

Thursday, September 15, 2016

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

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

Staff present was as follows: Mark Carpenter, Interim City Manager and Fire Chief; Chris Lohr, Interim 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; Dalma Grandjean, Law Director and Brenna Arnold, Clerk of Council.

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

Deputy Mayor Smith arrived at 6:16 p.m. Mr. Fullenkamp was absent 6:05-6:35 p.m.

ITEM 4: ADDITIONS OR CORRECTIONS TO AGENDA:

Mrs. Reynolds: I'd like to make an addition to the agenda, please. I'd like to have Council consider my request for the un-redacted invoices from Altick & Corwin and have that added to the agenda, please.

The agenda was revised to add the request by Mrs. Reynolds before Public Comment on Non-Agenda Items.

ITEM 5: APPROVAL OF AGENDA: A motion was made by Mrs. Reynolds to accept the agenda as revised.

Five were in favor; Mrs. Lommatzsch opposed. **Motion carried.**

ITEM 6: WORK SESSION ITEMS:

A) Presentation – Safety Services Building

Chief Carpenter: Back in June we presented some of our dilemmas that we were having with the Safety Services Building. Things went out to bid and the cost estimates came back too high, so we were wondering if we should invest a lot of money into 1791 Harshman. We came to Council and shared some of the issues that we were having and some of the things that we would need to do to have the building in order to stay there for another 3-5 years and then see about building a new station and Safety Services Building. Now we come back to report what we need to do and try to do it for a minimal cost and lay out of plan for moving forward with some of our ideas and some of the costs. Mr. Taylor will do the presentation.

Mr. Taylor: We talked about this back in June and from that discussion some of the things you wanted to see were an updated scope and costs for 1791. We have put those together and added and subtracted some things. We will review the interim plan with updated scope and costs and then I would like to talk about planning for the future facilities and what that looks like. I want to talk about some design stuff and funding, then a timeline and a brief discussion about location selection.

As we talked about in the interim plans, some of the things we were adding to the Service Building. The original plan that we went out to bid for included 99% of the work. We are only deleting out a wall that we were going to demo to expand the bay area; we will continue with the rest. That would include a new break room and a locker area. If you remember from back in June there were some issues where there was air quality transference from the bay area where they are working on equipment and it was mitigating into the occupied spaces where they would break for lunch or go

Thursday, September 15, 2016

to their offices. We will make sure that is separated off to make sure that doesn't happen anymore.

We talked about electric service and about pulling that out. Council at the time was adamant that we add that back in, so we have added that back into the scope of work. Over the last few months they have been quite diligent there and have painted most of the area, so the additional work we do will be painted to match. We will do a small bay expansion. Where they currently have their old break room used to be an old bay and they boarded up over the old door, so we will just demo that out and repurpose it so they can get about a full size pick-up truck in there; not a dump truck, but a truck they could pull in and do work on in there. That will give them some added capacity to do work inside. I had Mr. Weaver from ALT Architecture go back over that plan and put together a cost. I added in some of the costs that Mr. Miller had gone out and seeked flooring and the electrical update. Our estimate is right around \$33,000.00 to do that work and complete it. I feel really confident with that number and that was a similar number to what we had when we originally did the project.

Mayor Flaute: You are going to make the break room that they currently have now into another bay and you are going to move the break room where? Mr. Taylor: Where you currently come into the Service Building and you have that reception desk, that will be a hallway and we will wall that off and there will be a new locker room there. The break room will be the next room over, which is currently Jay Keaton's office and that will turn into their break room. What that allows them to do is walk in from their work, go to the locker room, peel off their dirty clothes, get cleaned up and there is a restroom there with a wash station. They can get cleaned up, walk into the break room, and they can use that kitchenette after they have gotten cleaned up. They were really concerned about making sure there was a separation when they came in off the road or came in from the garage, they can peel those clothes off, get cleaned up and then go and eat so they are not bringing that dirty grime from their coveralls into the break room. That's the reason for that.

For the Police side, we are going to repurpose what used to be the old administrative offices. Inside the old Council chambers, we are going to divide that with a partition wall. The back half where you used to sit will be walled off for a storage area for the Fire Department and in the front half we will put in some cubicles for the detectives. They will be able to move their files in there and do their work there. In addition, the Major, the Chief, and perhaps a future Major officer will occupy those old offices. Those were previously occupied by the former City Manager, my office and the former Assistant City Manager. Mrs. Reynolds: What's the square footage, Mr. Taylor? Mr. Taylor: I have no idea off the top of my head. In addition to that, Mr. Miller and Mr. Keaton have also occupied offices and will continue to occupy offices which would be the former Economic Development Director's office and the former Finance Director's office. In the Services Building, there is an office for the Field Operations Manager. They do a lot on the computer, looking up stuff and getting schematics, so that is why that is back there.

On the Fire side, they will take over some of the other space. They will have their fitness room, the storage room and we will improve the dorm area by adding some small partitions to add more privacy. If you have been over there, the bunks are just out there like a giant living room with beds in it. There's really no privacy. We will be able to build some smaller walls to put individual bunks in. In addition, it will give them some space for their gear. In the bay we will also be doing ventilation. There is currently no ventilation in there now, so when they start up that truck or trucks the exhaust slowly filters out through the door and into the building. We've got an exhaust hood, which was part of the original project and we will be keeping into this project for that. The costs on that were right around \$18,000.00. That's a pretty good cost savings from the original plan.

Moving forward and planning for the future, these fixes, as we talked about before are a 3-5 year fix that will get us through the interim for that time. What we want to do is start thinking about a new building and how we are going to design that and move forward. Throughout the design process, we will need to compile the department and

Thursday, September 15, 2016

future needs. We discussed that back in June and a lot of those needs we are going to tie to national standards, professional standards, or state standards. We talked about CALEA and NFPA, so that our departments meet those standards. If our departments want to get certified in certain areas, we will have the ability to do that.

What's been proposed to me by ALT Architecture is to develop a basic drawing. They can take all of our needs that the departments have put together and create a single line drawing. It like if you have ever looked through one of those architecture magazines and you see the house plan that is just a single line and there are no dimensions on it. It gives you a rough idea of what everything is going to look like and it gives the architect the ability to move rooms around and develop the shape of the building until you get to a more clear design. With that, we can then figure out how much square footage we need and how the flow is going to work. Then we can discuss things like how we want these areas to interact and the architect can more easily move those rooms around instead of having a more complex drawing. In addition once we have that basic footprint, he can also create a rendering of an exterior or conceptual drawing and these are what you typically see. It would show the landscaping and this beautiful building. I think that's an important factor to have at this stage so that we can see the future, where we are going and what we are going to look like. With that we can get a very close estimate on what this is going to cost. We have been looking at doing a steel structure. There is currently a company that has a state bid with the State's office and we can look at that square footage number that they have on the state bid and use that. We could even use that company if we so desired so we could really hammer our costs down early in the process.

Once we have a design and a cost, we will need to talk about funding. I think the funding is that tricky piece. Once we know that we need to build this and where it is going to go, we need to figure out how we are going to fund this. I think it is very important that we build community support for the project and that we seek input. Even through the design phase, we need to bring in team that talk about bringing in community support and community input so that there is buy-in to the building and so that it's not just something that I came up with or somebody in the building shoved down their throats. The community can come together and say this is our building because it is Riverside's building and it is important that the community feels that way. Through creating an opportunity to help with some design input and to talk about funding for the building they want, the building they like, and here's what it costs, and how we are going to fund it. If we talk to our community supporters and some stakeholders, we can if a property tax is the best way to do it or is an income tax or is there an assessment we can do or are there grants we can use to couple this together. We can work together and find those funding options. There may be other opportunities which may be private or public partnerships and maybe I'm jumping the gun here, but mini clinics are going into Kroger's and places like that so maybe we could have a clinic inside where the community is coming in. There might be grant money for that or there might be a company that wants to do that. There are ways we can make this a shared cost and I think putting together a funding team to look at that is a good idea.

Mr. Denning: We can sell the name of the building. It can be National City Fire Department Building, if they are willing to give us a million dollars to do that. Mr. Taylor: That's why the conceptual drawing and a floorplan so people can see. Not everyone thinks in one dimension or two dimensions, a lot of people like to see something in three dimensions. I think we can get a really good conceptual drawing and maybe a model out of it and really sell this and get some input from the community. What's the timeline look like for this? Moving forward, if everything looks good, before we do the construction for 1791 we have had a request by several people that we do an air quality assessment. I think that is imperative to do. People have had some complaints and maybe the Manager can fill us in, but the air quality assessment at this point might be the time so we can mitigate some the issues. Chief Carpenter: I just want to say for the staff that is working over there, we want to address any concerns that they have. As was mentioned earlier, the exhaust fumes and I think in the other presentation we talked about the sewer lines and plumbing.

Thursday, September 15, 2016

We want to make sure that we have addressed all of these concerns at the building, so we do want an air quality assessment prior to really digging into all the work.

Mr. Denning: Yeah, because if it is that bad we may be better off just jumping to the next step. Mr. Taylor: If the air quality assessment said you are killing your people slowly, we would want to act on that, move people out of there and come up with a plan B quickly. I think that's the warning. The likelihood of that happening, I think, is very low, but we should always think about worst case scenario. Mrs. Reynolds: There has been no testing on the air quality up to this point? Chief Carpenter: There has been no third party, but we have done some internal with our gauges and gas detectors and that. Mrs. Reynolds: What has that shown, sir? Chief Carpenter: Negative. Nothing is showing up. We have had carbon monoxide detectors, we have those things in place and nothing has shown as being hazardous. We just want to be sure. Mr. Taylor: Staff has already been looking at finding an organization or company to do that. We are hoping to have that done in October before we do a bid process to make sure we get those results back. As you see on the timeline, we would start the bid sometime in November and I think we could bleed into December if we had to because I think construction starting in the first quarter, January or February, would be a good timeline. It is a lot of inside work and I think some contractors would be really happy with that and of course it is always lean during that time so you could probably get a good price. I think that was one of the issues we had when the bids first came in for the whole project was that it was right there at the beginning of the build season, so I don't think we got good pricing there.

Mr. Denning: We just had the roof redone. I just want to make sure we are assessing all of that before we start. Mr. Taylor: The shell of the building is in great shape. Some of the issues we weren't addressing, which I think we discussed before that was really expensive were the sewer system. That's really the sticking point for one of the reasons to move away from that building. Structurally, we just put a new roof in, we put in a Honeywell project in and did some HVAC work. This small work will definitely get us into the future for 3-5 years. I think that should be our goal, 2020. We would construct in the first quarter and I think this is a conservative estimate to be finished by May. I think the work won't take that long. Going into design, I have estimated here \$55,000.00. Speaking with the architect and the way he can do a preliminary design like this, he is around \$1.00-2.00 per square foot. I'm anticipating a lot of sessions with the architect and the professional design team to make sure we are getting what we need. We talked about getting community support and I'm sure the design team will need to show up for those and explain so that we can get the best project. That's where that number comes from. So as I said we would build a design team and that design team would be consistent with design professionals, an engineer, and an architect and maybe if we looked at the steel building option we would want to bring the State in to look at that option and how we would do that. Of course as we built that team and it grows, we would compile the department requirements and then draft that single line plan.

When we talk about site selection, we will want to talk about it in executive session. Basically what we want to do is have 5-6 sites and assess those sites and have an engineer come in and do some boring and soil testing. We will know how much square footage building we need and some of the sites that we have looked at are kind of hilly. How much is it going to cost to remove that dirt? Do we need to remove that dirt? If we remove that dirt, do we need a retaining wall or can we do some sort of landscaping? We will know what the cost of each site is to purchase, then we will know the cost to prep that site to build and then we will have a cost for the building. Then we will have the cost of all three and have an accurate picture. We will want to do that in a certain way and we will talk about that in executive session to try to keep our costs down. I'm thinking we are going to need about \$20,000.00 to do that depending upon how many sites we decide to look at and assess, that number will go up and down. I don't have an estimate per site, but as we get closer to that we can get a closer number. We want to finish our site selection by November, so that's pretty much 2017.

2018 is going to basically be talking about how we are going to fund this facility and this is where it is really important to build that community buy-in and I think it will take

Thursday, September 15, 2016

a whole year. As we all know in the past and I have heard from folks in the past that when they have tried to do town hall meetings or try to get a lot of buy-in, only a handful of people show up. We really want to get this out and we really want to get some good discussions. It would be nice to have 30-40 people and break them up into small groups and then come together as a large group and talk about their needs. There are different ways to do that and we will maybe also want to bring in a consultant that has done that before to make sure we get the right community buy-in and the right folks in here so we can talk. It's no good having people come together with no direction in a conversation. Maybe having someone who has done that before would be beneficial. We can talk more about that as we move down the path.

Mrs. Reynolds: I'm just thinking through what you are saying and the building and the support and seeking input. Wouldn't it be more appropriate to start with the build design team making some community members a part of that because you are bringing them in a year after? Mr. Taylor: Absolutely. I may have missed that and I apologize. I think once we get the design team, we may want to form a design committee. Once we have all of those elements and requirements from the departments and start shifting it together, I think that would be a good time to bring in some key stakeholders to talk about how this building is going to be used and is there going to be opportunity for the community to use it or if we want to add a community center. Mrs. Reynolds: A year after the process has begun and you start bringing people in. A lot of people will think this is already planned and they won't have any input. Mr. Taylor: I think we would want to create that committee sometime in May or after May so that once we have that we can look forward. From this point it is hard for me to think when that point would be, but I think we will all know when we are ready to get some community buy-in. Mrs. Reynolds: I just think it would be important to have the community involved as close to the beginning of the process so that there is that buy-in. Mr. Taylor: Thank you for bringing me back on that because I think that is a very important piece to this because if we don't start it right it will be a harder battle further down the road. I don't want to make it sound like it is a battle to pit the City against the citizens because it should never be that way. We want to be very inclusive in this.

As we go through that 2018 year, I'm not saying we are going to have a ballot issue, but if we have a ballot issue we would want to do that in the fall of 2019 and continue that support through there to get that to pass. I don't think you would want to rush it in 2018. We would have to look at the cycle; I know 2019 will be an election year, so we will be able to put that on the ballot. If we do 2018, we may have to do a special election and that could cost us additional funds. Why spend extra money to rush something that may not go through. Hopefully all goes well because plans never fail and we construct a new facility in 2020. So I have hit on location and selection and we really need to set a time in executive session to talk this out. I think we were talking before the meeting and there were a lot of ideas and a lot of good thoughts and I think we all want to do that inside of a room to talk those thoughts out specifically about locations. The reason we want to do that in executive session is in my experience whenever the City goes to buy a piece of property and the owner knows the buyer is the City, the price increases. We want to try and keep that from happening. I'm not saying that is the case in all the properties, but that does happen.

Mayor Flaute: In our long term planning of personnel, we do have two majors on here. I know Chief isn't here, but we have been doing okay with one major. Are you sure of this proposed long term planning and that we need two majors? Chief Carpenter: That is the plan and that's what I hope to put before you during the budget presentation. I will explain about that. Mr. Denning: Remember Mr. Mayor, we are going to get two majors, but we are dropping a sergeant. The cost is pretty much a wash. Mayor Flaute: Okay and the Service Director and the Operations Manager are both moving over to the main building, but you still have an office for the Operations Manager behind the break room of the other office. Mr. Taylor: That may be mislabeled, but they have specifically asked to have an office because sometimes what happens is they are working on a truck and we know our guys are very self-sufficient and they do a lot of work on our equipment themselves. They don't always have the plans or the schematics or the detail that they need to do whatever thingamabob on their widget, so they will go to the computer and pull that up. I think

Thursday, September 15, 2016

they also have to use it for their work software. Mr. Miller: Yes, we have a work order program that we are going to be getting and hopefully have it setup so that access will be citywide. It would help the Council in particular if somebody has a complaint, I could see that this is scheduled or this was done on this date. That way we are not backtracking and being inefficient with the use of our resources. We can regionally fix things. When we schedule things right now it is kind of a shotgun effect. One of our workers may be up far north as far as you can go and get called down south, but if you have a work order program you can regionalize your work effort so you can concentrate and get much better efficiencies so that we are not backtracking and not coming and going and meeting ourselves, which happens quite a bit. It will be a much more efficient way to do things. We are planning on making sure it is all accessible to Council and all the administration.

Mr. Denning: So that's kind of a community office. Mr. Taylor: For the Field Operations. Mr. Miller: I would highly encourage you guys to visit us back there. These guys keep logs on all of the equipment repairs. They keep all of the warrant information and everything they need to have if something fails. It has just recently been fixed and we have all the data to go back and reconstruct that. We still need an office back there for the guys to input the information on the equipment, which is again part of that work order database. It will have an equipment segment on it, which would give us total history and total cost information and a lot of detail that is important when we are looking at getting a new piece of equipment. We will be able to tell the growth and the repair dynamics so we say we can buy a new piece of equipment for half of what we just spent on this piece of equipment.

Mayor Flaute: It just seems like the Operations Manager should be over there, but if you are saying it is more efficient that way I guess that's the way to go ahead and do it. The other thing is I see the Service Manager and Police Chief, but I don't see a Fire Chief's office here anywhere. Chief Carpenter: He is going to be in the new fire station. Mr. Taylor: The Fire Chief stays over here and has an office here. I have two questions we need to ask Council. First, moving forward with the current 1791 building I just want to confirm and make sure that I can go ahead and start the bid process and get those packets together after we do our air quality. My next question is about funding. I've highlighted here it is \$52,000.00 and \$55,000.00, so about \$107,000.00-110,000.00 worth of planning going into planning the rest of this year, 2017, and maybe bleeding into a little bit of 2018. We originally had \$130,000.00 allocated from the Wright Point fund to finish that building and get it to where it was. Do we want to continue to use that pot of money for the construction and the future planning or do we want to allocate from the general fund or another place to continue our planning. I think there are options if we don't use those Wright Point funds. We can turn it back to the bank because we have loaned that money. There are options we need to discuss and think about before we take the plunge. Mr. Denning: Do you need direction from us tonight? Mr. Taylor: We would like that very much. Mr. Denning: We need to make a decision. Do we move forward with the existing funding? I think we should just move forward with the Wright Point funding so that we can get this done because if we have to juggle stuff then it is going to take us even longer.

A motion was made by Mr. Denning to move forward with the existing funding from Wright Point. Mrs. Lommatzsch seconded the motion.

Mrs. Reynolds: Is that \$107,000.00. Chief Carpenter: There is roughly \$130,000.00 that was remaining to do all the work. What we have up here is estimated \$107,000.00. We didn't attach a price for the air quality study, but the rest of the work was about \$107,000.00. Mayor Flaute: So \$107,000.00 is coming out of the Wright Point fund. Mr. Taylor: Right, plus the air quality study as well which is an unknown quantity at this point. Mrs. Reynolds: The air quality needs to be done as soon as possible. Mr. Taylor: Yes, ma'am. Mayor Flaute: Depending on part of the motion is if the air quality is bad you are going to come back and talk to us. Chief Carpenter: Yes and if there would be any other additional work required, we would definitely let Council know.

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

Thursday, September 15, 2016

Mrs. Reynolds: Will you send us a copy of that PowerPoint, please? Mr. Taylor: Absolutely.

B) Executive Session

I) City Manager Contract 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.*

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

A motion was made by Mr. Denning to enter into executive session for the reasons stated on the agenda. Deputy Mayor Smith seconded the motion. There was no discussion on the motion. A roll call vote was as follows: Mr. Denning, yes; Deputy Mayor Smith, yes; Mr. Curp, yes; Mr. Fullenkamp, yes; Mrs. Lommatzsch, yes; Mrs. Reynolds, yes; and Mayor Flaute, yes. **Motion carried.**

Council entered into executive session at 6:38 p.m. Council came out of executive session at 7:24 p.m.

ITEM 7: RECESS: The Council took a recess at 7:24 p.m.

ITEM 8: RECONVENE: The meeting was reconvened at 7:29 p.m.

ITEM 9: PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE: Council Member Sara Lommatzsch led the Pledge of Allegiance. There was a moment of silence for the victims of 9/11.

ITEM 10: MINUTES: Consider approval of the minutes of the September 1, 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: A motion was made by Mr. Denning to accept the August financial report. Deputy Mayor Smith seconded the motion. There was no discussion on the motion. All were in favor; none were opposed. **Motion carried.**

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

ITEM 13: PUBLIC HEARING:

A) Resolution No. 16-R-2194 adopted on September 1, 2016 scheduling a hearing on allegations made concerning Council Member Steven Fullenkamp.

Mayor Flaute: Due to some information we received, I would like to entertain a motion to table this item.

A motion was made by Mr. Denning to table the motion for public hearing. Deputy Mayor Smith seconded the motion.

Mayor Flaute: At this time in the discussion item, I would like to ask our special counsel, Mr. Williamson, to please come forward and explain the reason for the table.

Thursday, September 15, 2016

Mr. Williamson: Thank you, Mr. Mayor. This afternoon at 12:30 p.m. Mr. Fullenkamp filed a 30 page complaint in the Montgomery County Common Pleas Court against the City of Riverside and all Council Members. In addition to the Complaint, Mr. Fullenkamp also filed Motions for a Temporary Restraining Order and for a Preliminary Injunction. I first became aware of these pleadings approximately an hour after they were filed. Around 2:30 this afternoon, I appeared with Mr. Fullenkamp's attorneys in the chambers of Judge Mary Katherine Huffman in Common Pleas Court to be heard on Mr. Fullenkamp's Motion for Temporary Restraining Order. At that time, Judge Huffman denied the Motion, which had the effect of allowing the hearing scheduled for this evening to proceed. By 3:30 this afternoon, the case had been assigned to Judge Richard Skelton and his office scheduled a hearing date on the remaining Motion for Preliminary Injunction for Monday, September 26th at 1:30 p.m. To synopsise Mr. Fullenkamp's Motion for Preliminary Injunction, he is asking the Court for an Order prohibiting this Council from holding the hearing otherwise scheduled for tonight. Thus, although given today's court ruling, Council may proceed with the hearing scheduled for this evening Council may want to table the Resolution to hold tonight's hearing pending further clarification from the Common Pleas Court following the hearing that is scheduled in 10 days on September 26th, a week from this upcoming Monday.

There was no discussion on the motion. A roll call vote was as follows: Mr. Denning, yes; Deputy Mayor Smith, yes; Mr. Curp, yes; Mr. Fullenkamp, yes; Mrs. Lommatzsch, yes; Mrs. Reynolds, yes; and Mayor Flaute, yes. **Motion carried.**

Mayor Flaute: We will schedule that as soon as we can be available to do so. Thank you.

ITEM 14: CITY MANAGER'S REPORT:

Chief Carpenter: In your packets you have the Project and Activities Report and I would just like to point out one item, the East Springfield Street Reconstruction. As it says there Choice One has requested a purchase order for the Stage 1 design of the project. That is approximately a cost of \$38,000.00 for that design and I would like to bring before Council at the next meeting an appropriation for those funds. I guess some of the past practice has been those funds aren't appropriated until the project was awarded. This was a project that was awarded, so we would like to have those funds in 2016 so we can start the design and then we can bid the project early to get the best prices in 2017. I just wanted to make you aware for next Council meeting that we will bring that forward.

Mrs. Reynolds: On the Open Order list in your report, we have a couple of items that I would like to have some information on and I don't know how much or what the total dollar amount we have spent this year on legal fees. I do see that two purchase orders were increased by about \$60,000.00. That's purchase order BL160026 and BL160028. I noticed on the government subscription, we increased that by \$16,000.00. Why is that? Chief Carpenter: I'm going to ask for a little assistance from Mr. Garrett on that one. Mr. Garrett: Which one is the government subscription? Mrs. Reynolds: It's MV160014 on the government subscriptions. It started out at \$6,250.00 and it looks like there was an adjustment of \$16,300.00. We have spent \$22,402.00. Mr. Garrett: I will probably have to look at that, but remember all of these are blanket purchase orders. Our practice is we fund the first quarter's expenses originally and then at the beginning of the next quarter we would increase it with the amount of funds for the second quarter. Now we are into the third quarter and we've increased it again for the third quarter's expenses. Mrs. Reynolds: My concern is \$22,402.00 in subscription costs. We've got a balance of \$147.59 left on that PO. I just wondered what subscriptions did we. Chief Carpenter: I would have to get back to you on that. Mrs. Reynolds: A total amount that we have spent on legal fees this year would be appreciated. Thank you very much.

Mayor Flaute: I just have a question about the Eintracht Club. I know we had a big presentation on that, but when is the boat ramp going to be done and are they canoeing off of it now? Can you give me any information on that? Chief Carpenter: Mr. Murray and I were planning on getting together with the Eintracht members to set

Thursday, September 15, 2016

something up. We haven't scheduled that yet. Mayor Flaute: Is it usable at this point? Chief Carpenter: It's usable, but we wanted to make some of those improvements as well. The project was complete, but there are a few things that we wanted to add. Mayor Flaute: We want to make a big deal out of that. That is probably going to happen before winter. Chief Carpenter: That is what we are shooting for. We will give you an update next Council meeting.

- (1) FYI Items
 - a. Council Request Sheets
 - b. Council Agenda Calendar
 - c. City Manager's Project and Activities Report
 - d. Income Tax Scorecard
 - e. Revenue Report for August 2016
 - f. 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: The K-9 program is off and running. Officer Matt Jackson will be starting K-9 school next week. We went down a week and a half ago and they assisted us in picking out a dog for Officer Jackson. It is an 18 month old Belgium Malinois named Tina. She is very approachable and very cute. We are looking forward for that to start and to get that program off the ground.

Also, Officer Stamper and Officer Stewart will be attending meth lab school starting this week. The good thing about that is the training and the equipment is all free. I want to say a special thank you to Chief Carpenter and the Fire Department for giving us the Self-Contained Breathing Apparatuses for our use. We appreciate that, sir. Thank you. This end of this month we will be participating in another blitz with the Drug-Free Coalition. It's going to take place on the east side of Dayton. I really can't give you the exact location, but that's where it is going to be. We will do the same thing we did in Riverside. We will just go there and help them to saturate the area and do some drug intervention.

The last thing I have ties in with some of the drug issues that we are having everywhere in this country, but for us locally I'm not sure if you are familiar with the Cornerstone Project on Linden. They have started a new program that we are trying to get off the ground now. It is in the infant stage now and we are part of the beginning process. Once it moves along, I will get you some more information on how this is working out for us and if we have had any takers. It's called Operation Front Door. Basically Riverside, Dayton PD, Montgomery County SO and the DEA can all use this facility to take folks there who have a heroin addiction and are actually looking for some help. These folks are going to provide it free of charge, 24/7, 365 days of the year if they are willing to go there. They can find the Police Departments that are involved and get one of these cards. The card says, "This entitles you to immediate access to addiction treatment services within the Cornerstone Project." If they want assistance, we can give this card to them and we will call to set them up with the folks at Cornerstone Project and have them go down there. There are some stipulations to them being able to get into the Project. I don't have a list of all of them, but a few of them are that they can't be high on the drugs; they can't have recently been shot with Narcan and things like that. It sounds like it is going to be a really good program. It's going to be an alternative to us arresting everybody or us not being able to help folks and not put everybody in jail for doing drugs because that is

Thursday, September 15, 2016

not what we are trying to do. We are trying to assist people and not hurt them in any way. I appreciate this agency has let us be a part of it and it is in our city.

Mayor Flaute: So instead of taking them to jail, you will take them down to Cornerstone? Chief Robinson: Don't get me wrong, if someone needs to go to jail they will go to jail. If they come see us, we can get them into this program so that they can get assistance as opposed to having to do that. I can't say they won't ever get arrested because we will arrest those people, but we will still offer them this other resource or service. They can come to 1791 Harshman and knock on that window and say, "I have a drug problem. Can someone help me?" We will give them this card and call that number for them to say we have someone for them. They will tell us to bring them there and if we have to give them a ride down there, that's what we will do so they can get assistance. Mayor Flaute: Is there any way we can give them that ride if they are arrested and in jail to get out of jail? Will we know when they are being released? Chief Robinson: That's a tougher one. Mayor Flaute: It would be helpful though. Chief Robinson: It would be. Mayor Flaute: It would be because they get out of jail and then they go back to their neighborhood and start all over again. If we can somehow get them from the jail, if that's where they are at, over to Cornerstone it would be so helpful. I don't know if we can work that out. Chief Robinson: I think there are talks on how this is done and I want to say that Cornerstone, according to the paper, has a transportation service as well. That's part of it. We will try to work that out and get all the details to make sure that is right. Mayor Flaute: If people know they can get that transportation, I think you will have a better rate of not going back to the drugs. Chief Robinson: We would like that very much. Deputy Mayor Smith: This would be something that the court system would offer these individuals as well, wouldn't it? Chief Robinson: I think this is just something like the boots on the ground, but I think Montgomery County is talking to the court system about it as well.

Mr. Denning: How is that funded, Chief? Is that through federal grant money or private? I'm just curious. Chief Robinson: I'm not sure if it's federal. I think it would have to be federal. Mayor Flaute: Good, if we can nip that in any way it would be very helpful for our city and our citizens.

b. Fire Department

Chief Carpenter: The new engine was striped on Tuesday and I've got to say it looks beautiful. We are looking to get it out tomorrow for the Stebbins Homecoming Parade, so that will make a public appearance. We are waiting on some equipment from the factory that had to be modified, it wasn't quite right. Once we get that, which we expect in the next week or so, we will begin mounting equipment and start training to get that apparatus in service.

For the vacant firefighter position, we have 9 candidates moving on to the Battalion Chief Interview portion. Also, Stebbins has contacted us that there are 2-3 students that are interested in participating in our pre-professional program. We take seniors who are interested or think they might be interested in becoming EMTs and they do a ride along with our personnel. ;

c. Service Department

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

Mr. Miller: The guys have been pretty busy back there. Unfortunately although they say there has been a two inch drought, we have been getting just enough rain to have them continually mow. Usually this time of year, it slows down to where they can do other things such as rebuild catch basins or do dura-patching. We had a couple of ongoing projects we've had some change orders on paint striping. We added striping to 1791 Harshman, to Station 6 and at Northcliff because there was an issue where we had to adjust on that as it wasn't included in the original quote. The mill and fill, we had a quantity adjustment change order only. They installed a little more quantity than what they originally bid and proposed. I had to cut out areas that

Thursday, September 15, 2016

were a little larger. You have to realize usually when we get our list together, it may be half a year or longer before we are able to go and execute a contract to be able to do the repairs. Sometimes the dimensions have spread or migrated, whatever you want to call it where it has gotten worse to where we end up having a larger area that we have to do a mill and fill pavement on for a repair issue.

At Phase II Brantwood, they are working diligently and I think they are getting near completion on the utilities. Our sealing project, that has yet to happen. Right now we are working on development of sending out letters of notification to all of the residents so that they are not all pleasantly surprised by having parts of their streets closed off or having traffic being diverted. Of course, we have the normal, ongoing services such as mowing, catch basin repair, sign repairs and animal pickup. Today I saw the guys coming in and they had delivered 9 dead critters for disposal. On the way back they saw 2 more which they didn't pick up, but they will first thing in the morning. If you store them onsite, it can be problematic as far as people being able to keep their lunch down.

We've had some major traffic light areas and Tom, which I already knew, brought up the fact that I will need to move some money as a result of that. We had Woodman and Eastman that has been hit so many times by lightning that they can't keep a ground in the cabinet, which means that the cabinet needs to be replaced. At Linden and Eastown, we have a controller that failed probably as a result of lightning strikes. About a \$15,000.00 cost right there, so we are going to have to move some money right there to cover those expenses.

The guys in the parks are replacing the storage shed roof there at Community Park. I noticed that when we were out at the memorial service it was in sad shape and the guys have replaced that. I haven't gone down there to see what it looks like, but the individual is a former contractor and I'm sure it's in pretty good shape. We met with a contractor to basically go over installing the water line at Shellabarger Park. He is also going to put in an additional conduit for future electrical. We won't install that. We are going to move the whole sign as a result of the concerns with the walnut tree. We are moving it to a different location that way the walnut tree won't be an issue.

We had a catastrophic equipment failure just recently. We've got estimates on it and they are pretty obscene, pardon me for saying that. Our Massey Ferguson tractor, which is about a 50 horse power tractor, primarily mows the parks. I think it is either a 16 or 18 foot batwing mower that is on there. What this is going to result in is going to really kill our efficiency and effectiveness. We are probably going to end up having to use 4 of our 970, zero turn mowers to compensate. They run slower and they don't do as quick a job as this does. The cost estimate for the repair for that thing is over \$15,000.00. Once they break the casing apart to inspect it, the cost may go up. That tractor is 10 years old and we have been pricing replacement tractors and you are looking at maybe mid \$30's for a replacement tractor, but it is pretty much toast. We've got until maybe early November that we are still going to be mowing, so we still have a lot of mowing to do. Unfortunately I will have to pull some of my crew off doing catch basin repairs and pothole patching to mow, which is kind of unfortunate. Just a head's up, I might be asking for money and my tin cup will be rattling.

We have been working on the development of our operating and capital budget. Based on this latest item, we have quite a list of equipment that is getting close to failure also. We've been doing daily safety meetings with the crew and a good percentage of my crew will be attending the Ohio Farm & Science Review. That will be next week. I don't know if you have ever gone there. It's a very impressive display of equipment. They probably have over 120 acres of equipment displayed and several hundred booths. We plan on getting some insight and intel on not only equipment, but they have software vendors for whatever you can imagine. It is very impressive. If you get an opportunity; the tickets are discounted. I got discount tickets, but they are like \$7.00 which is not much at all. The exposure the guys get to the equipment. Usually they will go to one of those, they come back and they are welding and doing other things to improvise our current and existing equipment to improve it so it makes their life easier.

Thursday, September 15, 2016

Deputy Mayor Smith: This expo, is that the one on Route 70 as you are going towards Columbus? Mr. Miller: Yes, sir. It is called the Molly Caren Center. I highly advise you to go on the internet and looking it up. It is quite impressive. It's a 3 day event. I've got crews going all three different days. I've got about 7 guys that like going to those expositions. What's impressive about it that it boggles your mind the capital investment and resources this country has and the innovation that is out there. I would highly recommend any of you, if you are looking for something to do it would be worthwhile, but you are going to be really tired walking around there because it is a big area.

Mrs. Lommatzsch: I would just like to compliment the staff on how well it looks out there for the marathon this weekend. The grass is all mowed and trimmed. It looks really, really nice. Compliment them for that. Mr. Miller: I definitely will. Thank you for that. By the way one of my crew, if you see his arm bandage he apparently had a nasty bout with poison ivy and poison oak. I hate to embarrass you, Henry, but raise your arm. It was bubbled up and looked like something out of a movie I had seen in military training like mustard gas or something like that. It was really, really bad.

Mayor Flaute: We wish you well.

Deputy Mayor Smith: In reference to the tractor, you say a new one is around \$30,000.00 and we've got \$15,000.00 plus in repairs. Mr. Miller: That's what we know of right now. Once they split the casing, it could be a whole lot more in parts and other things with labor. Deputy Mayor Smith: It is 10 years old and is right at that age where it is going to start to break down. Do you suggest that we replace it? Mr. Miller: I would like to replace it as quickly as possible. This is my personal assessment. Otherwise I am going to have 3-4 additional people devoted to mowing that wouldn't be mowing. We mow until early November just to have a final mow and make sure everything is cleaned up and good to go. If that's feasible, I will be forwarding paperwork to you to request that. If it's not, I understand.

Deputy Mayor Smith: Seeing as it is the middle of September now, would that be something you could get last year's model because next year's models will be coming out? Mr. Miller: That's an excellent question. We have been having different suppliers demo their tractors, so I'm not sure what year they are. Everything on tractors are different, it's like a space almost anymore. It's all buttons and switches, just completely different than what it used to be. I don't know if all their new year tractors are onsite, but we have been demoing some that are really impressive tractors and would really suit our needs really well. Deputy Mayor Smith: Would this be something we would want to lease as opposed to purchase? Mr. Miller: I'm getting numbers on leasing also. Right now I just have the initial cost of leasing. What basically happens, especially on equipment with a rollover lease, as you hold onto a piece of equipment and use it, the wear and tear gets to where you are doing more and more repairs and probably by 5 years, you are paying more in repairs than you would on a lease. A lease would be a really good consideration if we could get the right terms and conditions.

Mr. Denning: Do you need a larger tractor? If we are going to buy a new one, I would look at the long term and not the short term even if it costs us a little bit extra.

Mr. Miller: That's an excellent question. We have two tractors, one that is a 70 horsepower tractor, a Ford 5640. It's at its end of life term. I think 1997 is when that was acquired. We have this Massey Ferguson that is a little over 10 years old and that's the one that has totally failed. Last year, I think, just in one repair bill for the Ford tractor which is a larger tractor, it was almost \$9,000.00. We didn't have it in our budget to acquire anything. Mr. Denning: My point would be if what is failing is the fact that we are using it beyond its rated ability, maybe we should get the bigger tractor so we can use it for more things even if it costs us a little bit extra now. If the batwing is wearing it down quicker, than maybe we should get more horsepower or 4 wheel drive or whatever we need to make sure that what we are getting lasts longer.

Mr. Fullenkamp: I assume the manufacturer has recommendations on sizing batwings with tractors in terms of horsepower. As long as the size of batwing meets your needs, then the tractor should be sized according.

Thursday, September 15, 2016

ITEM 15: PUBLIC COMMENT ON AGENDA ITEMS:

Mayor Flaute: We have two people who have asked to speak to us. I'd like to remind you that you only have 3 minutes, so the Clerk will be telling you the time limit. Please try to keep your comments to 3 minutes. This is on agenda items only and the non-agenda items we will get to a little bit later.

Janice Pitzer of Wake Forest Road requested to speak regarding Resolution No. 16-R-2201.

Ms. Pitzer: I am here this evening because I believe the people deserve an explanation as to why we are appointing Mark Carpenter as City Manager in Resolution No. 16-R-2201. Please don't take this personally. He did not meet the requirements in the job posting, no qualifications, has a degree in Recreation, no experience in government and did not apply at the initial application and interview process. After a complete failure of the selection process by Council, which then brought forth kind of a knee jerk reaction and was convinced to apply after the urging of at least one Council Member or more and that would be Mr. Curp, Mr. Smith, Mr. Denning, Mr. Flaute and Mrs. Lommatzsch. Mr. Fullenkamp and Mrs. Reynolds suggested at the original that you hire an outside firm. That was rejected. Mr. Carpenter has established relationships with staff. We need leadership. We need change. We don't need any more of the good old boy network. This position is far too important to be taken so lightly. This is not an on the job position and I feel that if Mr. Carpenter truly cared about the betterment of this city he would acknowledge that he is not the person.

Mayor Flaute: Ms. Pitzer, I think you are out of order because you are saying things that are personal that is not true. I'm going to ask you to please limit to not bashing us or bashing our staff. Just tell us what your business is, please. Ms. Pitzer: I think I have. Mayor Flaute: Thank you. Please sit down unless Council wants to address the bashing we just heard. Thank you, Ms. Pitzer. Ms. Pitzer: You are more than welcome. Mayor Flaute: There will be no clapping from that. Please refrain from that type of behavior.

ITEM 16: NEW BUSINESS

A. RESOLUTIONS

- I) Resolution No. 16-R-2195 accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.**

Chief Carpenter introduced Resolution No. 16-R-2195 accepting amounts and rates and authorizing tax levies.

A motion was made by Mr. Denning to approve Resolution No. 16-R-2195. Deputy Mayor Smith seconded the motion.

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

- II) Resolution No. 16-R-2196 authorizing the City Manager to enter into contracts with the lowest, responsive and best qualified bidder, Outdoor Enterprise, LLC, for the RTA Bus Shelter Replacement Project.**

Chief Carpenter introduced Resolution No. 16-R-2196 authorizing a contract for the RTA Bus Shelter Replacement Project.

A motion was made by Mrs. Lommatzsch to approve Resolution No. 16-R-2196. Mr. Denning seconded the motion.

Thursday, September 15, 2016

Mr. Fullenkamp: Where is the money coming from? Mr. Taylor: This was a 2014 grant through RTA to build bus shelters. There is a local match on that, I believe a 20% local match for the project. It is a refundable grant from RTA and our local match is 20%. Mr. Fullenkamp: We used to have a line on here that said fiscal impact and we no longer are putting them on these resolutions and ordinances. I believe that should return so that we know what comes out of our funds. Chief Carpenter: We can do that.

Mrs. Reynolds: Did we not have certain groups that contributed to those match dollars? At one time we had Kroger and several of the local businesses that were contributing to the shelters. Chief Carpenter: You are saying historically we have had that take place. Mrs. Reynolds: I thought we had several businesses that had contributed already to those shelters. Mr. Garrett: We did, but we never really received much in the way of contributions. Maybe a couple hundred dollars. Mrs. Reynolds: Mr. Murray, I think we were to contact them when we were ready to do this. Mr. Murray: In the very beginning, since we were operating in the red at that time we went out and raised the money for several of those shelters. Dr. Gupta contributed some materials and things for his 20% contribution. The VFW contributed and Kroger's contributed. That ceased probably two years ago, so we funded everything out of budget since that time going forward until today. We stopped doing that. Mr. Denning: The Multimodal Committee was the ones going out and pushing to get those contributions for the 20%. That Committee is no longer functioning. Deputy Mayor Smith: The contributions from Kroger's and the VFW were for the bus shelter there on Spinning Road across from Spin-Kemp Shopping Center and I believe Dr. Gupta's money was for the bus shelter in front of his urgent care. Mr. Denning: He paid 100% for his. Deputy Mayor Smith: Those were isolated areas where those people had a direct interest in that shelter.

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

III) Resolution No. 16-R-2197 imposing a moratorium of twelve months (365 days) on the issuance and processing of any permits allowing retail dispensaries, cultivators, or processors of medical marijuana within the City of Riverside, Ohio.

Chief Carpenter introduced Resolution No. 16-R-2197 imposing a moratorium on medical marijuana.

A motion was made by Deputy Mayor Smith to approve Resolution No. 16-R-2197. Mr. Curp seconded the motion.

Mrs. Reynolds: I talked with the State legislators regarding this and they are just now beginning to set up the committees to deal with how this is going to be handled. I'm very cautious in looking at this moratorium now because I don't know how often we can do that. Deputy Mayor Smith: We can extend that. Mrs. Reynolds: I don't know that we can. That was an answer that I cannot get and that they aren't willing to say. Mayor Flaute: I talked to two State Reps today and both said that it is probably going to be two years until it does it and that we would be able to extend. It was their opinion that we would be able to extend this moratorium. Mrs. Reynolds: I did not get that assurance from anyone that I talked to.

Mrs. Grandjean: Mrs. Reynold, we did discuss not to make an indefinite moratorium and it was initially suggested that it be an indefinite moratorium. An indefinite moratorium would put the City at risk of a lawsuit by someone who did want to apply for a medical marijuana dispensary. Moratoria are permitted for limited periods of time for a good justification. Essentially, what a moratorium is accomplishing is preventing someone from doing something that they might otherwise have the legal right to do, if they aren't allowed to do it, they might suffer a loss. That in a constitutional analysis would be considered a taking, meaning the government takes

Thursday, September 15, 2016

something from a private entity and deprives it from some form of livelihood or some benefit that person would otherwise have. You can't indefinitely take away a right, such as this, the State Legislature voted on it, created and it has been enacted. What local governments are doing in the area and around the state is imposing these temporary holds. Let us study the matter so that we can impose reasonable rules and regulations. Yes, the State Pharmacy Board expects to have rules in a year or so. There is another Board set up establishing rules and regulations that expects to have them in place in a year or so. They may not be in place. If they are not, then at that point we would have a reasonable basis to extend our moratorium. We have to make it a reasonable amount of time and we have to have a reasonable basis on which to make it a year because the state has said it is going to take us that long, at least. If they don't have in place what will be needed for the City to impose reasonable regulations, then we can at that point extend the moratorium.

Mr. Fullenkamp: What is the point of the moratorium if the rules aren't in place? Mrs. Grandjean: Right now before this moratorium, yesterday or today someone could have applied and we could have had no basis for denying them. Mr. Fullenkamp: Even though there are no rules in place that will allow them to apply. Mrs. Grandjean: Well, there is a state law that allows them to apply and we have yet to set parameters on what a medical marijuana dispensary in the City of Riverside would look like. If we enact this Resolution, we are saying we need time to study that so we can impose proper conditions upon any ruling of any request to set up a medical marijuana dispensary in the City of Riverside. Mr. Fullenkamp: So if there are no rules in place at the State, how can they issue permits to allow it? Mrs. Grandjean: The City would have no basis upon which to deny it. What we are doing is saying we're not going to issue any for at least a year. Mr. Fullenkamp: But you are saying that even though the State has no rules in place, they can still apply for it? Mrs. Grandjean: In the City of Riverside, yes. Mr. Fullenkamp: And what are they applying for? Mrs. Grandjean: A medical marijuana dispensary within the City of Riverside. Mr. Fullenkamp: I'm saying what rules? So they will fall under the rules once they are established? Mrs. Grandjean: Well you would look at whatever the Zoning Ordinance is and it would fall into one of those categories. They could say they are just like an electronic cigarette shop or whatever. The point is we don't have any rules. If we simply denied a permit, it could be subject to challenge. If we impose a moratorium, then we have a basis upon which not to grant any permits until we have had a chance to properly study the matter and establish reasonable rules and regulations.

Mr. Denning: So this gives us the opportunity to say we don't want it within 500 feet of a church, 2000 feet of a school or whatever rules we come up with. If they right now came in for a permit and said I want to put it here, then we wouldn't be able to deny it. This gives us the time to decide what our criteria will be for where it could be or will be. Mrs. Grandjean: Precisely. For at least a year, there would be no medical marijuana dispensaries approved and allowed to exist in the City of Riverside. If you want them to begin to set up, then you can vote down the Resolution. If you want to put a suspension on the establishment of these dispensaries, then you can vote in favor of the Resolution. Mrs. Reynolds: So it is not indefinite. Mrs. Grandjean: No, one year but subject to renewal based on facts at that time. Mr. Fullenkamp: And we can rescind that if Council wants to. Mrs. Grandjean: Certainly, there could be a Resolution in 6 months saying, "Bring them on."

Six were in favor; Mr. Fullenkamp opposed. **Motion carried.**

IV) Resolution No. 16-R-2198 authorizing the City Manager to enter into contracts for Bridge Inspection Program services, a project by ODOT which is further identified as PID: 102554.

Chief Carpenter introduced Resolution No. 16-R-2198 authorizing a contract for the Bridge Inspection Program.

A motion was made by Mrs. Reynolds to approve Resolution No. 16-R-2198. Mr. Denning seconded the motion.

Thursday, September 15, 2016

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

V) Resolution No. 16-R-2199 appointing Patricia Bidwell to the Parks and Recreation Commission for the remainder of the term ending August 2, 2018..

Chief Carpenter introduced Resolution No. 16-R-2199 appointing Patricia Bidwell to the Parks and Recreation Commission.

A motion was made by Mr. Denning to approve Resolution No. 16-R-2199. Mrs. Lommatzsch seconded the motion.

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

VI) Resolution No. 16-R-2200 authorizing an increase in the hourly wage rate paid to the Clerk of Council effective August 20, 2016 and repealing all resolutions in conflict with this resolution.

Chief Carpenter introduced Resolution No. 16-R-2200 authorizing a wage increase for the Clerk of Council.

A motion was made by Mr. Denning to approve Resolution No. 16-R-2200. Mrs. Reynolds seconded the motion.

Mr. Fullenkamp: I'm going to vote no and I encourage the Clerk to talk to me about why I'm voting no.

A roll call vote was as follows: Mr. Denning, yes; Mrs. Reynolds, yes; Mr. Curp, yes; Mr. Fullenkamp, no; Mrs. Lommatzsch, yes; Deputy Mayor Smith, yes; and Mayor Flaute, yes. **Motion carried.**

VII) Resolution No. 16-R-2201 appointing Mark Carpenter as City Manager of Riverside, Ohio and authorizing the execution of an employment agreement.

Mayor Flaute introduced Resolution No. 16-R-2201 appointing Mark Carpenter as City Manager.

A motion was made by Mr. Denning to approve Resolution No. 16-R-2201. Deputy Mayor Smith seconded the motion.

Mrs. Reynolds: Mr. Carpenter, this is something that I have said to you before and you know I'm a very plain spoken person. On several occasions I have talked to you and I wish you much success in this job. I truly wish you much success and I'm voting no on this appointment, but I'm voting no on this appointment because of the process we used. I did not think and I do not think that the process we used was the best that could be used in this city. I look at our Charter and over the last several months we have had references to our Charter on many occasions on how we need to handle things. If I look at Article 602 of the Charter, it says the City Manager is to be chosen solely on the basis of his or her executive and administrative qualifications with actual experience and training in the accepted practices and duty of such office. This Council set for several meetings and talked about the responsibilities and the requirements we had for a City Manager. What was posted everywhere that we posted said the position requires a degree in Public Administration and Master's preferred and at least 5-7 years progressively responsible experience as a City Manager, an Assistant Manager or other local government Chief Executive. A substantial background in planning, budgeting and economic development is expected. I've told you before I think that you are going to be called to do a lot of things in this position and I think they are going to be very difficult for you sometimes because there are some of those things that you do not bring to the table. I firmly

Thursday, September 15, 2016

believe that you will be able to bring those things to the table and I plan on doing everything I can to support you, but the process we used was wrong. The process we used was wrong.

Mr. Fullenkamp: I'm going to be voting no also along the same lines Mrs. Reynolds has given. I was very blunt with Mr. Carpenter regarding his qualifications and there have been some things that have already indicated to me that you are not ready for it. Some of my interactions with you, some of your responses to some things indicate that your skill set at this point does not match the demands for a city like ours. As Mrs. Reynolds says, I will work to make you the best City Manager possible, but I don't know what kind of resources I can apply to that. I don't know what I can bring to the table. I don't know how much of that I should have to teach you and the rest of Council to do this. I want a City Manager that doesn't have to use training wheels and I'm afraid that's what we're walking into right now, but like I said I will work with you. I will try to make you as best of a City Manager as I can, but I am going to vote no.

Mayor Flaute: I tend to disagree with those statements because I believe that Mr. Carpenter has shown leadership throughout the time that he has been our Chief. He knows what the problems are in our City. He's got passion for his job. He loves the people in this City and he will add value to our City. Those things you were saying, training wheels? That is ridiculous. Mr. Carpenter has leadership abilities and skills that will translate into the City Manager's position immediately, so I personally think we have the best choice of a good City Manager and I am proud that he has accepted this job.

Deputy Mayor Smith: I'm just surprised to hear that Mr. Fullenkamp is going to train the City Manager. It makes me wonder what kind of education you have and experience as City Manager.

A roll call vote was as follows: Mr. Denning, yes; Deputy Mayor Smith, yes; Mr. Curp, yes; Mr. Fullenkamp, no; Mrs. Lommatzsch, yes; Mrs. Reynolds, no; and Mayor Flaute, yes. **Motion carried.**

VIII) Resolution No. 16-R-2202 confirming that the current City Manager shall serve as the Director of Public Safety and the Director of Public Safety is an active member of the Fire Department for the City of Riverside.

Mayor Flaute introduced Resolution No. 16-R-2202 confirming the City Manager will serve as Director of Public Safety and is an active member of the Fire Department.

A motion was made by Mr. Denning to approve Resolution No. 16-R-2202. Mrs. Lommatzsch seconded the motion.

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

IX) Resolution No. 16-R-2203 authorizing the City Manager to enter into a lease extension agreement with Pratt & Whitney Technologies, Inc.

Chief Carpenter introduced Resolution No. 16-R-2203 authorizing a lease extension with Pratt & Whitney.

A motion was made by Mr. Denning to approve Resolution No. 16-R-2203. Mrs. Lommatzsch seconded the motion.

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

Thursday, September 15, 2016

X) Resolution No. 16-R-2204 authorizing the City Manager to enter into a lease agreement with SPGlobal, Inc.

Chief Carpenter introduced Resolution No. 16-R-2204 authorizing a lease with SPGlobal, Inc.

A motion was made by Mrs. Reynolds to approve Resolution No. 16-R-2204. Mr. Denning seconded the motion.

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

XI) Resolution No. 16-R-2205 authorizing the City Manager to enter into a lease agreement with Price Systems, LLC.

Chief Carpenter introduced Resolution No. 16-R-2205 authorizing a lease with Price Systems, LLC.

A motion was made by Mrs. Reynolds to approve Resolution No. 16-R-2205. Mr. Denning seconded the motion.

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

Mrs. Reynolds: I am just asking for a vote from Council that I can have some un-redacted invoices from our Finance Director or Attorney, whoever. That's my request; I would like to have those. You all know that I ask for things quite often and I was told that I needed the votes of five Council people for those. May I have that vote from you all?

A motion was made by Mrs. Reynolds that she receives the un-redacted invoices from our law firm. Mr. Fullenkamp seconded the motion.

Mayor Flaute: What are you going to use this information for once it becomes public information? Mrs. Reynolds: The same thing I use every invoice that I get a copy of, I check it to know that our dollars are being spent wisely. I'm looking at a telephone conversation, and these have all been redacted by Mrs. Grandjean's office, on 1/21 of 2016 there was a telephone conversation with "blank" for 12 hours for a total of \$1,380.00. You see ma'am what I am trying to say to you all? There are too many errors in here. \$1,380.00. It is a simple request. I'm not taking them out and selling them on the street corner.

Mayor Flaute: At this time I would like to refer to Mrs. Grandjean to discuss the reasons why we don't want to do this. Mrs. Grandjean: What I want to point out is the un-redacted invoices will remain attorney-client privileged. If Council decides that all of Council should see them, they remain attorney-client privileged and you are not to release them any further. Mr. Fullenkamp: That's fine. Mrs. Grandjean: The issue is only whether all of Council will decide. It is not my decision to provide un-redacted copies; it is up to Council, who holds the privilege. I don't hold the privilege. I'm simply protecting the privilege, the attorney-client privilege, and the Supreme Court of Ohio has spoken on the matter. Billing information, while the billing itself is public information, the actual description of what is done is protected by attorney-client privilege. The attorney has the duty to protect that privilege, not to decide when to waive it. My position is simply if all of Council votes to have those un-redacted billings provided, then of course those un-redacted billings will be provided, but they will not become public information and should not be released. It would be violating the attorney-client privilege to release them.

Mrs. Reynolds: There has never been anything release by me at any time, but this is the City dollar that is being paid out and when I can do through just what I have of the redacted pieces and see the cost, I can't justify. You had a 12 hour conversation on January 21st at a cost of \$1,380.00 ma'am. That's what you submitted. I don't know if all of your invoices are un-redacted. Every staff member can see anything, ma'am,

Thursday, September 15, 2016

but I can't? I'm not allowed to see? Would you please find out about the \$1,380.00? I would appreciate it very much. Mrs. Grandjean: I certainly will, but no one has said that you can't see them. Mrs. Reynolds: Yes, you have. Mrs. Grandjean: No, I asked that Council decide whether you see them or not, not me. I am not the holder of the privilege, Council is. Mr. Fullenkamp: Ma'am, you cited a 2016 suit that was a public records request. This is not a public records request. This is a request by Council Members and we know that the City Manager sees the un-redacted versions. Mrs. Grandjean: Correct.

A roll call vote was as follows: Mrs. Reynolds, yes; Mr. Fullenkamp, yes; Mr. Curp, no; Mr. Denning, no; Mrs. Lommatzsch, no; Deputy Mayor Smith, no; and Mayor Flaute, no. **Motion failed.**

ITEM 17: PUBLIC COMMENT ON NON-AGENDA ITEMS:

Mayor Flaute: Again, please limit your comments to 3 minutes and please be civil in your comments.

Lynda Huey of Chesterfield Circle removed her request to speak.

Anne Albright of Spinning Road removed her request to speak.

Donna Gregg of Hazelton Avenue requested to speak regarding Hazelton.

Ms. Gregg: Mine is to Mr. Smith here. I'd like to know why you put an email out on me saying, "I think Ms. Gregg information and her actions need to be noted in reference to 2247 Hazelton. I don't know if Zone Pro is the proper place to log this type of information. Ms. Gregg could be a potential threat to the Hazelton property and we need to take her serious as well as protect the interests of the owner of that property. Ms. Gregg has escalated the situation and hasn't allowed staff ample time to respond since learning the owner's bankruptcy has been finalized. There is a process to follow and it takes time. It's been in bankruptcy for 5 years and a few more months of all this may be settled with the bank and City." Why did you have a right to put my name and my number on the computer?

Deputy Mayor Smith: First of all, that email was sent to fellow Council Members here. My question to you is who sent it to you? Ms. Gregg: I got it. I'm worried about what he is going to do as further reactions to myself. I'm actually scared about what you are going to do to me. Deputy Mayor Smith: Well, answer my question. Who sent that to you? Mayor Flaute: You guys can talk after the meeting, if you would. Ms. Gregg: No because I am scared. How would you like to have your name put on the computer as a potential threat? It says, "1725 Donna Gregg is complaining to everyone, even Senators, that we are not helping her with the vacant yard next to her. A tree is pushing into her fence. Her number is 937-XXX-XXXX. (*The phone number has been redacted.*) Why are you putting that on the computer? That is my phone number. That is not for everybody to know. That and you are more or less putting myself and my name on the line. My name is my name. I haven't done nothing in this world to nobody to be put on the computer and told I'm a potential threat. Deputy Mayor Smith: I responded to that question about your telephone call on the 29th of August and I told you I was responding to an email that was sent to me. As you scan down through the email that I sent out, you will see all that falls in line with the trail of that email. I was responding to an email that was sent to me. Ms. Gregg: But you put me at 2247, that house is three doors away from my house. You don't even have the right house number. You've got me going after somebody three doors away, so I'm a threat to somebody three doors away that I don't even know. What right do you have to do this to me? I am potentially afraid of what you might do to me or my house. Deputy Mayor Smith: People make mistakes. Ms. Gregg: But you did it on a computer. Deputy Mayor Smith: I apologize. Ms. Gregg: I will call the news about it. Mayor Flaute: Thank you, Ms. Gregg.

Mayor Flaute: From now on when you do have comments, you need to address the whole Council for the Council to respond.

Thursday, September 15, 2016

Steve Massa of Planters Avenue requested to speak.

Mr. Massa: What I was going to talk about tonight I've decided not to because I'm just overwhelmed at what I've heard tonight. All I can say is, my God what's happening here? This place is falling apart. We've got people doing things they shouldn't be doing. We've got people hating each other. We've got people doing under table deals, closed door deals. You guys need to get it together. You really do. You don't have to like each other, but there has to be mutual respect. If you don't like the way someone acts, you need to talk to them about it. I don't like everybody up here and a lot of you don't like me, but we can get things done and have disagreements. This is aiming towards Mr. Fullenkamp. What you guys are doing doesn't have to be done. I believe a lot of it is out of personal hatred for him and I want you to rethink what you are doing and remember why you are all still here. Think about that hard before you bring the axe down on someone else. Mayor Flaute: Thank you, Mr. Massa.

Mary Kay Walters of Bayside Drive requested to speak about Trunk or Treat.

Ms. Walters: Mine is going to be simple. I've thought a lot about the kids who do the trick or treating around here. I would like to know if the Council would consider we do trunk or treat where we park the cars at the schools, block off everything and the little kids can trick or treat that way. We could do it at both ends so that everybody is covered. We can have the Fire Department show up. We get the parents involved in this and we get the schools involved with this. The kids don't need to be walking through the streets at night because they walk out in front of cars. We don't know where they are getting their candy from. If we could do something like this and could get our City to start this, maybe everybody else will follow and our kids would then be a lot safer.

Mr. Denning: I believe there is one of the police officers that want to do this as a project, so you may want to get with them. Ms. Walters: They want to do one school. Mr. Denning: I understand, but you also may want to check with Hope 4 Riverside. They had been talking about making it a project. If we all work together instead of separate things, that would be great. Ms. Walters: Bringing it out like this, it is out in the open so if there is anybody else that wants to do this or wants to help you now know where to start off at. I'm not afraid to stand up there and start it if that's what it needs to be. I don't want to start at one end of Riverside and not the other. I want to do both sides like we do with the bike rodeos, so no child is left out. I've watched them when they go out. I love the fact that the Police and Fire Department give out candy, but I hate the fact that they will run out to the street to get it because you don't know who is going to be driving.

Mrs. Reynolds: I think that is a great idea and I think using the parks might be the best place to do that. Ms. Walters: We were thinking maybe the schools. If you use Brantwood school and maybe Beverly Gardens or even Virginia Stevenson because at the schools you can block it off so no one can drive in there and then the kids can walk in and the schools will have control over what's going on. Mrs. Reynolds: Whichever way, I will support that totally. I don't know that we have time to get it out to everyone this year. Ms. Walters: I don't think we are going to get it this year, but you've got to start sometime because after Halloween is over we will be thinking about something else. Let's get it started now, so next year we have it in place. Mrs. Reynolds: I think that is a perfect thing. Let me know what I can do to help. Mayor Flaute: Thank you, Ms. Walters.

ITEM 18: COUNCILMEMBER COMMENTS:

Mayor Flaute: There is an ice cream social coming up at Airway Shopping Center this coming Saturday and the Historical Society is putting it on. There is free ice cream, candy and free popcorn. Please come on out to Airway Shopping Center. Ms. Horn: We are having 44 items on the silent auction. There's even a man that is going to do the history of a computer. He tried to explain it to me, but I said that's okay. Mayor Flaute: Rain or shine, we are going to have that ice cream social at Airway Shopping Center. We had another In Crowd event with the Chamber at

Thursday, September 15, 2016

Xuan's restaurant located at 1470 Airway Road. It tasted really good and was a good time. Please all of you that want to try some good Vietnamese food go to Xuan's. I also attended some 9/11 ceremonies in both Fairborn and Beavercreek. I'm hoping maybe next year we can have some kind of 9/11 event. Mr. Denning: We did. Mrs. Lommatzsch: The Jaycees gave flags. Mr. Denning: 2,000 flags. Mayor Flaute: I also did 4 weddings in the last 2 weeks.

Mrs. Lommatzsch: The next IN Crowd is going to be at the Eintracht on October 24th. Beware of the traffic this weekend. There are going to be gate closures at Wright-Patt, so if you go out there for shopping or whatever, don't go out there tomorrow or Saturday morning.

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

William R. Flaute, Mayor

Brenna Arnold, Clerk of Council