So did you get a cheap price on the Narcan like the Police?

Mr. Carpenter: We operate differently. We belong to the Greater Miami Valley EMS Council and we have a drug bag exchange program. We get a bag that is signed out from one of the pharmacies at the hospitals. They are in our apparatus and when we use drugs out of there we just take the bag and return it to the hospital pharmacy and they give us a new bag. There is a membership fee upfront that is good for the entire year. It's like \$150.00 per bag for the entire year and that's all the drugs that are in our protocol.

Mayor Flaute: You can't get one for these guys? Mr. Carpenter: Unfortunately they won't allow us to do that. Mayor Flaute: Thank you, Mr. Manager. Are there any other questions or comments? Seeing none, thank you for your service.

c. Service Department

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

Mr. Miller: Thank you, Mr. City Manager. I want to start off with the parks. We have left everyone high and dry right now. The water has been cut off and it has all been winterized. Unfortunately people won't be able to drink from the drinking fountains or use any water out there. We did a full restoration of the surface of Shellabarger where we put in a water line out to where the Saville Hilltopper's garden spot. Where their current raised garden is, you've got a walnut tree that impacts what can and can't grow. Walnut trees are kind of toxic and their roots will end up killing other plants. The relocation site is right where the spigot comes out of the ground. It's higher and more elevated, so it should be more visible as you come around the

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curve. Hopefully it will be to their liking. When I was out of Dave Brown's memorial, I observed what I thought was a third world country shed. The guys totally rehabbed it. I think the City Manager has before and after pictures. It is pretty impressive. The guys have replaced the roof, replaced the siding and we replaced a couple structural items. It's a sound building right now and it is appealing, as opposed to being something that would make you think differently. It is very positive.

We did all the ODOT vehicle safety inspections and they were certifiable. What does that mean? ODOT has a real thorough inspection procedure and usually you get your vehicles inspected, you resolved all the issues that they might see, and you might get a little more in-depth. We have weekly inspections, but they are not in-depth like this inspection is. Then we take them back after we have resolved the issues to get them certified. What does that mean to the City? It sets a stake in the ground pre-hard use in the winter time that the conditions of the vehicles were at their best. From a liability standpoint, it insulates itself if something happens. We put in updated insurance cards in all of the vehicles. We prepared the salt trucks for winter operation and installed plows, augers, and performed operational safety check procedures which they try to do weekly. They try to do weekly, every Friday we go over the vehicles and do all the safety checks. We have a pretty detailed list of what they are looking at. It's not arbitrary. Each box gets checked off and then it's signed. I'm not sure if you are aware of that or not, but we try to add some pretty fundamental things.

All of our summer equipment has been cleaned up and winterized for storage. Also all of the other equipment such as weed eaters, spray equipment, spray tanks, water tanks, or whatever has chemicals in it so it doesn't freeze. We've had cracked pumps in the past and other issues, but we haven't had any issues since I have made sure we have everything winterized thoroughly. It saves us a lot of money and time.

Just a footnote for operations, you had in the work session the Health Department. We have down on Wake Avenue an annual inspection of all the chemicals we hold, which is quite a lengthy list believe it or not. The City has had fuel tanks removed at the Well Field Protection expense in the past before I got here. I kind of use them as a consultant a lot of times. If I've got a question about something, I call Clyde Collins and he usually comes to inspect us. He works through it so we are not going to have an issue. They are a handy resource from that standpoint and I have found them not to be heavy handed. Because I know that's a concern. They will give you an opportunity to repair, fix, or correct any identified errors. The guys finalized some hillside mowing along 35 and State Route 4 with the new equipment. The new equipment seems like it does a lot better than the old equipment.

We trucked salt from Dayton where we had it stored in their silos. We set up a 5,000 gallon brine tank and made brine and a 3,000 gallon Ice B'Gone tank. What that's going to mean to the city is that we will be a whole lot more responsive than we have in the past. We used to get brine from Fairborn which was about an hour that they would shoot going to Fairborn to get brine. We used to have to go offsite and get tanked up with Ice B'Gone, but it is all onsite right now. All we have to do is give them the call and they will come and drop off what we need to have. We make our own brine. The only thing that would need to be drop shipped is the Ice B'Gone. We have the capacity and capability now to make our own brine, so that will save us money and time and travel and wear and tear on the vehicles quite a bit.

They've been actively tree trimming in a lot of the plats. Unfortunately, they have gotten some flak and I have been called out once. Unfortunately it is not for aesthetics and what they are doing is trying to make the road safe. This will keep the bus mirrors from being cracked, the windows from being cracked, and keep the kids from having their hand taken off if they had their hands out the window. They shouldn't be doing that, but if they do. What we are trying to do is clear an aisle way and also so the trash trucks don't have to go in the middle of the road and crowd out other people. It will make the logistics and safety better. We break mirrors almost every year when we plow in some areas. So we have gotten some flak from some people on the tree trimming, but you know by right and by Code they have the responsibility to do that. For safety, I think it trumps other things and that is the reason we are doing it is to make sure the trucks can get through there safely and

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that we don't have any issues with broken windows and mirrors or people running into one another because they have to go way out of their way to get around a tree or bush. They have been actively reach arm mowing along the roadsides. Today they blew a hydraulic line, but we are making a lot of progress though. If you look at a lot of areas that hadn't had things cleared, it is cleared and it looks pretty good.

The guys did a large rebuild on Airway Road on a catch basin. It had completely collapsed and failed. They basically framed it in, poured the concrete, and it was a big catch basin. They are actively pot hole patching, which brings me to if you see a pothole please let me know. We will put it on the to-do list to make sure that we get it addressed. If it is something that is really unsafe, we will cone it until we are able to get an opportunity to get to it. It is important that we have everyone's eyes and ears looking out on some of these safety issues so we can address them in an effective way. Brantwood Phase II is complete. We processed the final change order and invoice. They will probably be getting paid Friday unless Tom has some issue with what I submitted.

The garage electrical upgrade is approximately 50% complete. He is waiting on a part, a switch part, which was a change that I made. I requested that we be able to plug power in for the eventuality of an electrical outage. To do that, you have to switch off from the main line that feeds to the building so you can plug in your generator and go. So he's waiting for that part.

Miami Valley Lighting, now it took this young lady about two months to provide me with quotes and I have to do the matrix to be honest with you and do some analyzation, but yesterday she had at least eight different was that we could do this lighting for the parking lot at 1791 depending on what we want to spend and what we are looking to have. Before I am able to present that to anybody, I want to sit down and analyze what she had and I may follow-up with some questions. She went over them pretty quick and there is a quite a lot to it. She gave me a packet of information about a quarter of an inch thick. We can go real inexpensive or we can go high end to where it would illuminate everything. That's something to look at for budget and other things, but I did receive that and just haven't had the time to sit down and do the analysis and see what would be best for us based on our situation. That's all I have. Do you have any questions?

Mr. Denning: On Phase II of Brantwood, was street lighting part of that? I don't believe there is any street lighting over there yet in Phase II. Mr. Miller: Until it is probably built out, they probably won't be putting in the street lighting. Mr. Denning: I understand that, but that means that it is not 100%, it is 98%. Mr. Miller: Correct. I was talking about as far as our improvements go. Mr. Denning: Okay, so the roads, sewers, electric, and water is in. Mr. Miller: All of the infrastructure, utility wise, is in place. The aesthetics are not in place. You are correct. Mr. Denning: I just want to make sure that gets in as soon as it can because I don't want it to turn into what Phase I turned into and we had to beat on them pretty hard to get them to put that in. Mr. Miller: I will follow-up and make sure that happens. Mr. Denning: They should at least have the infrastructure in there and should know where they were going to put those lights and the boxes or whatever to hook them up should pretty much be there.

Mrs. Lommatzsch: I hope the lighting that goes into the Police Station is going to be significant because I had a tale told to me and I believe it is true. A young lady who was being harassed in her automobile got scared and she pulled through the Police Station and whoever was messing with her went on down the road. I think that's advertised as a safe haven if you are in trouble. Mr. Miller: One thing I have not done is gotten with Rhett Close. He is working on the camera end of it and I need to know from him what the cameras require as far as the level of lighting needed to be able to see clearly and record clearly. Mrs. Lommatzsch: She had listened to some training at the high school or somewhere that if you get in trouble or you are afraid, go to a Police Department parking lot. Mr. Miller: She's a smart lady. Mayor Flaute: Thank you, Mr. Miller. We appreciate your service.

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Chief Carpenter introduced Mr. Lohr for the monthly update for the Administration Department.

Mr. Lohr: We have already discussed some of the hiring processes that we have going on right now, so I just have a couple of other things. I will just add to what the City Manager also said about the Fire Chief application process. We have not received a large volume of applications, but the ones we have received are very well qualified and I think every one of them would probably be deserving of an interview. So we've got quality there, if not quantity for the Fire Chief position. The other process that we haven't discussed is the lateral entry Police Officer process. We still have background checks ongoing on the applicants that we interviewed. It's been a few weeks now and once we get those done and see if any of those applicants are disqualified from the process through the background check. We will schedule a second set of interviews and bring those applicants in again and hopefully get some good candidates on an eligibility list there. The only other thing that I have is when we discussed the use of City vehicles; there was a request to have the white Malibu marked with the City decals. We have had that completed and it is all done, so it is marked and it looks really good. Mayor Flaute: Thank you for your service.

ITEM 15: PUBLIC COMMENT ON AGENDA ITEMS:

Mr. Keith McGuffie of Guernsey Dell Avenue requested to speak before Council regarding the Lion's Club "Project Share."

Mr. McGuffie: Good evening everyone. I don't know if you remember me from last year, but I was here last year for the same reason. I will be talking about the Lion's Club "Project Share" that is on the agenda. Every year we do this and I think we are working on our 16th year. In those 16 years, we have helped over 1,900 Riverside families. That's a large number compared to the amount of applications that we get. Every year we get anywhere from 25-150 applications that we try to help and 99% of the time we help every family that we get an application from. There are some disqualifiers. We don't allow a person to double dip or to get from us and then go to St. Helen's and ask for help from them. We don't allow them to get from us and then go down to the Salvation Army. There are questions on our applications to ask them if they are requesting anything from anybody else. They say yes or no. If they say yes, we usually look at it and if we see it on the list for someone else, we pull them from our list because that could mean another family could come onto our list and they need help also. We make sure that we always get the people who need help every year. Our goal is to make sure that every family in Riverside has at least some kind of meal. I know it doesn't always happen, but we can only do what we are given and until we get this goal and get to where we want to be to help as many families as possible we are going to keep going.

This is my second year in charge of this project and I'm just going to keep trucking along every year and keep going because that's what I want for the City is to help as many people as I can. I am up here asking for a donation from you guys just to help us. Help us by the food, help us be able to give them more and be able to help more families. Like I said, we usually have around 125-150 applicants and I'm still receiving applications from schools. I have also gotten a couple of word of mouth applications that I have got to follow-up on. It costs about \$34.00 per family that we help. That includes turkey or a ham, fresh fruits and vegetables, hot dogs, a gallon of milk, eggs, and everything you need for a holiday feast. I am asking for assistance from the City of Riverside once again this year with that project. Mrs. Reynolds: I think we have legislation coming up, so we will voting on that tonight.

Mayor Flaute: I do have one thing. I am very involved with St. Helen's, so please call me when you get your list solidified. I have my list. Somehow it slipped through the cracks last year and didn't get done. We really need to do that because prior years we found that about a half dozen people have been on both lists. Mr. McGuffie: Last year was my first year running it. I told someone to do it, but I guess it just didn't get done. This year I am making it all myself, so it definitely will get done and I hope to have the whole list done by the Friday after Thanksgiving. I will check next week to get everything finalized and I will hopefully have that list emailed to everyone that

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needs it. Hopefully by the first week of December, I will have the definite answer to who is on the list and who is not. Mayor Flaute: If you could get that email to me, we can get that taken care of. Mrs. Reynolds: Mayor, I think we need to be thankful we have two young men in our community that are devoting their time and their talents to service. That says a lot and thank you very much. As we talked earlier, it gets harder but it gets more fun every year. Thank you very much for what you do and you are a good Lion. Mayor Flaute: I know the amount of work that goes into that and it is a lot! Thank you, Keith, for your hard work and service to Riverside.

Mr. Steve Massa of Planter's Avenue requested to speak before Council regarding an agenda item.

Mayor Flaute: The next one is Mr. Steve Massa, but Mr. Massa you have something on the agenda? Mr. Massa: I'm not sure, so let me ask and if it is not I will sit down and come back up. Mayor Flaute: Come on up. I need your address and phone number. Mr. Massa: This Ordinance 16-O-610. What is that? That will determine if I have a question now or later. Mr. Denning: It is going to be tabled. Mayor Flaute: We are going to have to table it because of procedure. I will explain it when we get to that, but it is going to be tabled for tonight. Mr. Massa: Okay. Could you move me to talking during non-agenda items? I'll come back up. Mayor Flaute: You are going to have a non-agenda item. Okay.

ITEM 16: NEW BUSINESS

A. ORDINANCES

- I) Ordinance No. 16-O-610 making supplemental appropriations for current expenses and other expenditures of the City of Riverside, State of Ohio, for the period January 1 through December 31, 2016.**

Mayor Flaute: As Mr. Denning indicated, I am recommending that we table this.

A motion was made by Mr. Denning to table Ordinance No. 16-O-610 as a result of not enough members to vote on emergency legislation. Mrs. Lommatzsch seconded the motion.

Mrs. Reynolds: Mr. City Manager, I requested information earlier this week regarding this. Could you please make sure I get it before we bring this before Council again? I'd like to have that information. Thank you. Mr. Carpenter: I am actively trying to get that for you.

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

B. RESOLUTIONS

- I) Resolution No. 16-R-2214 recognizing the Mad River Lions Club's "Project Share" as a function that promotes the public health, general welfare, and contentment of the citizens of the City of Riverside.**

Chief Carpenter introduced Resolution No. 16-R-2214 recognizing the Mad River Lions Club "Project Share" and making a donation.

A motion was made by Mrs. Reynolds to approve Resolution No. 16-R-2214 making a donation in the amount of \$500.00. Mrs. Lommatzsch seconded the motion.

Mayor Flaute: Is that what we did last year? It's always been \$250.00. Mr. Denning: That is what we did last year. We raised theirs to \$500.00 last year. Mayor Flaute: Then I'm good.

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

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II) Resolution No. 16-R-2215 recognizing the Dayton Hispanic Chamber's "Fiesta Gala" as a function that promotes the public health, general welfare, and contentment of the citizens of the City of Riverside.

Chief Carpenter introduced Resolution No. 16-R-2215 recognizing the Dayton Hispanic Chamber's "Fiesta Gala" and making a donation.

A motion was made by Mrs. Reynolds to approve Resolution No. 16-R-2215 making a donation in the amount of \$250.00. Mayor Flaute seconded the motion.

Mayor Flaute: I believe we should do the \$250.00, but it should include at least two tickets for people who want to go to the Gala. It is very important that they have the funds to do it, but it is also important for our Council to support to support this Gala. They are a very important part of our community and it's very important that we as members of this Council go to things like this. That's where our people are and we need to be there and do that, if it's agreeable to the person who made the motion to add two tickets or maybe three. Mr. Denning: I think if we get tickets, we should take it out of our personal budgets for those types of things. If we want to give the \$250.00 to an organization that is going to give a scholarship, not necessarily in this community I guess we will go with that. I agree that we need to support this organization. We get \$2,000.00 a year for training, travel, and things like this. That's what we should be using and that's a way to support it rather than giving them a direct \$250.00 for a scholarship fund that we are not 100% sure that someone in this community is going to get that scholarship.

Mrs. Reynolds: I just don't know. I'm not sure that I understand because I had originally asked for a \$50.00 gift card to go towards the educational fund. You all know how I feel about education. I think that's the most important thing. I don't care what child receives that benefit. Mr. Denning: If it is just \$50.00. Mrs. Reynolds: That was my point. I believe we should support education no matter where it is. That was part of this Gala that they are having. There is a raffle for an educational scholarship. I think that is important. I think children need every leg up that they can get in the educational process. It's not easy. That was my whole point and I meant to make it at the last meeting and I forgot it. I'm sorry, but I think I told you all that in my email. That was what I was asking. I believe we should support the education of children in any way that we can. That's all I can say on this. I too believe if we want to go to the Gala, we take it out of our training and travel budget. I don't have any problem with that. If you don't have any money left, I've got money in my budget and you can have it to go. Whoever needs it, I have money in my budget and you can go. I just think that we need to stop some things going on. Let's get it together. Come on. Let's just support the people that we need to support.

Mrs. Lommatzsch: I'm not opposed to supporting it at all. In fact, I'm all in favor of supporting them. I don't want to just throw money at it which is okay with me, but I think it is vitally important. They are residents of our building. Their offices are here in Riverside and I think we need some visibility at the event. I personally think Bob Murray ought to go because those people all know Bob Murray. Mrs. Reynolds: Mr. Murray, you can have the money out of my travel and training budget. Mrs. Lommatzsch: The impact of having the Mayor go and Bob, who has been working with them side by side for a long time, I think makes as much of an impact as \$250.00. I'm not opposed to the \$250.00, but I think we should have people there to be the face of Riverside. Not just money on the table to go be listed on a program. Mayor Flaute: Just for the audience here, you've just seen us give away \$500.00 and that does not come from tax payer's money directly. That comes out of the Mayor's Fund. As most of you hear every meeting, I do weddings and I charge \$50.00 per wedding. The money that we give to the Lion's and to this comes out of that wedding fund. It is in the general fund, but it is a line item that comes out of the wedding fund so we never want to give away more money than what the weddings can bring in. I keep bringing in as many as I can so we can keep that contribution coming in. Just for your information we are not giving away tax payer money, per se. Mrs. Lommatzsch: I think it's a known fact that we have a very large Hispanic population

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in our community and that has no influence over my decision, but I think they are as worthy of tax payer's money as any other group. How will we cover if Mr. Murray wants to go? Mr. Murray: I have my own budget, so I will make sure Jo and I go. Mrs. Lommatzsch: I'm okay with that.

A roll call vote was as follows: Mrs. Reynolds, yes; Mayor Flaute, yes; Mr. Denning, yes; and Mrs. Lommatzsch, yes. **Motion carried.**

III) Resolution No. 16-R-2216 authorizing the City Manager to submit an application to the Ohio Environmental Protection Agency for a Targeted Brownfield Assessment (TBA) Assistance Grant for 4215 Linden Avenue, Riverside, Ohio.

Chief Carpenter introduced Resolution No. 16-R-2216 authorizing the submission of an application for a Targeted Brownfield Assessment.

A motion was made by Mr. Denning to approve Resolution No. 16-R-2216. Mrs. Reynolds seconded the motion.

Mrs. Reynolds: What can we do with this? What exactly are we going to be able to utilize the dollars for? Mr. Murray: This is the car wash property and as you know we have had four contracts fall through for that property to date. We have a fifth and he is now looking for funding and it is a requirement that he get a phase I assessment. This will cover a phase I as well as if need be a phase II. Mrs. Reynolds: Those are the same things we talked about before. I wanted to make sure because I couldn't remember if that was all of it. Mr. Murray: That is exactly right.

Mayor Flaute: So we don't know how much this might cost us or do we have any idea? Mr. Murray: The estimate right now is \$5,000.00 for phase I and the average amount on a phase II is \$35,000.00, but it can go higher than that if the need increases. These are very specific, targeted grants for very specific situations. We have a car wash that changed oil. There is a visual indication that there is a problem and the bank is requiring a phase I. This is a phase I that we will own and because of that we can give it to other people. This isn't for the applicant, so if this does happen again we have possession of that. We are lowering the cost of someone moving into this site and the risk. A clean phase I and phase II will greatly enhance the financial ability of someone trying to acquire the property. This is the property with the telephone pole in the middle of it. The person that we have interested can work around that. I'm hoping that he gets it, however if not we will have this in place and it will lower the entry point of somebody entering into that property. We really don't receive the money as well. It will go to the person that performs the task. It doesn't come to us, it will go to him. The EPA designates who will do this work and they will pay them directly, but we have to be the one initiating the application.

Mayor Flaute: If we do get an applicant that does want the DP&L poles moved, will DP&L do that for no cost to the City? Mr. Murray: There will be a cost to the City. Mr. Denning: That doesn't have anything to do with this application. Mayor Flaute: I know it doesn't. Mr. Murray: We will cross that bridge when we get there one hurdle at a time.

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

ITEM 17: PUBLIC COMMENT ON NON-AGENDA ITEMS:

Mr. Steve Massa of Planter's Avenue requested to speak before Council regarding legal fees.

Mr. Massa: Good evening. I was up here sometime in the middle of October, so 4-5 weeks ago and I had asked a specific question concerning the Council's desire to remove Mr. Fullenkamp. I didn't get an answer that night and it was suggested that talk to Mr. Garrett. I did call him and I'm not sure if I understood what he said. The way he explained it to me, which I'm wrong he can correct me, is when he receives

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bills from the attorney they are not specifics to the charges and he couldn't be sure what he was paying for. I spoke with Brenna Arnold and I put in an official request for these attorney fees. She tried to explain it to me too and I'm still not sure. If I am understanding it right, I find it hard to believe that our financial man is paying bills and is not really sure what they are for. Something just doesn't sound right with this system. That's my first question and my second question is that I still need the figures.

Mayor Flaute: First of all and correct me if I'm wrong and I'm going into dangerous territory by trying to answer this question. Number one is that it's not complete yet and we are not finished yet. We still have a law suit hanging over the City and until that is complete there is no piece of paper that says how much everything is for. We would have to create one.

Ms. Arnold: We do have bills from Mr. Williamson, the special counsel that was appointed to represent the City. We do have those bills and those are directly related to the law suit because he is special counsel and he is not doing any other business for us. That's all that he does. In regards to what we get from the Law Director, and I used to work for an attorney's office which I know you and I talked about that a little bit, it will list emails with so and so or phone call with so and so. There are times where I will talk to Mrs. Grandjean about legislation. She and I may email back and forth 15 times about all of the legislation or if she has questions. There are other people from her office that I correspond with sometimes about the same legislation. That's all billed out and it might just say, "Emails with Brenna." That might be all that it says. It doesn't say what it is about. It could be that I am having to provide information to them for the law suit. It could be that I am drafting legislation for the agenda. I think that's where the confusion lies because we don't know for sure. I know Brock, you work with the Law Director's office regarding Nuisance Abatements. If they had to talk to you about anything else, it's not marked that they talked to him about this or that. That also falls under attorney-client privilege. They don't say, "I talked to Brenna about the law suit." It just says they talked to me.

Mr. Massa: How does the financial man verify that the charges from Mrs. Grandjean's office are correct? What would stop her office from billing the City for something when there is no specifics to what it involves? Mayor Flaute: It will say who called. If I'm going to call Mrs. Grandjean, I want to have all of my questions specify because I don't want her to charge me more than what she needs to charge, so I might have two or three things and she might say on there, "Phone call to the Mayor." We have to trust that she is billing us correctly. We don't have anyone sitting in there. He has no idea when she talks to me or when she talks to the other Councilmembers.

Mr. Massa: I have reason to believe that there has been some mistakes in the billing from Mrs. Grandjean's office and secondly we know who the two attorneys are that the City has received a bill from, so we know those what those figures are because those two attorneys are only representing that one case. That should not be hard to figure out. Mayor Flaute: As Brenna said, the one is not hard to figure out. The second one, we can't give you specific numbers because you don't know how long she talked to me and she might have talked to Mr. Denning. We don't know that. We have to trust that she is billing us for the right amount. Ms. Arnold: The other attorney is from our insurance company, so we don't receive billable time from them.

Mrs. Lommatzsch: Mr. Massa, if you have an idea or proof that there is something wrong you need to let us know about it and you need to bring that information forward to the City Manager. Mr. Massa: Well there's a lot of things wrong. Mrs. Lommatzsch: You just made an accusation against our legal firm that they are mis-billing us. Mr. Massa: No, I said that I have reason to believe. I didn't say anything more. Mrs. Lommatzsch: That's an accusation. If you have proof that's true, I'm interested in knowing what it is. Mayor Flaute: We need to know that. Mr. Massa: I'm not going to go down that road because I'm not getting involved with Mrs. Grandjean. I'm just saying what my observations are. It's my opinion.

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Mrs. Reynolds: Before you go to your second point, Mr. Massa, may I ask a question? You said that Mr. Garrett said to you that he. Repeat what he said. Mr. Massa: I don't know word for word, but from what I understood he said that he can't be sure what he's paying for because there's not specifics on the billing. Ms. Arnold: That's attorney-client privilege. Mrs. Reynolds: Is that a true statement, Mr. Garrett? Mrs. Lommatzsch: The statements come through the City Manager's office first. Mr. Carpenter: It is exactly what Brenna described. Ms. Arnold: They can't list specifics. Mrs. Reynolds: I know, but I'm just trying to understand the conversation between these two gentlemen. If Mr. Massa was referred to Mr. Garrett and Mr. Garrett said that he's paying a bill, I think I could understand Mr. Massa's concern if Mr. Garrett said that he doesn't know what the bill is for and he is paying it. Mayor Flaute: I think it has been described. Mr. Massa: He knows that it is an attorney's fee, but he doesn't know what the specifics are for that charge. Ms. Arnold: That is attorney-client privilege. Mayor Flaute: If you have some information that is different from that, we need to know that. Okay?

Mrs. Lommatzsch: The bills that Mr. Garrett is directed to pay come straight through the City Manager's office. Mr. Carpenter: I see the same invoice and it is the same thing that Brenna described. Mrs. Lommatzsch: He doesn't pay anything until he is directed to do so. Mr. Massa: I'm not saying he is doing anything wrong. I'm just saying it doesn't seem like that's a secure system because there's no way to know if Riverside is paying the correct amount. Ms. Arnold: That is standard for all law offices. Mayor Flaute: Mr. Massa, if you know something more specific. Mr. Massa: I don't know anything more specific than that.

Mrs. Reynolds: Mr. Massa, your second point. I'm sorry for interrupting. Mr. Massa: My second point is could someone explain to me why the attorney's fees would have any bearing on the outcome of the case? Why can't people know what those are? What's the secret? I've asked for the figures from what the attorneys have charged Riverside up to this point and you keep saying that it is an ongoing case, but I'm sure they have sent bills already. Mayor Flaute: We were asked to pay some bills. Mr. Massa, we have already explained that to you as best as we can. If you need further information, please talk to the City Manager. Okay, Miss Brenna. Ms. Arnold: I think this is new territory for all of us. I don't think that the thought to ask for a separate bill or to be billed separately for anything discussed for this case in our normal course of business. When you contacted me to get the bill or the figures, my response to you was that no such document exists. According to the Sunshine Laws and the Public Records Policy for the State of Ohio, if a record does not exist a municipality is not required to create one. Mr. Massa: I understand that. Ms. Arnold: We do not have a separate bill. Again, I don't know how often this situation comes up.

Mr. Massa: Do you have a separate bill for the two attorneys that were originally hired and not Mrs. Grandjean? Ms. Arnold: Yes, just for the one. The other is through our insurance company. Mr. Massa: Those are the figures that I would like to have and if you say I can't have them I have a right to know the reason why a resident can't know those figures. Ms. Arnold: To be clear, when you and I discussed it you didn't request special counsel's billing. You were concerned with Mrs. Grandjean's bill. That document does exist for Mr. Williamson and I can definitely get that for you. Mr. Massa: At the time, I wasn't clear because I was a little bit unclear what I was asking for. Now that I know how the billing is being done, I would like the figures from the two attorneys. Ms. Arnold: It will just be the one. Mr. Massa: The one law firm, not Mrs. Grandjean's law firm. Mayor Flaute: That is not finished yet. Mr. Massa: I know it's not finished, but that doesn't stop the request from being fulfilled about the figures. It has no bearing on the case. Ms. Arnold: We are unable to provide future documents, if you request a document that does not exist at this time then we cannot provide it. If you would like the most up to date invoices, I can provide that to you. Once the case is over, if you want the final figures we can do that. Mayor Flaute: I would think that would be what you would want are the final figures. Mr. Massa: I would want the figures that you have now and if I need more information later on then I will put in another request. I would like to put in a request tonight with you, Ms. Arnold, for those figures. Ms. Arnold: We can do that. That is easier than what we were talking about before. Mr. Massa: I think that is a cheesy

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way for attorneys to bill because there are no checks and balances. Ms. Arnold: It is standard. Mayor Flaute: Thank you.

Mr. Frank Smith of Byesville Boulevard requested to speak before Council regarding the dust issue in his neighborhood.

Mr. Smith: Good evening, Mayor and Council. I'm doing the same plea again. The dust is flying. I think maybe my other issue with the trailer we might have taken care of that. The dust is still flying. It's ongoing. It's dry and the dust is flying out of Jerry's lot when the trucks come out. We are still breathing it. We really need to get something done with this. He complains about everybody else, but there's nothing being done on his part about settling the dust. I'm really getting tired and this is getting old. I know you people get tired of hearing me, but my neighbor, she can't breathe it. I'm getting tired of breathing it. It's getting ugly and we would really like to get something done. Mayor Flaute: Thank you, Mr. Smith. Hopefully staff will have a recommendation for you.

Mrs. Reynolds: Mr. City Manager, do you have any recommendations yet? I know you were going to be looking at some watering. Mr. Carpenter: I have stopped by Mr. Salmon's and requested that he do the watering. He seemed agreeable. For me to go down there and knowing that the dust is blowing, that's one way. You could call me and let me know that the dust is blowing, I would be glad to call Mr. Salmon's. Other than that, we are trying to find a product that is porous and would help hold the dust down. Mr. Smith: We've tried this before. It got to where they ignored our phone calls. I've got other things to do than to try and complain about the dust. We've tried this haven't we? We were told to do this. They finally just told us. Mrs. Lommatzsch: Who is they? Mr. Smith: The people that answer the phones. Mr. Carpenter: You called City Hall and they ignored you? Mrs. Lommatzsch: You are telling me that you called City Hall and you were ignored? Mr. Smith: No, we were told to call the Police. Mrs. Reynolds: I thought they were told to call the Police before. Mr. Smith: They told us that they were tired of getting our calls. Mrs. Lommatzsch: That's Huber then. Mayor Flaute: You need to call Mr. Manager then. Mr. Carpenter: Please call our office here.

Mr. Smith: We brought this issue up to Council and it is just getting miserable and I know it is getting into the cold season, but right now the dust is still flying. I was standing out there today and a truck came out of there and the dust was just flying. Mrs. Reynolds: Call the Manager, Mr. Smith. Don't call the Police; you need to call the City Manager. Mr. City Manager, is that what you want? Mr. Carpenter: I would prefer you call me, this way I am aware of the dust problem and I will be glad to call my Salmons and have another discussion. Mr. Smith: Okay. Mayor Flaute: Thank you.

ITEM 18: COUNCILMEMBER COMMENTS:

Mrs. Lommatzsch: I would like to remind everybody about the Chamber Christmas Dinner on December 8th at 6:00 p.m. Get ahold of Lynn. I would like to thank the Chamber and the Dairy Queen who were very generous in supporting the USO event with the Airmen at the Base. I would like to thank the Mayor and Brenna for volunteering their Saturday time to come out and help me. Also, the Hometown Holiday crowd was immense and thanks for all the City support. The Police, Fire, and Service responded to whatever needs were necessary. The people that came out, the Firemen and the Policemen, the kids loved having them there and we love showing off that fire truck. Bob, Brenna, and Mark and his wife, Bill and Jane were there. Steve and I don't want to publicly reveal Santa Clause, but he was also there. It was a wonderful event and it is growing every year. Mr. Denning: Santa Claus told me that the ride in the new fire truck was awesome! Mrs. Lommatzsch: It is a growing event and of course we are always open to any suggestions from the folks in the City and every year we get more activities and more sponsors and more people involved. The weather was perfect. It wouldn't be this Saturday because it is going to be snowing. Mayor Flaute: Our Clerk got pneumonia from being there. Mrs. Lommatzsch: No, she already had it.

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To explain publicly why we moved it, Mad River Schools close now the entire week of Thanksgiving due to the fact that they had very poor attendance that Monday and Tuesday when they used to close Wednesday, Thursday and Friday because they have a large percentage of military children. The families would take off for the week to go back home and so what happens when they decide they are not coming to school, it was affecting their report card because their report card is based a lot on their attendance. By allowing these two days, Monday and Tuesday, to be highly used as absentee days it was affecting their report card so they have declared that whole week. Consequently what happen was a lot of our base of young children were not available to come if we had it the Saturday before Thanksgiving, which we had for years. Thus, we moved it back a week and we think we are going to stay there and that it worked well. Thanks for all the support from all the City folk and everybody. If I missed anybody, I'm sorry. Mayor Flaute: The Airway Shopping Center folks were so helpful. They put up all the decorations early, I believe, for us. They lighted the tree and got the stage. Mrs. Lommatzsch: It's their marketing thing too. It's not often you see Airway parking lot full and there was no parking. Mayor Flaute: Sara, thanks to you. You did a good job. Mrs. Lommatzsch: I love doing it. It's fun.

Mrs. Reynolds: I have two things, sir. First of all, Happy Thanksgiving to everyone next week and if you are traveling be safe and have a good time, but come back home. I know that you all have probably noticed on the marker board outside of 1791 Harshman a memorial sign. I don't know if you all know who PFC Ullmer was; PFC Ullmer was a member of our community. I'd just like to read this, if I may.

Lavern Charles Ullmer
Date of Death: 01/21/1951
Hofong POW Camp

PFC Ullmer was taken prisoner sometime between November 25 and December 1, 1951 in Korea.

In 2005, remains and materials were discovered near the Korean POW Camp, and reports by two returning POWs lead the Army to identify the body.

Through the use of present day DNA testing, a positive identification was made and PFC Ullmer was returned to American soil 65 years after his death.

PFC Ullmer was a member of Company B, 1st Battalion, 9 Infantry Regiment, 2nd Infantry Division.

PFC Ullmer was a resident of Mad River Township along with his many family members and on behalf of the community and the City; we welcome him home and thank him for his service.

You know you think 65 years a family went without knowing where their child was and we went 65 years without knowing where one of our residents were. Mayor, we have Corporal Dixon in January and it is very fitting that Lavern Charles Ullmer, PFC in the Army, died on January 21, 1951 and Corporal Dixon was on January 14th. I forget the year, but I thought that might be a nice tribute to add that onto our January memorial page we do for Corporal Dixon. These are young men that gave their lives and service to us.

Mr. Denning: I want to add that Private Ullmer was buried on Veteran's Day in Willow View Cemetery over in Harrison Township next to his parents. Mayor Flaute: Corporal Dixon died in 2007. Mrs. Reynolds: We remember the heroes that still walk around with us. It's those heroes that don't walk around with us that we need to remember just as much. He was 23 years old when he died in a POW Camp. Mrs. Lommatzsch: Thank you, Shirley. Mayor Flaute: I think that is a great idea to have him included and have a day for both of them. Mr. Manager, if you could draft legislation to make sure that we include him on that day and we will see that it happens.

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Mr. Denning: I think we have a day for that, it's called Veteran's Day and we just celebrated it, but that's great. I did want to say that I had a great time at the Hometown Holiday. We had lots of people there and the Jaycee's will be continuing Santa pictures at K-Mart during the Christmas season. If you didn't get your pictures with Santa, you can still get them at K-Mart later this month.

Mayor Flaute: I just have a couple of things. I had five weddings, so that brings \$250.00 in. Maybe I should start saying it, but we gave it away tonight and that's okay. I met with all the Mayors in Mr. Turner's district. We meet with him about every six months, so I met with Congressman Turner and reminded him that we still have empty space across from the Air Force Museum and asked for his assistance on that. There's a few other things that I talked about, but that's political stuff. Mrs. Lommatzsch: You didn't mention 35? Mayor Flaute: I did not, but I will next time. Mrs. Reynolds: Six months down the road, ma'am.

Mayor Flaute: So that most people know what's going on here, they want to widen State Route 35 from Smithville Road to 675 to three lanes, which I don't understand why they didn't do that 10 years ago when they did Smithville Road. They just said they didn't have enough money. Now they want to do it. Dayton really is not in favor of it because they don't think that helps their residents any, so we are now hoping that Dayton changes their position. Our position is that it helps all of our residents. It helps Dayton residents and it helps Beavercreek residents. ODOT will be giving us most of the money for it. About 20% of it or so will come from us. We feel that's an important thing, so that is what Mrs. Lommatzsch was talking about. It is Dayton Chamber's #1 project and Miami Valley Regional Planning Commission's #1 project. It is a nightmare right now and it's a safety thing. I don't understand how some folks in Dayton don't see that. The safety of it is amazing, especially when you get to Smithville Road.

Mrs. Lommatzsch: We started on that in the late 90's and the environmental studies are about to expire and that means we would have to start all over again. We've done all the environmentals, all the engineering, and everything is ready. We are a shovel ready project, so if you know anybody out there that you can talk to. Mayor Flaute: Beavercreek is of course doing one down the road a little bit at Factory Road. They are putting in a turnaround. I don't know how that is going to work. Mrs. Lommatzsch: It's a streetscape. Mayor Flaute: They say it works and they are going to get rid of that light, so stay turned for that. I guess the turnarounds or streetscapes work okay. I'm going to believe them on that.

I went to a Homeless Solutions meeting and a movie that I had told everybody about. It was a very interesting movie of generations of poor folks that keep going on and the disadvantage. Their life was put in this movie and it was a very big eye opener for me.

The URS Telethon is coming up and I plan to be a part of that. Anyone else who wants to be a part of that, please see me. We have all the things to sign up here. They did ask for a donation and if it is okay with Council, do we want to do another donation at the next meeting and put forth legislation? URS, for all of you, is in our City. Mrs. Lommatzsch: Part of it. Mayor Flaute: They just built a new building or added to it and unfortunately that was in the City of Dayton. I started working with Rhine McLin to try and get that annexed next to Riverside. Then I went through Gary Leitzell and tried to get that annexed to the City of Riverside and finally URS with Nan Whaley, I couldn't get anywhere either. URS said they were done and going to build into Dayton, so the main part of the building is in Riverside so we get all the income taxes from that. The new part of the building that they just built is in the City of Dayton, so the City of Dayton gets the taxes from that. Believe me folks, I tried. I tried really hard and so did our staff. We all worked hard to try and make that happen, but Dayton was just not cooperating with us. That's all I have.

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ITEM 19: EXECUTIVE SESSION:

- A) **Personnel Discussion - Section 103.01(d)(1): *Unless the City employee or official requests a public hearing; to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a city employee or official or the investigation of charges or complaints against a City employee or official.***

A motion was made by Mr. Denning to enter into executive session for the reasons stated on the agenda. Mrs. Reynolds seconded the motion. A roll call vote was as follows: Mr. Denning, yes; Mrs. Reynolds, yes; Mrs. Lommatzsch, yes; and Mayor Flaute, yes.

Council entered into executive session at 8:53 p.m. Council came out of executive session at 9:21 p.m.

ITEM 20: ADJOURNMENT: A motion was made by Mr. Denning to adjourn. Mrs. Lommatzsch seconded the motion. All were in favor; none were opposed. The meeting was adjourned at 9:23 p.m.

William R. Flaute, Mayor

Brenna Arnold, Clerk of Council