

Thursday, April 7, 2016

ITEM 1: CALL TO ORDER: Mayor Flaute called the Riverside, Ohio City Council Meeting to order at 6:02 p.m. at the Riverside Administrative Offices located at 5200 Springfield Street, Suite 100, Riverside, Ohio, 45431.

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

Staff present was as follows: Jim Percival, Interim City Manager; Emily Christian, Assistant City Manager; Tom Garrett, Finance Department; Brock Taylor, Planning and Project Management; Mitch Miller, Service Department; Frank Robinson, Police Department; and Mark Carpenter, Fire Department.

ITEM 3: EXCUSE ABSENT MEMBERS: There were no absent members.

ITEM 4: ADDITIONS OR CORRECTIONS TO AGENDA: There were no additions or corrections to the agenda.

ITEM 5: APPROVAL OF AGENDA: A motion was made by Mrs. Reynolds to accept the agenda as revised and adding an executive session regarding personnel issues. Deputy Mayor Smith seconded the motion. All were in favor; none were opposed. **Motion carried.**

ITEM 6: WORK SESSION ITEMS:

A. Discussion: City Manager hiring procedure

Mr. Percival: Last Friday I sent everybody a copy of a job advertisement and I tried to incorporate all of everyone's priorities and thoughts into the brief ad that would hopefully go out next week. After I talked to everybody to get the priorities I condensed that down to as small an advertisement as I could understanding that a lot of the intricate details would come through as council begins to interview candidates. In the past, Mary Ann shared with me that council had advertised through the International City Management Association and through the National League of Cities publication. I didn't know if council wanted to advertise in the Dayton Daily News. The website at ICMA would allow us to embellish this with more community details and a small map showing where the community is. I think that would be important for us to show our proximity to the museum and the base which could be attractive to some candidates.

Mr. Percival: Some other questions we need to be thinking about are - how many people do we want to interview; has it been past practice to pay for travel expenses if you want to bring somebody in from say Colorado; salary range you want to offer; and relocation costs. I've started to put together a list of questions for council to look at that will get at some of those finer points. Everybody has different things they are looking for in a candidate; some of the things that came through from everybody are proactive leadership - you are not looking for somebody who is just a manager but you want a leader for the community. Communication skills is something everyone said is important; not just with the community but with staff and council. I tried to put everything there so I can get some feedback and get this advertised.

Mr. Fullenkamp: I think there are some other things we need to discuss. On March 22nd we all received an email from Councilman Curp expressing his views on using a consulting firm to help us select a new city manager. In that email he made reference to past efforts to select city managers and just made the broad comment that this is not rocket science. I don't know what it is and I don't know what experience all of you have in terms of hiring executives but I'm concerned because I think there is too much pride involved in some of this and not enough reality based thinking. I look at the past selection of city managers and I wonder what makes you think those efforts were successful; what is your measure of success. I look at the series of hires that were made and I'm concerned that there was no metric for how we came to a decision and what the quality of that decision was and what the result was for our city. I see a string of managers at the beginning and toward the end we had one that

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lasted a little over 9 years. I think we are all pretty full of ourselves sometimes and I think that accepting some input from some outside experts has a lot of value. I can look at all of you and tell you that most of you has never hired a CEO of a company; that's the kind of hire this is. These hires are critical; they have an impact on our city long term and failures hurt us as a community. We've had some real failures in the past; when a person hangs around for 2 years and rides off into the sunset either council hasn't happy or he/she wasn't happy. So I'm confused; I don't know what the metric for success is in this outcome or what outcome we are looking for. I hear certain people on council who are all about measureable outcomes but that standard is held to only people we deal with and not to ourselves and I don't see how we are going to move forward without accepting that we don't have all the answers. Looking back and seeing what's been done, there are 3 or 4 members of council that have been involved with the majority of hires yet these are the same people that have a lot of confidence that they know how to hire this kind of person. I'm disappointed and I do want to put the email on the record.

The email is as follows:

To All...

I am not supportive of using the city manager search process presented by the consultant group at our most recent council meeting nor am I supportive of using the consulting group itself. I think all of this is something the council and staff can handle ourselves.

The consulting group

While I'm sure the consulting group has experiences that might be of benefit, the way the final question that I asked was handled gave me pause to consider whether I would have the confidence in their work product. As you recall, I asked them if they had direct experience in conducting a search for a city manager. As you recall, the initial response avoided a direct answer and, instead, their response was that they had assisted in numerous executive searches in both public sector and private sector. So, in good questioning fashion, I asked the question again as to whether they had actually conducted a city manager search. And, as you heard, the answer was 'No'. Why one should have to ask the question twice in order to get a direct answer, and why a group that was pitching an anchored question approach to interviewing and then avoided a direct answer when presented with a question just kind of disqualifies them for me. I just don't have time to deal with that.

The process

I am not supportive of numerous aspects of the proposed process. I am not supportive of them screening and ranking the applicants and determining who gets invited for interviews. I am not supportive of them chairing the interview sessions. I am not supportive of them scoring and determining who the finalists are for follow-up interviews. I am not supportive of them preparing the selection recommendation. And while I understand that we can collectively adjust the process to fit our collective needs, I am just not supportive of the direction that whole thread is going: one of divisiveness.

With their suggestion that only three council members be involved in the interviewing process and the rest being relegated to a few minutes of conversation during a meet and greet, and with their suggestion that they and only three council members be the principals in the selection process with the remainder of the council being relegated to a secondary status, I am just not supportive of a process that to me is divisive on its face. It fascinates me that we had a whole council invited to screen city engineering firms, and a whole council screening council clerk candidates, and a whole council screening interim city manager candidates, and now we want to exclude council members from screening city manager candidates.

Our history

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This is not rocket science. Numerous members of the council have been part of city manager searches during the twenty-plus years since the merger, and under the guidance of some of the finest retired city managers in the greater Miami Valley. Those who were not here during those times may have screening/interviewing/hiring experience from their private employment, and have certainly had a good measure of experience in interviewing people and organizations that have come before council wanting to do business with the city as they've come to pitch their projects, review their project plans and present their interim progress reports and their completed projects.

Those prior councils have used well-constructed questions sets that elicit measurable/quantifiable responses from candidates. Sometimes scoring sheets were used and sometimes they were not. And whether those questions and scoring mechanisms were up to snuff with what is in the minds and intentions of the consultants we spoke with recently isn't of great concern to me, because even under the best of conditions and best of intentions, and with the best tools and processes, there is always a measure of subjectivity involved in each person's determining appropriate anchors for the questions and in marking their scoring matrix -what rating category to apply. We saw that with the last two city manager evaluations when using the rating tool that was used. And even the consultant(s) would have their own subjectivity and bias in scoring such that their scoring of a question(s) could be different from the other participants.

So I think we have the capacity and talent to handle this in-house, I am not enamored by what I saw and heard at the last meeting, and I have no desire to use this outfit. The clock is ticking and I'm ready to move on.

Ken Curp

End of email.

Mr. Fullenkamp: I thought it was an attempt to influence the rest of council outside of the public domain and I'm going to tell all of you, in the future when I receive an email like this, I'm going to put it on the record. If you can't say what you're going to say to us in a public forum, you shouldn't be doing it. It's the appearance that's important. I'm not saying there were any sunshine law or public record violations but I think maybe the legislature ought to revisit the idea of email conversations. There was one response and I'm assuming there were no more conversations between Mr. Curp and the rest of council. We all know Mr. Curp was the one who insisted we all get a copy of the Sunshine Laws a couple years ago. It's a little ham-fisted, I understand what he is saying but I don't know what "under the guidance of some of the finest city managers in the Miami Valley" means when it comes to how we selected our past city managers. It also missed the mark on how we are held accountable other than we don't get voted in if we don't succeed or do the right things. I think we have to have our own measurable metrics on our performance sometimes and I think this is the area where it's important. I know I don't have the votes to get a consultant in but I think it's unfortunate that we are not willing as a council to consider that kind of consultant help.

Mrs. Reynolds: I did try to go back over and pull out some points from the presentation we had from the Kennedy group. I guess I see when Ms. Kennedy was talking about anchors; that was something I was real interested in because the more I went over it I think the development of those anchors is probably the most important part of the task we have before us. That determines everything we do from this point forward. My concern is we may think we have all the necessary anchors but what if we don't; what if we forgot something or missed something. Do we have to start the whole process over if we come to the interviews after we've set the criteria in a posting and we want to change it? Do we have to give every applicant an opportunity to address that? Are there any pitfalls there? Ms. Christian: Given that the city manager is not a classified employee under the charter, I'm not a lawyer, but you wouldn't have any legal pitfalls, I don't think, for creating your own criteria. Best practice is, if you create criteria that you are going to measure a certain set of

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interviewees on and then create another set of criteria, that's probably not going to get you the results that you want. It is an at-will employee and there aren't civil service rules or anything like that for selecting a city manager.

Mrs. Reynolds: So if we determine the anchors and I think one of the examples used was a city manager should have "x" number of years of experience and the matrix would be from 1 to 10 or whatever the case may be, then we decide in an interview that they don't have to have been a city manager – that puts us in no legal bind but is that a wise way to interview; changing as we go along.

Mr. Percival: Whether you do it in-house or have someone else do it for you, I think one of the things you try to do is have the anchors which is why I sat down with everybody and tried to get what their priorities were for a new city manager. One of the things I heard from the majority of council was we want somebody who is experienced and that's why I put in the draft we want somebody with 5 to 7 years. If someone else's resume just jumps out at you and the resume blows you away that doesn't mean you can't interview someone else. But that is the guideline for people who are applying that says I have enough experience to apply for this position. As Emily said, because this is not a civil service position, this is an at-will employee, you can do whatever you want but I think what everyone on council wants to get to is what are our priorities and how can we go about finding the best person that meets those priorities of council. For example, anytime I hired a city engineer, what were my priorities and one of the things that was always high on my list was to find someone that understood the MVRPC funding processes so that we didn't lose out on our money. That was always one of my top priorities for that position. When I interviewed people, the more experience they had negotiating that process moved them up higher and higher in my estimation. So if experience is very important to you, if the 5 to 7 is the bare minimum and you're really looking for someone with 15 then as you go through the resumes and as you interview folks, someone with more experience is going to move up higher and higher for you. Does that answer your question?

Mrs. Reynolds: That gives me something to think about. We talk about this as not a civil service but there's a certain integrity and that's the point I'm trying to get at. When we put this position out there, I think we want every applicant to know that we're not going to change mid-stream. It goes back to what you all would call fairness I call integrity in a position like this. We tell someone we want you to apply for this job or give people the opportunity to apply for the job and then we kind of change it along the way. I have a concern with that.

Mr. Percival: This is a draft and we can change it however council would like to have it changed but I do think this is time sensitive. One of the reasons I say that is if you are talking to candidates and let's say they have kids in school; if you don't advertise until July or August there may be people who say I don't want to uproot my family in the beginning of the school year. I think this is time sensitive and we need to get it on the street. That's just an example.

Mrs. Reynolds: You've been very gracious to give us your time but we know we have a time limitation all the way around. I want to mention one more thing; looking at all of this and knowing the things that are going on in the city, I think it would be good and incumbent on you, as the interim city manager, to keep a journal of the things that are going on so you can hand it over to a new city manager. Mr. Percival showed a journal and said that never leaves my side; it gets written in daily if not several times during the day of what's going on. Mrs. Reynolds: Thank you, I think that will be very important to the new city manager coming in; knowing what's been done over the last few months, the outcomes, and how they were dealt with.

Mr. Fullenkamp: You said in your email that advertisements may vary depending on where we are sending them and I'm hoping that doesn't mean anything but maybe a little bit more description of our city. Mr. Percival: Exactly. On the ICMA website I printed off a couple that I can pass around; it allows for mapping. If council desires we can add in a salary range. A lot of city manager ads said when the city was recognized as a Council/Manager form of government. Those types of things you can embellish an ad with but the requirements don't change; you can add things about the

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community if you would like. Mr. Fullenkamp: I would think salary range should be included in all the ads. Mr. Percival: If you put in salary range, it has to be in all of them; if you don't want to put it in, you put in DOQ, depending on qualifications.

Mayor Flaute: I think the ad is okay and I think 5 to 7 years is okay. I see the resumes will be going to the clerk instead of our assistant city manager; is that what council wants? It's what we did last time but it doesn't mean we have to do it that way. I don't have a problem with salary range; do we just use the salary on the Table of Organization. Ms. Christian: The T/O says contract.

Mrs. Lommatzsch: There should be a range because that will eliminate people who want more money. I don't know if we are in the right range for what we are currently paying and I think that is worth discussing, whether we are going to widen that range. Mayor Flaute: Want to throw out a number? Mrs. Lommatzsch: Are we talking the total package salary or salary plus benefits? Mr. Percival: Usually the salary range when it goes in these ads is the dollars; it doesn't include the PERS. It usually will include the deferred compensation if you include it. Mrs. Lommatzsch: Vehicle? Mr. Percival: That's an item negotiated with the applicant you choose. The range includes basically the wage.

Mayor Flaute: I know we were a little low on what we were paying our city manager, I think we started him around \$95,000. Mr. Percival: 9 years ago that wasn't that low; today it is but not 9 years ago. If I was using a comparable for Riverside I would use Fairborn, Xenia, Huber Heights, and Vandalia. Mayor Flaute: Trotwood would be good because they just hired a city manager. If you throw in the averages of just those cities; Fairborn's has been there at least 8 years. Mr. Percival: 9 years. Mayor Flaute: Xenia? Mr. Percival: Since I left 2 years ago. Mayor Flaute: I would hope you would use the average of starting salaries. Mr. Percival: If you are putting in a range, you're not just going to have the starting salary, it will be a range. I was thinking this through a little and what I came up with was \$100,000 to \$120,000.

Mrs. Lommatzsch: I think it should be in the ad; that tells people what they can expect. If they are looking for \$150,000, they are not going to apply.

Mr. Fullenkamp: Doesn't the number of employees and the number of departments have some input into what the salary should be. Mr. Percival: It does; Vandalia has water and sewer so maybe that's not a good comparable. If you are comparing services offered, services rendered to the citizens; Beavercreek is fairly comparable. Huber could be another one but they have a municipal court and that can skew your salaries. I think services offered rather than number of employees would be a better comparable. Trotwood might be a really good one.

Mrs. Lommatzsch: I like the numbers I heard; that was what I had thought and had in mind would be fair. I know if I'm applying for a job I'd like to know what I can expect to be paid.

Mr. Percival: The other thing about putting in a range is you can show somebody that they have a place to grow in the future and they are not going to come in and get stuck. I think that is fair compensation for this position. Mr. Denning: With that much experience. Mr. Percival: Yes.

Deputy Mayor Smith: What did we decide on for paying a person to travel here to be interviewed? Mr. Percival: I brought that up because people will ask if they can get help with expenses on traveling to be interviewed. Mayor Flaute: I was thinking we only did that on a second interview; did we do that on a first interview? Do you remember Mary Ann? Mrs. Brane: I think you did on the first interview; I remember making hotel reservations for overnight stuff but I don't know how you compensated them for travel. Mrs. Lommatzsch: It would only be fair in today's market. Mr. Percival: I think council could also put a limit on that; just say we will provide hotel accommodations and pay up to "x" for travel. If you want somebody to travel on a week's notice, sometimes those plane tickets to Dayton can get pretty expensive. That's not something that has to go in the ad; it's just something you need think through.

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Mrs. Reynolds: Do we have a per-diem. Ms. Christian: We typically reimburse up to a certain amount; sort of a per-diem, but we don't reimburse the full amount if they didn't spend the full amount.

Mayor Flaute: How many people do we want to interview – top 5? Deputy Mayor Smith: I think we need to see the resumes; there may be several we are interested in or there may not be any.

Mrs. Reynolds: Do we want to establish amongst ourselves a dollar amount we don't want to go over on interviewing? We could just interview and interview. Mr. Fullenkamp: That could put up a false barrier that says we spent our money so we have to hire one of these guys. Mrs. Reynolds: We can always come back and increase it if we have justification and rationale but I think to start out; or do we just say the sky's the limit. Mr. Fullenkamp: I'm not sure what that would accomplish.

Mrs. Lommatzsch: I think we should go for something other than the Dayton Daily News; I would be more inclined to advertise in the Columbus paper or maybe Indianapolis. Mrs. Reynolds: What are our options; I know we have ICMA. Mr. Percival: ICMA will probably give you the broadest coverage because it is nationwide. Nation's Cities Weekly, the Municipal League's publication, will give you broad coverage. I don't think you want to go to Indiana because they don't have city managers. I was thinking the Dayton paper to catch this region and southwestern Ohio. The other thing is with the online now, if they are looking for that type of position, they are probably searching most of the major newspapers in the state. What do you think Emily? Ms. Christian: I agree ICMA has the widest coverage. Mrs. Reynolds: I don't know about the Dayton paper, I don't know if that gets us where we need to be. That says to me if I'm looking, well they want a local person.

Mr. Curp: Years ago we didn't use the Dayton Daily News because we figured out everybody in the coverage area already knew the vacancy was there. We used ICMA; the Ohio City Managers organization; several newspapers such as Columbus, Cleveland, and Louisville. At the time you didn't have the widespread online advertising and it has evolved over the years. Mrs. Lommatzsch: I think putting it out on the website and using social media is...Mrs. Reynolds: Mr. City Manager, if you were looking where would be the first place you would go. Mr. Percival: ICMA in a heartbeat. When I looked at it today, there were 92 manager jobs listed; anybody that is looking for a management position that is going to be their first stop. The ICMA website, wrong or indifferent, it is the clearing house for all city management activity.

Mr. Curp: The manager brought up an interesting point regarding the State of Indiana and the titles; it's something we might want to consider in looking at what we've identified here as far as titles, city manager or assistant city manager. Places like Pennsylvania have borough managers and New Jersey has township administrators. They're not like townships we have here, they're full blown cities with extremely large populations. Typically those folks who occupy those positions will apply for a city manager position if they are interested and they understand the connection and they are hoping we will understand the connection. It might be worth considering changing the wording to: city manager, assistant city manager, or other local government executive. There are county commissioners probably in small counties say in West Virginia who don't make much money and would like to get out of West Virginia and come to Riverside, Ohio to be the city manager and could probably do a bang-up job.

Mr. Fullenkamp: That begs the question of where we advertise then because if these other executives aren't looking specifically; there are some very good executive websites we can advertise on. I can't think of the names off the top of my head but they are specifically looking for executives and that's the clientele they advertise to. Mr. Percival: We'll get it out there as broadly as we can and we can research that. Mayor Flaute: They may see something advertised on ICMA and just throw it on their websites. Mr. Fullenkamp: Or they may want a fee; they've got to make money too.

Mrs. Reynolds: So we're going to do the travel costs here, look at the per-diems and assess that, salary range we've set, we've done relocation costs in the past and I'm assuming we are going to continue. Are we going to limit that to "x" number of

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dollars? Mrs. Lommatzsch: I thought we gave a lump sum the last time and they could choose to hire it out or do it themselves. Mayor Flaute: Is that normal. Mr. Percival: Yes; usually in the \$1,500 to \$2,500 range for relocation costs for a manager. It can be more or less or you could put an up-to-amount for relocation. I was thinking of advertising the position for a month.

Mrs. Lommatzsch: Advertise until Friday, May 10th. Deputy Mayor Smith: It will take a while to get it into circulation in the magazine. Mr. Percival: It could go up tomorrow on the ICMA website. Are you thinking Linked-In Mr. Fullenkamp; I think they have a job site now. We'll get it out as broadly as we can and get back with council with where all we placed it so you folks know where we're at. Mr. Fullenkamp: I think it needs to be published for at least a month.

Mr. Denning: You think we're going to get it up and going that quickly. Mayor Flaute: Yes, I think tomorrow or the beginning of the week. Mr. Percival: You can post it immediately on the ICMA website. Mr. Fullenkamp: I don't think we are ready yet because we are giving more than that for the clerk's job.

Mrs. Reynolds: When are we going to meet to develop our anchors and our priorities and the things that we really want to talk about? We've got to work up a matrix we can use and there's some things we need to do. While this is all out, we need to be real busy. Mr. Fullenkamp: We haven't finalized the ad yet, have we? Mayor Flaute: We don't want to wait much longer than May 10th and in between there we'll have to have our meetings. Mrs. Lommatzsch: People who are interested in another job would just as soon have short times. Mr. Percival: The only thing I would have to say with a month is people that are on the fence, sometimes they will wait, mull it over, and on the last day they will apply. I don't think you want to have it advertised any less than a month. Some ads I saw were 6 weeks but I believe if we get it up the first of next week that will give people ample opportunity.

Mayor Flaute: Does council want to set a meeting date for us to talk about this or do we want the city manager to draw up a matrix. Mrs. Reynolds: I think we need to talk first and then we develop the matrix from that. Mrs. Lommatzsch: Does the ad need to be massaged more? Mayor Flaute: The only thing I saw was the resumes coming to the clerk and we are leaving that; Mr. Curp asked for other local government executive to be added. I don't see anything else that needs to be in there.

Mr. Denning: I think it should say home of Wright Patterson Air Force Base and the National Museum of the Air Force instead of gateway. We are no longer the gateway; once we merged the land that was in the township it became part of this city. Mr. Percival: I will change it. Mr. Fullenkamp: We are actually an eastern suburb of Dayton and not northeastern. Mr. Denning: You might want to put that we are a first tier suburb. Mr. Percival: Eastern first tier suburb. Mrs. Lommatzsch: Yes, and people do recognize now what that means. Mr. Denning: Especially people that would be looking at this ad would understand what that means. Mr. Percival: First tier suburbs is a buzz word all across the country right now. Mr. Denning: Right, I think that would be helpful; and we're going to put in the salary range. Mr. Percival: Yes.

Mayor Flaute: We'll talk about perks somewhere along the line. Mr. Denning: I think we don't talk about any of that until we do the interview process; second interview or whatever. Mr. Percival: It depends on what somebody asks for too. To me, I never really cared about a vehicle. It wasn't high on my list but to some people, that's a big deal. Some people may want the ICMA deferred comp rather than the Ohio public deferred comp; those are the little things you work out once you choose your candidate.

Council set a special meeting for Wednesday, April 13th, at 6:00 p.m. for the purpose of discussing anchors and the hiring process.

Mrs. Reynolds requested copies of city manager job descriptions from Huber Heights, Fairborn, Trotwood, and Xenia. Mr. Percival: I will get those. Mr. Curp: See if they also have interview instruments with questions and anchors. Mrs. Reynolds: And if

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you could get one that's out of the norm to see if there's much difference – whatever you think is appropriate.

ITEM 7: RECESS: The Council took a recess at 7:00 p.m.

ITEM 8: RECONVENE: The meeting was reconvened at 7:10 p.m.

ITEM 9: PLEDGE OF ALLEGIANCE: Brock Taylor led all those in attendance in the pledge of allegiance.

ITEM 10: MINUTES: Consider approval of the minutes of the March 16, 2016 regular council meeting. A motion was made by Mrs. Reynolds to approve the minutes as written. Mr. Denning seconded the motion. Five were in favor; two abstained – Mrs. Lommatzsch and Mr. Smith, both who were absent from the March 16th meeting. **Motion carried.**

ITEM 11: PRESENTATIONS: Fire Chief Carpenter: I have introductions for our new full-time Firefighters.

Travis McCool has been around the fire service since the age of 14. He began as an Explorer with the Vandalia Fire Department and has worked part-time in the fire service for 6 years; 5 years with Vandalia, 3 years with Brookville, and 3 years with Riverside. Most of that time has been with 2 of those departments simultaneously. Travis holds certifications in Ice Rescue, Water Rescue, High Angle Rescue, and Hazmat Operations. He is a Certified State of Ohio Fire Inspector and he once traveled the country as a crew member for a drag racing team.

David Force has worked in the fire service for 15 years. He has been a member of the Casstown Volunteer Fire Company for 13 years and a part-time member of the Riverside Fire Department for 8 ½ years. He has also worked for Trotwood Fire Rescue, Bethel Township in Miami County, Brookville Fire Department, and most recently, the Pleasant Hill Fire Department. Dave has been a State of Ohio Fire Instructor for 6 years teaching classes at Sinclair Community College and Clark State Community College. Dave is a Certified Rope Rescue Technician, a Swift Water Rescue Tech, and a VFIS Emergency Vehicle Driving Instructor. He also recently became certified as a State of Ohio EMS Instructor. He is an avid hockey fan, participates in amateur shooting competitions, and is in the process of restoring an antique tractor.

Mr. Force introduced his wife, Jennifer, to place his pin on him.

Mr. McCool introduced his dad, Brian Elish, to place his pin on him.

Mayor Flaute: Welcome; we are going to assume you won't get bored on our force because we know how busy you are. That leads me to a quote I found from John McGuffey: "Firefighters provide a faceless, nameless service to a community that rarely knows how much they need them". He thanked all the firefighters present at the meeting as well as the families in attendance.

Mayor Flaute administered the Oath of Office to Firefighter/Paramedics Travis McCool and David Force.

Council welcomed the new firefighter/paramedics.

ITEM 12: PROCLAMATION: Motorcycle Awareness Month – May 2016

Mayor Flaute welcomed Mr. David Griffin and presented him with a proclamation recognizing May of 2016 as Motorcycle Awareness Month.

Mr. Griffin: This proclamation goes to Columbus, Ohio on April 30th. We start out at the Harley Dealership north of Columbus and we ride 300 to 400 or more motorcycles with police escort to the Statehouse. These proclamations are presented from our region and last we had 23; it's looking like we will have more this year. We read these

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on the Statehouse steps; we already have a proclamation from the Governor and we have a good time with this. It says May is Motorcycle Awareness Month but in reality everyone needs to look out for motorcycles year round. When the weather starts breaking, they are on the road. We've already had a few accidents in the recent weeks and the first fatality was in the first week of the year. We are just trying to make people aware; that's what this is about and we appreciate your efforts in getting this to me. This is my second year for this and I thank you.

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:

- (1) FYI Items
 - a. Council Request Sheets.
 - b. Council Agenda Calendar.
 - c. City Manager's Project and Activities Report.
 - d. Five year projection on IT position
 - e. Income Tax Scorecard for March 2016
- (2) Monthly Verbal Reports
 - a. Finance Department
 - b. Economic Development Department
 - c. Administration Department
 - d. Planning and Program Management Department

Mr. Percival: Included in the agenda this evening is the Projects and Activities report. One thing I would ask everyone to look at is, at the last meeting there was a request to review the 5 year costs that are associated with the hiring of a full-time IT person and those are included at the back of that report. Other than that we'll turn it over to the departments for their reports starting with the finance department. I want to say, Tom meets with some of the most unique people when he's doing his income tax stuff. Yesterday, there was a group that didn't speak much English, yet he was still able to figure out how to get them to pay their income tax. I want to say thank you to him for doing that. He does a wonderful job communicating with these folks and makes sure that everybody is on the same page.

Mr. Percival turned the floor over to Mr. Garrett for the monthly Finance Department Report.

Mr. Garrett: Thanks for that lead-in Mr. Manager. This morning I did close the month of March so the normal finance statements are posted on the city website for you to look at. Included in the packet was the Income Tax Scorecard and after being down in January and February, in March we had a significant uptick. In March we received \$573,000 for income tax and that now puts us about \$30,000 above our schedule for the year. Earlier this week the county did distribute the real estate tax from February; I haven't had time to go through it all and figure it out but after a quick look, the one interesting thing is the Brantwood TIF received service payments of more than we had predicted. The Wright Point Bond Anticipation Note that is going to be renewed on April 22nd was priced this morning and we are getting 1.5% vs. the 1.25% interest charge we had last year. So we've had a few significant things happen in the last few days.

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Mrs. Reynolds: I saw your memorandum on the supplemental coming up, I believe it's from Mr. Taylor with information from you on the ODNR grant. Seeing that the original purchase order was not changed to reflect the reduction in cost, that's why we are doing this supplemental. Mr. Garrett: That's it. We budgeted the remainder of the grant amount less the purchase order because we were still ongoing with MS Consultants. Mrs. Reynolds: I guess that goes back to the original concerns I have; we need to be more proactive on our purchase orders in looking at when those should be closed and how they should be closed and doing that as quickly as we possibly can. I think that would have prevented some of this from happening.

Mr. Percival: I would like to bring up one thing to that; at the staff meeting, we have been going through those old, old purchase orders and I know many of them have been closed out. That has been a focus for staff to get those things off the books. Mrs. Reynolds: Thank you; we'll have a truer picture of where we are at all the time and it keeps our books clean. After meeting with the auditors last year and hearing their desire that we approve at each meeting that council knows where we are at, I take that very seriously and I know you do too. Thank you for your efforts.

Mr. Percival: Obviously Mr. Murray is not here this evening to give the Economic Development Department report and the only thing I would bring up with that is the ED/GE applications were filed last week and hopefully we will hear post haste about those. I know he has been working on a lot of different things but that is one highlight I wanted to bring up in his absence.

Mr. Percival: For the Administration Department, I will allow Emily to go first. She has been keeping me abreast of everything going on and obviously there is a learning curve whenever you step into anything. I would like to thank her for all her help.

Mr. Percival turned the floor over to Ms. Christian for the monthly Administration Department Report.

Ms. Christian: Thank you for that lead-in as the Finance Director put it. I wanted to highlight the communications course that we have had and there has been representation from all of the departments. We had a course last Friday and the continuance of that course is tomorrow. I think it has been very helpful and the instructor is actually a writing professor from the University of Dayton. We also have our drug-free education courses coming up next week; there are a couple general sessions and then a session for supervisors. We interviewed Sergeant Candidates yesterday and I would expect we will have the eligibility list ready tomorrow. Hopefully we can bring them to the next council meeting. We are accepting applications for the Economic Development Specialist until tomorrow and for the Clerk of Council until April 15th. The contractor for Safe Routes to School has begun work; it is mostly centered around Beverly Gardens School right now but they will moving to Mad River Middle School as well. The folks who are celebrating April anniversaries include: Sergeant Jeff Trego from the Police Department – 30 years, and this will be his last anniversary since his retirement is at the end of this month; Crystal Hitchens, Finance Assistant – 17 years; Jerry Evans, Maintenance Worker – 12 years; Ed Joyce, Maintenance Worker – 9 years; Julia Crawford, Volunteer Firefighter – 8 years; Ed Harper, Part-time Firefighter – 7 years; Emily Christian, Assistant City Manager – 4 years; Henry Cordova, Maintenance Worker – 4 years, and he is here this evening; and Chad Aydelott, Maintenance Worker – 4 years. Congratulations to all of them.

Mr. Denning: When is the punch list going to be done for this facility; I keep seeing the same report in here for the last 3 or 4 months. I would think the contractor would get this stuff done and call this facility finished. Mr. Taylor: We actually are complete. Mr. Denning: There are still issues. Mr. Taylor: The contract is finished and we'll have some warranty items over the next 12 months that will need fixed.

Mr. Denning: The other thing is, I know we are doing the RTA Community Grants; is lighting these new bus stops part of that contract? Mr. Taylor: The way the grant is written and the money that has been appropriated is for the lighting of the signs which has been done at the previous bus stops. Mr. Denning: To me lighting the inside is more important than lighting the sign overhead; so if we have to give up one, I would

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much prefer to see the lighting inside to make the stops more inviting and less dark. The other thing is the solar lighting is a maintenance nightmare and very expensive; I was told the cost of having DP&L hook up regular electricity to the stops was cost prohibitive. I would like to see those numbers because that just doesn't make any sense to me. The other thought I had was maybe we could tie that into the Miami Valley Lighting group and see if there's a way for them to light the bus stops that way and be under that contract. Then we may not have a lot of costs of solar cells and the maintenance of the batteries and the solar panels. I would like a report on that information so I have a warm fuzzy that we are doing the right thing and not just the easiest thing.

Mr. Percival turned the floor over to Mr. Taylor for the monthly Planning and Project Management Department Report.

Mr. Taylor: Mr. Denning brought up some good points about the RTA shelters and we can look into that. I want to point to the zoning permits, 31 in February which is up 50% over last year's January and February. The economy has clearly turned around; we are getting a lot more activity and that's some really good news. We talked about the abatement action fee and we are having another vote on that tonight. There were some questions about what other community's fees are; a quick list: Fairborn \$200, Huber Heights \$250, Centerville \$100, and Kettering does a scale of \$85 first offense and then anything after is \$110. We had a good meeting with surrounding communities and Englewood talked about their grass abatement and no matter what their contractor charges, they charge \$180 per man hour plus a \$100 administrative fee on top of that. Their ordinance also allows them to double that if they so desire, so they are way expensive. At \$125, we are pretty much in the middle. Yesterday we had the pre-bid for the safety/service building and we only had one contractor show up; it was Brumbaugh Construction. I spoke with the law director and she assured me it was okay to continue on through the process; when we get the final bid, if it is within 10% of the engineers estimate, we can accept that or we can have reasonable cause to reject it. I'd like to continue moving forward with that to see if we can get a good bid plus on the last 4 projects, Brumbaugh has been the lowest bidder.

Mr. Fullenkamp: Is this the bid referred to in the City Manager's report? Mr. Taylor: No, this will be an upcoming bid; they haven't submitted one yet.

Mrs. Lommatzsch: Why do you think we only had one bidder show up? This is for the remodeling of the safety building. Mr. Taylor: I don't know; we advertised it just as we did this project. Mrs. Lommatzsch: Is it a big enough project. Mr. Taylor: That could be, I don't know. Brian Weaver and I will put out some feelers; he had made several calls and I called 3 or 4 other places that had bid on other projects to let them know it was out and Brumbaugh was the only one. Maybe it was the weather or maybe it was spring break or maybe they have more work than they need but hopefully we'll find something out.

Mr. Denning: Like you said earlier the economy has kind of turned around and I think businesses are booming but I would have expected more than one person.

Mr. Fullenkamp: What is the cost estimate? Mr. Taylor: Between \$100,000 and \$150,000, it depends on the alternate. It is a small project. If the bid is too high, we can reject it and try again.

Mr. Taylor: On the upside with code enforcement, we've tried a new way of doing our enforcement. Instead of plastering a ticket and saying you are in violation, we came up with these door hangers which are a little less in your face and intrusive. We've had these 2 ½ weeks now and we've had a lot of positive feedback. A good example is we had a fence go up without a permit; the code enforcement officer wrote "fence without a permit – please come and get a permit" and within 4 days they mailed us the application. So we are really happy about this and I think it's going to change the way people perceive the way we are doing code enforcement. We also changed our tickets, they are basically the same but the difference is, they are less sticky and a little thicker so it all comes off in one piece. Mr. Fullenkamp: Have you had a problem with the door hangers blowing off in the wind. Mr. Taylor: That was my concern; Chris

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or Jeremy came up with that idea and we'll see how it works. It goes into zone pro just like our tickets and if the code enforcement officer doesn't hear anything in 5 days, he goes back out to see if it has been done and then his goal is to make contact with that person, not just leave a ticket. Mr. Fullenkamp: On windy days the solution would be a piece of tape to lock it in place.

Mrs. Lommatzsch: What about where people are storing their trash cans; they are in front yards and then there are issues about how long they stay out on the street. I understand that the trash company has issues where maybe the people put them out on the grass and the trash company leaves them in the street or whatever but they need to be gone by that evening. Mr. Taylor: I will review it. Mrs. Lommatzsch: I see the police cruising through the neighborhood and that makes me very happy but I think there could be some help there on keeping the cans out of the middle of the street. I've seen a vehicle from the city ride by a trash container laying in the street – I won't report what department but it seems like to me with all of our issues with trash, we need to try to be proactive in making our customers happy. When I see a city vehicle ride by a trash can laying in the middle of the street, that's an issue. And it wasn't a fire truck going to a fire.

Mrs. Reynolds: The last couple weeks there have been some situations in a couple communities that I think need to be brought to the attention of council and ask for some help. On the weekend of Good Friday I was called to a home and I was confronted with something I've never seen before in my life; pounds and pounds of trash. Mr. Percival: Probably about 30 feet by 6 feet high. Mrs. Reynolds: Trash had not been put out since we went with the new trash company; it was all thrown out the back door. The neighbors around that property were very kind people and tried to ignore it, not make the calls or cause a fuss. They are good people that said okay, they'll take it out next week. Next week never came and when it got so bad, dogs were in it, maggots were in it, everything was there that you could possibly imagine and I emailed the city manager/staff. I know they did everything they could do and sometimes our hands are tied by procedures we have to follow; but council, what was at that home was horrible and no one in our community should have to put up with something like that. We need to direct the city manager and staff to work to find emergency measures for when we come upon situations like this. There has to be something we can do and as a representative from that neighborhood, I'll stand and scream from the highest heaven, the highest hill, whatever; this can't go on and we have to do something and I'm asking all of you to help me in some way to make sure this doesn't happen again. I want to thank Stanley Services; they were extremely kind to that whole community and they moved things they didn't have to move. I want to thank the police officer that was there to make sure it went smoothly and I thank the Chief for having someone there. It's a shame when we have to send someone out to make sure no one is harassed. This could happen anywhere and we have to have a means to deal with an emergency situation immediately; I will send you all the pictures, you can't believe what was there. And they were burning some of the trash that was in the back yard. I'm asking that we direct the staff to look into something and I hope you all will support that.

Mr. Percival: What Mrs. Reynolds is referring to is once we tag a property, we have to wait 10 days before we can send a contractor out. In this case it was horrid and my guess is this is a landlord/tenant dispute. It was absolutely horrible but as Mrs. Reynolds said our hands are tied because we have to wait 10 days and give them the opportunity to alleviate the problem. In this case, they weren't going to do it and we were pretty sure they weren't going to do it but we did have to wait the 10 days. I'll work with staff to see if there is a way we can do it sooner but on the other hand, I'm not going to put these guys in a situation where they or the city is going to get sued. That's not a good alternative. Mrs. Reynolds: No, I'm not asking for that. Mr. Percival: we'll look at it and see what we can come up with. As you said, I'd like to thank staff and the contractor because they did a whale of a job getting it cleaned up.

Mr. Fullenkamp: What is the process for public burning? Every once in a while, I'll see smoke in the air and I'll drive by and see someone burning trash. When the police see that, do they report it to someone or do they talk to those people or does the fire department go talk to them? I don't know what the process is; do we intervene

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or just let it go. I won't say I see it often but occasionally I'll see public burning and I don't know if we have a procedure in place to take care of that. Mr. Percival: I'll have to see what our ordinance says.

Chief Carpenter: We have directions for recreational type fires. It is supposed to be seasoned, dry wood; 3' by 3' by 2' high; 25' from a structure; not in high winds; and if the smoke is offensive to any neighbor, we can order them to put the fire out. There are guidelines on the website and we carry them on our engines for distribution. We get complaints from citizens and police officers. Mr. Fullenkamp: So both fire and police can enforce this. Chief Carpenter: We can extinguish the fire so they would call us. Mr. Fullenkamp: Is there ever any enforcement. Chief Carpenter: Yes, we've extinguished fires. We've never had to impose a penalty.

Mrs. Lommatzsch: That's a good newsletter item; fire pits are real popular right now and you'll find it's coming out of a recreational event where they are sitting around a fire pit. How do you determine if it is a fire pit; is it a container or a hole in the ground.

Mrs. Lommatzsch: I have noticed Mrs. Reynolds that there is dumping on the street beside my house. It's very obvious that people just on the way to work drop their bag of trash out in the ditch. I would be interested in knowing how many people are not paying. When we had all that discussion I thought how the trash company's guy, as fast as he goes down the street, knows who has paid and who has not paid. I've already seen and retrieved bags from the street beside my house; it's a quiet street where they can just drop a bag. Can we get a report from the trash company? Mr. Percival: Emily and I met with them this week and they are supposed to have that report to us within the next 2 weeks.

Mayor Flaute: The only question I have from the City Manager's report is the \$82,000 that Councilman Fullenkamp alluded to on Wright Point I & II, the bid for Brumbaugh. Are you moving forward with that? Mr. Percival: We have not awarded that contract yet; part of that was the ED/GE grant and we have some other things we are working on with that.

ITEM 15: PUBLIC COMMENT ON AGENDA ITEMS: There were no public comments on agenda items.

ITEM 16: OLD BUSINESS

A. ORDINANCES

I) Ordinance No. 16-O-594 to approve employee position titles, number of positions and pay ranges and to repeal Ordinance No. 16-O-591, adopted February 18, 2016. (Second reading and consideration of adoption)

Mr. Percival introduced Ordinance No. 16-O-594 and noted it was the second reading and consideration of adoption.

A motion was made by Mrs. Reynolds to read Ordinance No. 16-O-594 for the second time by title only and approve its final adoption. Mrs. Lommatzsch seconded the motion.

The clerk read Ordinance No. 16-O-594 for the second time by title only and Mayor Flaute asked if there were any questions or comments.

Mr. Fullenkamp: I'm a little concerned that we are adding positions when we haven't addressed the budget problem we ran into at the end of last year, especially positions that are above the pay grade we talked about for administrative aids and an IT position demands a higher salary. I think we need to move slowly and consider what our budgetary reserve is. What is the outlook for tax receipts this year and whether we can support this? I know we are supporting the aid to the Economic Development department through profits from 5100 and 5200, but adding an IT person that is

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above the pay grade of the type of administrative aid that we had talked about originally – I'm seeing reasonably big numbers here and I'm not sure if these 4% raises and benefits packages are just a swag but again, I think we need to be careful. Mr. Percival: This is not to put any more on the budget than was already there; by the elimination of the one position and the elimination of the majority of the contact with CDO, this should be a wash or a savings to the city. Mr. Fullenkamp: I guess I haven't seen that spreadsheet. Mr. Percival: The spreadsheet that was asked for was the 5 year projected cost. Mr. Fullenkamp: In terms of this being a wash, I don't remember that. Mayor Flaute: It was in the last packet. Mr. Fullenkamp: That was using these numbers? Ms. Christian: The last time we talked about it, essentially those numbers. Mr. Fullenkamp: We figured \$104,000 for 5 years. Mr. Percival: That is the projected cost at the end of 5 years with all the benefits included and that is balanced with the Assistant to the Police Chief position. Ms. Christian: Her salary was right in that range but yes, to your point, there was a limit to the Administrative Assistant range that is different from the IT person's limit. Mr. Fullenkamp: I'm just suggesting move slowly; don't make a mistake and get the wrong person and don't overpay. There are a ton of these type people out there. Ms. Christian: I understand.

Mayor Flaute: the Economic Development Specialist is also a wash from not using the Colliers folks. Mr. Percival: I don't know if that will be a complete wash but there should be a balance there.

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

II) Ordinance No. 16-O-595 amending Chapter 1331 Exterior Property Maintenance Code, Section 1331.05. (Second reading and consideration of adoption)

Mr. Percival introduced Ordinance No. 16-O-595 and said Mr. Taylor gave you some background earlier this evening regarding any questions that came up at the first reading of this ordinance.

A motion was made by Mrs. Reynolds to read Ordinance No. 16-O-595 for the second time by title only and approve its final adoption. Mr. Denning seconded the motion.

The clerk read Ordinance No. 16-O-595 for the second time by title only and Mayor Flaute asked if there were any questions or comments.

Mrs. Reynolds: Mr. Taylor will you go over the dollar amounts again. Mr. Taylor: We proposed a \$125 abatement fee. Fairborn is at \$200; Huber Heights is \$250; Centerville is \$100; Kettering is \$85/first offense going up to \$110/second and future offenses; and Englewood is \$180 per man hour plus \$100 administrative which could be doubled for further offenses if they felt like it.

With no further discussion, all were in favor; none were opposed. **Motion carried.**

ITEM 16: NEW BUSINESS

A. ORDINANCES

I) Ordinance No. 16-O-596 authorizing the City Manager to enter into an agreement for electric generation supply with a competitive retail electric service provider and declaring an emergency. (First and second readings and consideration of adoption)

Mr. Percival introduced Ordinance No. 16-O-596 and said the reason why this is an emergency is we work through the MVCC for this and we have to be prepared by

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having this in place when they say they have a contract ready to go so we can join in. It can save the citizens 5% to 10%.

A motion was made by Deputy Mayor Smith to read Ordinance No. 16-O-596 for the first time in its entirety and approve its first reading. Mr. Denning seconded the motion.

The clerk read Ordinance No. 16-O-596 for the first time in its entirety and Mayor Flaute asked if there were any questions or discussion from members of council.

Mrs. Reynolds: Can someone explain how this works? Mayor Flaute: Well this has nothing to do with our residents. Mr. Percival: Right; what they do is competitively bid so we don't have to bid it individually and by bringing a group of municipalities together they can get better bids than we could get individually. MVCC has been doing this for 20 years that I know of and the communities usually save significant dollars by jointly bidding this electric supply and transmission. Mrs. Reynolds: Do you expect to see a savings. Mr. Percival: Compared to the DP&L retail rate, yes.

Mr. Denning: We are already part of MVCC so this just gives them the right to negotiate for us. If I remember correctly we joined MVCC to lower our rates and when we initially joined, it did lower our rates by a significant amount; \$1,000 or more.

Mr. Fullenkamp: Are these Wright Point buildings affected by this legislation? Mr. Percival: It should be, we can check to make sure it is.

Mrs. Reynolds: Is it based on ownership of city properties? Mr. Percival: When I was in Xenia, the water plant and sewer plant were both covered under this. Since they both used so much electricity, we were able to get an even lower rate. So I would say it is based on ownership.

Mr. Fullenkamp: Please check to make sure it works in our favor to bring these buildings under this umbrella. If it doesn't save us money, never mind. Mr. Denning: I know our other building was under it, all our parks, and any street lights we own. Mr. Fullenkamp: It seems like the demand for this building might push us into a higher savings rate. Mr. Percival: Except a lot of that is based on 24 hour demand and this would be a peak building. Mr. Fullenkamp: I understand it's a combination of both.

With no further discussion; all were in favor; none were opposed. **Motion carried.**

A motion was made by Mrs. Reynolds to suspend the rule dictating the number of days between consecutive readings of ordinances. Mr. Denning seconded the motion. All were in favor; none were opposed. **Motion carried.**

A motion was made by Mrs. Reynolds to read Ordinance No. 16-O-596 for the second time by title only and approve its final adoption. Mr. Denning seconded the motion.

The clerk read Ordinance No. 16-O-596 for the second time by title only and Mayor Flaute asked if there were any questions or comments.

Being none; all were in favor; none were opposed. **Motion carried.**

II) Ordinance No. 16-O-597 to make 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. (First and second readings and consideration of adoption)

Mr. Percival introduced Ordinance No. 16-O-597 and said we are requesting this as an emergency to make supplemental appropriations for the ODNR project at Eintracht.

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A motion was made by Mrs. Reynolds to read Ordinance No. 16-O-597 for the first time in its entirety and approve its first reading. Mr. Denning seconded the motion.

The clerk read Ordinance No. 16-O-597 for the first time in its entirety and Mayor Flaute asked if there were any questions or discussion from members of council.

Mr. Denning: This doesn't change the bottom line of the budget at all; this just moves money around in the appropriation to keep the State Auditor happy and we are going to get reimbursed. Mr. Garrett: Correct. We had budgeted and received the full grant amount; we are appropriating the remainder that was not committed on the purchase order from last year. We had excess on that purchase order, so we are going to free up that money and apply it to the construction phase of the project.

With no further discussion; all were in favor; none were opposed. **Motion carried.**

A motion was made by Mrs. Reynolds to suspend the rule dictating the number of days between consecutive readings of ordinances. Mr. Denning seconded the motion. All were in favor; none were opposed. **Motion carried.**

A motion was made by Mr. Denning to read Ordinance No. 16-O-597 for the second time by title only and approve its final adoption. Mrs. Reynolds seconded the motion.

The clerk read Ordinance No. 16-O-597 for the second time by title only and Mayor Flaute asked if there were any questions or comments.

Being none; all were in favor; none were opposed. **Motion carried.**

B. RESOLUTIONS

- I) **Resolution No. 16-R-2156 setting forth appointment of Harold Nielsen E. A. to the Board of Tax Appeals for a two year term beginning April 19, 2016 through April 18, 2018.**

Mr. Percival introduced Resolution No. 16-R-2156 appointing Harold Nielsen to the Board of Tax Appeals.

A motion was made by Mrs. Lommatzsch to approve Resolution No. 16-R-2156. Mr. Denning seconded the motion. All were in favor; none were opposed. **Motion carried.**

- II) **Resolution No. 16-R-2157 setting forth appointment of Chuck Evanhoe to the Board of Tax Appeals for a two year term beginning April 19, 2016 through April 18, 2018.**

Mr. Percival introduced Resolution No. 16-R-2157 appointing Chuck Evanhoe to the Board of Tax Appeals.

A motion was made by Mr. Denning to approve Resolution No. 16-R-2157. Deputy Mayor Smith seconded the motion. All were in favor; none were opposed. **Motion carried.**

- III) **Resolution No. 16-R-2158 by the Riverside City Council authorizing the assessment of delinquent charges for the cutting and removal of weeds, vegetation and/or grass to be placed of the Montgomery County Property tax duplicate.**

Mr. Percival introduced Resolution No. 16-R-2158 authorizing assessment of delinquent grass cutting charges.

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A motion was made by Mrs. Reynolds to approve Resolution No. 16-R-2158. Deputy Mayor Smith seconded the motion. All were in favor; none were opposed. **Motion carried.**

ITEM 18: PUBLIC COMMENT ON NON-AGENDA ITEMS: There were no public comments on non-agenda items.

ITEM 19: COUNCILMEMBER COMMENTS: Mr. Denning: The grass cutting brought something to mind; in some cities I've read where they allow non-profit groups or boy scouts or Lions Club or whatever to make the money we pay our contractor and cut that grass if they are available to do that. Since we are getting our money back, is there a way to do that. If the answer is it's a liability issue then I'm okay with that. Some even have it where if a neighbor does it and turns in their receipt and get a given dollar value for cutting a grass in a neighborhood. I don't know if we've ever looked into that or if we can look into that or if it's just a liability issue and we don't want to mess with it. Mr. Percival: One of the things I'm working on with staff is a mow-to-own program for vacant lots and lots that are not otherwise owned by a responsible individual. So if a neighbor or group or church would mow that lot for an extended period of time, then they would actually take title to that lot. The second thing is we have to bid the mowing and I would have to look at how we would work with service groups without bidding that project out. Mr. Denning: My thought on that is if the bid for the year is \$35 a property or whatever, we would offer the service groups or whoever \$25 a property if they did it. That was just the thought off the top of my head. Mr. Taylor: We can look into that; when I was in Dayton they were talking about these small grants you could give and there were several people that want to do something like that where they apply for these \$1,000 grants to go around and mow. I don't know what happened with that but the discussion was the liability insurance and stuff like that. I don't know what the outcome of that was. Mr. Denning: If it is an administrative nightmare or it just doesn't make sense, I'm good with that. I'm just trying to figure out a way for us to come up with this process so that if the city is paying this money out to a service organization or even a neighbor that wants to keep their neighborhood looking nice, I would just as soon do that as to give it to a contractor.

Deputy Mayor Smith: The issue I see with that is the dependability with the service group to cut the grass and the timeliness of getting out there to cut the grass. Will they wait 2 or 3 weeks or will they be right on top of it? That would be my concern.

Mr. Denning: I've thought about this some and my thought would be that we put a list up on the website and somebody says we are going to do this one. If it's on the list longer than 3 days and nobody is going to do it then it automatically goes to the contractor. I'm sure we could work through a process and there may not be any service groups that want to do it. Churches might want to; there are a lot of folks out there that are looking for funding and that was my thought process. I would much rather see it go to service organizations here in the city.

Mrs. Reynolds: Council, I received a letter postmarked March 30th that had originally been sent to the City Manager, Mr. Chodkowski, on September 3, 2015. I normally don't address anonymous letters but I think this is one you probably need to hear:

I am writing you to plead with you to help with the Valley Street plat neighborhood now being referred to as the Avondale Neighborhood. There is no sign welcoming you to Avondale. It is an embarrassment to the City of Dayton, the City of Riverside and the State of Ohio. Drug houses are on every street. Social Security Disability fraud and Welfare fraud are in a majority of households. Did you know that Avondale has been on a steady, rapid, and continuous decline since the 1970's? I have lost 5 relatives to drug overdoses in the last 10 years. I have a list of 325 youths that are living in drug houses, being raised by active criminals and drug addicts, they aren't going to school regularly, and are on drugs themselves. This is a crisis. The corrupt police officers who patrol this neighborhood are more about violence and avoidance than they are about developing community partnerships and relationships. Please help stop this tragic cycle. I plead with you to speak with the leadership to bring funding and assistance to this devastated community. How is it possible that the

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largest Air Force Base on the Eastern side of the United States is within our city? Every single friend I started kindergarten with is dead, in prison, on drugs, or an alcoholic. The State of Ohio, the City of Riverside, and the Mad River Local Schools have failed this neighborhood. I send this letter with the utmost respect and with the best intentions. Please help us. There are some decent people left in this neighborhood and we are being swallowed up by crime and drugs. I ask you how is it possible for someone to be on drugs, get social security, have an active criminal record, and still have custody of their children. I can provide you with a list of 47 children living in these circumstances. In 20 years, those 47 will be dead or repeating the cycle.

Sincerely, Anonymous Resident

Mrs. Reynolds: It's not an easy letter to get. Mayor Flaute: I understand their frustration; that is a very general letter and we need more specifics. Mrs. Reynolds: Hopefully they will do that. Mayor Flaute: They are saying some bad things about our employees and not giving us any specifics; I feel your frustration and hopefully by reading this we'll then get some specifics. Mrs. Reynolds: It truly is not frustration; it's a sadness that I think all of us feel. Any community that decays, it's sadness and we can't be frustrated, we just have to keep working.

Mr. Curp: It's been an interesting meeting. I've obviously offended one of my fellow council members by calling their baby ugly; that's unfortunate but it was ugly. To have an email made a public record, an email that I sent to council members regarding a proposed selection process for city manager; Madam Clerk I will be glad to send that to you and if it's possible that be made part of the public record whether it goes into the minutes or where it goes – that's fine. I'll send you what I sent out and that way you will have a copy that is unaltered by anybody; it will come from the originator. We were told that memo was meant to influence, well sure it was; that's why we come together as a group, to try to influence each other. Otherwise we would just come here, rubber stamp the agenda, and just go home; not have any discussion. Tonight there were comments made in an effort to influence us over hiring for an IT position; comments that were made trying to influence us over dealing with trash issues; so that's what we do. We do try to influence, that's what we were brought here to do.

Mr. Curp: Issues about this email being secret and not out in the open and perhaps a violation of the sunshine law; it's not a violation of the sunshine law. I'll tell you what's a violation of the sunshine law; when a group of 4 council members decide to have a prearranged meeting with the city manager, not this city manager, over a community issue and not only don't invite the rest of the council members but don't even inform them that the meeting is being planned. That's a violation of the sunshine law. The only thing that saved this city and those 4 individuals is that one individual decided not to attend the meeting. That de facto made it okay but the intent was not.

Mr. Curp: The discussion about how many of us have experience hiring CEOs or executive hiring, well just a month or so ago, several council members decided to take it upon themselves to have the engineering firms come in here and be screened by council after they had already been screened by professional staff who know how to screen engineering firms. I look at the make-up of this council and except for maybe one person, I wonder who has the expertise to screen engineering firms and why that's okay, but my comments about the hiring process for a city manager is not - I guess it's a question of whose ox is being gored. I was asked last year, dealing with an issue, if I knew how many ways there were to skin a cat. They really didn't want an answer because every time I went to respond I was interrupted and talked over; so it goes back to, I don't want to use the term double standard, but there, I just did.

Mr. Curp: I think we need to take a look at how we get along with each other because we are talking about wanting to hire a new city manager to come in here and provide leadership. You know those candidates read our meeting minutes and there are some candidates who would take a look at some of this stuff and say "I think I'm okay where I'm at, I don't need to go there and put up with this foolishness". There was a term used earlier, ham-fisted; I hope we get away from the name-calling, I hope we get away from this rancor, because we won't get good city manager applicants if this stuff continues to go on.

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Mrs. Lommatzsch: I have several things. Today I attended the evaluation meeting of the Better Business Bureau with the Cakery. They have been nominated for the Eclipse Award which is very prestigious. The 3 evaluators were there and the whole process was about 45 minutes. We need to hope Tom Kennedy and his organization will receive this award. We won't know that until a dinner on May 10th where the winner will be announced. When we see Tom or we're in the Cakery, we need to wish them Good Luck. The Mayor asked me about the Volunteer Dinner; I do appreciate all the people who have contacted me about the loss of my lifetime friend and it sort of put a stop-gap in my life, but we are working on the Volunteer Dinner. I am meeting with the Clerk and the Assistant City Manager to get things rolling a little faster. We do have a speaker for potentially the 26th of May, a Thursday night, a speaker from the base. We are kind of limited in what we can do for speakers and I think speakers do draw more people; we don't have funding to pay for speakers and finding a complimentary one isn't easy. I thank Emily for her efforts while I was not around. There was an MVRPC meeting this morning and I brought some interesting maps about open spaces to the city manager that some of you may be interested in seeing. It's within a 5 county area and the maps are interesting; I usually share that stuff with the City Manager and the Economic Development Department. I'm not an expert and they read those maps better than I do. One of the things that was brought up that I think goes along with the Motorcycle Recognition tonight, a concern that MVRPC has brought to the forefront is pedestrian casualties. We are leading the country in this area, pedestrian casualties, and they are asking cities and villages and whatever, and maybe in our summer newsletter we can address that. They have a piece already prepared asking people to be more aware of pedestrians and crosswalks. We are leading the country.

Mrs. Lommatzsch: I want to thank the City Manager for the family event tonight; in the past I was told we didn't do public swearing-in because it was an inconvenience to the families. I don't believe this was an inconvenience to the families or we wouldn't have had all those people here tonight. I think it speaks well to our new leadership and I thank the Chief for making that happen. I'm sure the Police Chief and the Service Department Director will do the same because everyone is important to make this team work.

Mrs. Lommatzsch: As all of you are probably very aware, I am probably the least technologically astute person on this council and I don't use electronic media very often but I can guarantee after what was expressed tonight by one of these council members, you will not see any more communication from me on an email. I think it is absolutely embarrassing that one of our council members would be put in public ridicule for an opinion. That's what I thought we did on email is share opinions and to publically ridicule a council member over his opinion is very, very wrong.

Mayor Flaute: I just have a couple things. I was on a panel of Mayors for the Greater Miami River Corridor and I got the opportunity to tell everybody about the great things happening at Eintracht and the participation we want to have on the river. They are really promoting the river now and the one thing I said was the City of Riverside is proud to be only city on the river that has the word river in its name. They appreciated that. I went to Montgomery County's Children First strategic planning session presentation. URS had a bowling tournament for their clientele; I attend that every year to help these folks bowl and it was a great time. I am on the County Health Department's Advisory Board; we had our annual meeting and we call additional meetings as needed. There was the EPA meeting at Stebbins; thank you all to the council members who attended and went out earlier in the day. I feel for everyone there and I want everyone to know that the State and your city is trying to make right what we have to deal with. I went to a Homeless Solutions Board Meeting; we were going over our activities and one of the things we have accomplished is we now have all the non-profits talking to each other. That was not done prior to the Homeless Solutions Board being formed. We had a 10 year plan and didn't quite get everything done we wanted in the 10 years but we are still working at that. I went to the Unsung Heroes Award; many of you are familiar with that because we've had some recipients on it. This year, there is a Reverend Bright/Reverend Puff Outstanding Religious Outreach Award which was given to Pastor Fritz Merkes, who is at The Community Church, for all the work he is doing with the elderly and the seniors. It was another

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proud moment for Riverside and for Pastor Fritz. I am supposed to ask council members if they are interested in attending the 10th Annual Montgomery County Law Enforcement Memorial Service which will be held on Friday, May 6th. It's a very emotional event which I've been attending probably the last 10 years and they always recognize our officer that was killed in the line of duty. If anyone wants to do that it is May 6th at Riverfront at 11:00. The Community Prayer Breakfast is coming up Saturday, April 9th at the Event Connection; we are getting close to being sold out but if you want to attend, you are welcome to do so. Lastly, I did 7 weddings in the last 2 weeks.

Mr. Denning: I would like to say, even though it's not in our jurisdiction, the guys doing the bridge are doing an awesome job. Everybody is seeing forward movement and whoever is coordinating that and putting that plan together is doing an awesome job. I know it's not ours but send them some kudos; our residents are probably impacted 10 times more than the Dayton residents even though it's a Dayton bridge and we've seen the emails about when they are going to shut down to one lane and all that and the information is getting to the schools. Are we putting that out on our website so folks know what is going on? I think it's important that people know what's going to happen when; even the guys I work with on the base are saying they're impressed with how well that's going. The only question I have is do we know how far ahead of schedule they are? Mr. Miller: I believe they are ahead of schedule quite a bit. It's Eagle Bridge; they did our Fairfax/Fairpark Bridge. Mr. Denning: They just seem to have their stuff together so if we can send them some sort of kudos and thanks you for how well they are doing it would be awesome. I think they are doing a great job.

Mrs. Lommatzsch: I know some people on council don't care about these kinds of things but we did spend a lot of money on the wave on the hill and we seem to be not giving it a whole lot of attention. I'm seeing a lot of weeds coming up through the brick and I would hope we would keep that maintained since we are not spending any more money to put any plantings or anything there. We need to at least keep the wave from not looking weedy, please. It was a lot of money spent on that grant and I hate to see it deteriorate.

ITEM 20: EXECUTIVE SESSION: A motion was made by Mrs. Reynolds to enter into executive session for the purposes of discussing personnel issues allowed by Section 103.01 (d) (1) of the codified ordinances. Mr. Denning seconded the motion.

Mr. Curp: First of all, I don't think this is a personnel matter; I don't think it qualifies for executive session. It may qualify as a quasi-legal matter but best I can recall from the yellow book, to go into executive session for a legal matter may require that you have the law director there as basis for going into executive session. Even if my recall fails on both of those two items, executive sessions are for things you are legally allowed to go behind closed doors and discuss; it doesn't mean that you have to. In light of what I've heard this issue is about and in light of the comments this evening about secretive stuff, I'd just suggest we talk about it out here in front of God and everybody and not have an executive session.

Mayor Flaute: Okay, there has been an opinion expressed.

Mrs. Lommatzsch: I don't know what it's about to begin with, so I can't even comment. Nobody has even informed me of why we are asking for an executive session. I don't know what the issue is. Deputy Mayor Smith: I'm there with you. Mrs. Lommatzsch: I don't know have any idea what we are going to talk about so I don't know if it's right or wrong. I don't know how these things happen; who's in charge.

Mr. Fullenkamp: How did executive session get on the agenda? Mrs. Brane: That was my mistake; I didn't remove it from the last agenda. I just kind of cut and paste and I'm sorry. Mr. Fullenkamp: Well let's talk about it out in public if we need to.

Mayor Flaute: First, do we have a motion. Mrs. Brane: We do. Mr. Denning: I'll withdraw. Mrs. Reynolds: That's fine.

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Mr. Fullenkamp: Tonight I found out our former city manager is being paid unemployment. It was the direction of council to our city attorney to challenge that. That didn't happen and I'm concerned about that. Mrs. Reynolds: It wasn't challenged? Mr. Fullenkamp: Staff? Mr. Percival: It is my understanding there was a challenge filed based on making sure the individual was only paid after his severance had expired. That was the challenge made by the law director to the unemployment board. Mr. Fullenkamp: It was my recollection we challenged him being paid unemployment since he resigned. Mr. Percival: I don't know; I wasn't here yet. Mr. Fullenkamp: So that's the topic.

Mayor Flaute: So if you could check with the law director and make sure our wishes were granted. Mr. Fullenkamp: And a rationale if there was no way; my understanding was we directed her to challenge him receiving any unemployment not just based on when his severance ran out. Mayor Flaute: Any of us could call and find out. Mr. Fullenkamp: I wasn't made aware that he was being paid until tonight; I had to ask the question. Mr. Percival: The thing I saw was something that came in that said by March 24th and I did have a discussion with the law director and I said we shouldn't pay anything we are not required to pay and that's where the discussion of the severance came in. I'm not aware of anything that council discussed before that. Mr. Fullenkamp: You wouldn't have been in that meeting. Mayor Flaute: So staff is going to check into that. Mrs. Lommatzsch: I wasn't in on that meeting either. Mr. Fullenkamp: It was with the law director.

Mrs. Reynolds: Maybe we should just have the law director come in and talk to us. Mr. Denning: Wednesday night before we have our other discussion if she is available because the sooner the better. Mrs. Reynolds: Mr. Manager if you have any paperwork that would have been sent to the city to sign off on, if we could have a copy of that at the meeting, it would probably be appropriate. Mr. Percival: I just remember seeing something that said by March 24th, if you are going to do something you have to do it. That's what I recall.

Mrs. Lommatzsch: Mr. Garrett any enlightenment on this discussion; you just wrote the check. Mr. Garrett: No, we haven't written any checks other than severance but we haven't paid anything for the unemployment.

Mr. Fullenkamp: My understanding is you have been billed for it. Mr. Garrett: We've been sent a statement that we just received today or yesterday.

Mrs. Reynolds: What period of time does that statement cover? Mr. Garrett: I don't remember the details. Mr. Reynolds: Make sure we have a copy of all that too. We need to know what we are looking at because that's another budget item.

Mr. Percival: I will say I have no idea what this particular unemployment issue is but it has been my experience that rarely do you win a challenge to unemployment; in my 30 years we never won a challenge to unemployment. Mr. Fullenkamp: Even on resignations? Mr. Percival: Even on resignations. Terminations for cause, we've still been required to pay unemployment. Don't know why, but that's the way the system works.

Mrs. Reynolds: That would prevent a city from challenging? Mr. Percival: It's wouldn't prevent you but long-run, it has been my experience over 30 years, we have never won a challenge to an unemployment case.

ITEM 21: ADJOURNMENT: A motion was made by Mr. Curp to adjourn. Mr. Denning seconded the motion. All were in favor; none were opposed. The meeting was adjourned at 8:53 p.m.

William R. Flaute, Mayor

Clerk of Council