

Thursday, July 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, absent; Mrs. Lommatzsch, absent; Mrs. Reynolds, present; Deputy Mayor Smith, present; and Mayor Flaute, present.

Staff present was as follows: Jim Percival, Interim City Manager; Chris Lohr; Interim Assistant City Manager; Tom Garrett, Finance Department; Mitch Miller, Service Department; Frank Robinson, Police Department; Mark Carpenter, Fire Department; Dalma Grandjean, Law Director and Brenna Arnold, Clerk of Council.

**ITEM 3: EXCUSE ABSENT MEMBERS:** A motion was made by Mrs. Reynolds to excuse absent members Mr. Fullenkamp and Mrs. Lommatzsch. Mr. Curp seconded the motion. All were in favor; none were opposed. **Motion carried.**

Mayor Flaute: Has anyone heard from Mr. Fullenkamp at all? Mrs. Reynolds: I think Mr. Fullenkamp is out of town at a funeral.

**ITEM 4: ADDITIONS OR CORRECTIONS TO AGENDA:** The agenda was revised prior to the start of the meeting.

**ITEM 5: APPROVAL OF AGENDA:** A motion was made by Mrs. Reynolds to accept the agenda as revised. Mr. Denning seconded the motion. There was no discussion on the motion. All were in favor; none were opposed. **Motion carried.**

**ITEM 6: WORK SESSION ITEMS:**

A) Tim Schneider for reappointment to Health & Safety Commission.

Mr. Schneider: This past year we had two bike rodeos and I thank Mrs. Reynolds, Mrs. Lommatzsch and various others for being there. We fit about 130-140 kids with bicycle helmets, which was a great outreach to our citizens for their safety. They also were given gun locks which are also used as bike locks. We gave them blinkers, all kinds of stickers and had a fantastic turn out. I also want to commend and thank the Fire Department and Police Department for their part in it as well. We couldn't have done it without them; great efforts by everybody. We really appreciate everyone's attention to this important project. This past year we also held a number, 3 or 4, Identakids. It's a project where we give them a child ID. We take their picture, we do a thumbprint. Also the City Manager and his staff assisted us as well; I think we did anywhere between 300-400 child IDs, so another great project in the city for Health and Safety outreach. I look forward to doing more in the near future.

Mayor Flaute: I know this past weekend Health and Safety worked on passing out flyers. Mr. Denning: I want to thank Ms. Johnson and all of the other volunteers. It was very short notice, but I also want to thank all the staff that was involved in getting this together on the signs of what a drug house is and also where folks can get help. We had 7 or 8 volunteers on Saturday go out and we hit mostly in the Valley plat area, but we have folks that are taking stacks and hitting other parts of the city. The goal is to get the whole city covered with these flyers. If anyone would like to volunteer or take an area and pass out the flyers, we are passing them out to every home and residence so that people know what to look for and there is a TIPS phone number on there so they can call and give information. I'm hoping that's anonymous if they want to be, so that information can be reported to police. That's what we are trying to do is take a step towards taking back our city from drugs. Mayor Flaute: We appreciate your support on that and we are encouraged that you want to continue to be on the Health and Safety Commission. Mr. Schneider: Thank you.

Mrs. Reynolds: Mr. Schneider, thank you. You know how much I love you committee and the good work that you all do and I appreciate it so much. Those kids are safe and it's because of you and I appreciate that. Mr. Denning: I do understand the police department are pulling children over that have their helmets on and giving

Thursday, July 7, 2016

them certificates for free Dairy Queen ice cream cones. It's a carrot on a stick or in this case an ice cream cone instead of a ticket for not wearing one. I think that's very positive thing. Mr. Schneider: I heard about that, but I didn't know if it was actually occurring. Mr. Denning: My understanding is that Sgt. Colon started that and I think it is going very well. Mr. Schneider: I want to also thank our grill master at the last bike rodeo. Mayor Flaute: I always want to tell the story of a little kid that brought her helmet back, it had a crack and she asked for a new one. It saved a life; possibly saved a head injury. That's what it's all about. We appreciate your work. Is there a motion to bring forth legislation?

A motion was made by Mr. Denning to bring forth legislation to reappoint Mr. Schneider to the Health and Safety Commission. Mrs. Reynolds seconded the motion. All were in favor; none were opposed. **Motion carried.**

B) Report on Expiring Commission Terms.

Ms. Arnold: We have several vacancies and I still have a couple of folks that I have not heard back from. It has been a few weeks; I have tried to reach them via phone and email and have not received a response either way from those folks. Unfortunately it looks like we are going to have 3-4 vacancies for Parks and Rec. That is including Ms. Federle, if that Resolution is passed that would be including her and we would still have possibly 4 vacancies. The Personnel Appeals Board as has 1 vacancy. For Health and Safety, I am waiting to hear back from one and we are losing another member so 1-2 vacancies there. I am working with Elayna to get something together to get it posted on the website. We were also having an issue with the application on the website. It wasn't actually submitting the app and it didn't give you an error. You thought you sent your app and it went through, but nothing happened and you wouldn't get an error to notify you either. We have taken the app down, at least that mechanism that we used. Now there is a pdf version that can either be filled out and emailed to me, they can email their contact information to me or they can come into the office and we will get them an app. We will do what we can to get these filled as soon as possible. Hopefully I will hear back from the 2 folks that I am waiting on.

Mr. Denning: One piece of information that might be helpful is the attendance for the folks that you haven't heard from. If their attendance is down and they aren't going to meetings, that might tell you. Mayor Flaute: If you know anyone or if you yourself would like to serve on one of our commissions, we would welcome you and we have the vacancies up here so just see the Clerk. She will make sure to get you an application and hopefully we will get that fixed here shortly so you can just go online and get that in. Our commissions are very valuable to us. You heard all of the stuff that Health and Safety is doing and the rest are doing the same or close to it. It's only one meeting a month and every once in a while you will be asked to partake in some sort of activity. We hope that you all consider doing that.

C) Executive Session for the items that are listed on the Agenda.

A motion was made by Mr. Denning to enter into executive session for the purpose interviewing applicants for the position of City Manager as allowed by 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 City employee or official.* Deputy Mayor Smith seconded the motion. A roll call vote was as follows: Mr. Denning, yes; Deputy Mayor Smith, yes; Mr. Curp, yes; Mrs. Reynolds, yes and Mayor Flaute, yes. The council entered into executive session at 6:12 p.m.

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

**ITEM 8: RECONVENE:** The meeting was reconvened at 7:16 p.m.

**ITEM 9: PLEDGE OF ALLEGIANCE:** Sgt. Close led the pledge of allegiance.

Thursday, July 7, 2016

**ITEM 10: MINUTES: Consider approval of the minutes of the June 16, 2016 regular council meeting and June 22, 2016, June 28, 2016 and July 5, 2016 special council meetings.** A motion was made by Mr. Denning to approve the minutes as written. Mrs. Reynolds seconded the motion. There was no discussion on the motion. All were in favor for the June 16, 2016 regular council meeting and the June 22, 2016 and July 5, 2016 special council meetings; none were opposed. Four were in favor; one abstained – Mrs. Reynolds, who was absent from the June 28, 2016 special meeting. **Motion carried.**

**ITEM 11: PRESENTATIONS**

A) Police Major Promotion

Chief Robinson: Sgt. Close began his career with the Riverside Police Department in 2006. He has served as a Road Patrol Officer, Road Patrol Sergeant, Narcotics Detective, Task Force Officer and Detective Sergeant. He has also been actively involved in successful drug investigations as both a Riverside Police Officer and during his time as a Task Officer. He possesses a Bachelor's of Science in Public Safety Management from Franklin University and he is a graduate of Northwestern Staff & Command and S.T.E.P. I'm want to read all of these letters because no one will know what it is anyway, but he was in the Drug Commanders Course. In addition to these staff schools, Sgt. Close has attended a multitude of courses focused on furthering his law enforcement skill set. He didn't write down here, that he's also been in charge of our labs. Everything time we have something involving a meth lab, he has to put on what we call a zoot suit and go out there to take care of it. Without further ado, it is my honor that effective July 11, 2016 I promote Sergeant Rhett Close to Major.

Major Close: Thank you for everybody that has come tonight. I'm honored to have started my law enforcement career here in Riverside and served with the fine men and women of the Riverside Police Department. I'd like to thank those who have given me the guidance to be standing where I am right now. I would like to also thank those who are in the audience who came to support me, a lot of the reason I am here is because of individuals that have supported me throughout my career. I greatly appreciate that. I don't take this responsibility of this position lightly. My role is obviously increasing so is the responsibility and I will work tirelessly to make sure that I serve the members of the Police Department and the community to the best of my ability. Thank you, Chief Robinson, City Council and Mayor for your faith in me in this position. I look forward to my new role within the city. Thank you.

B) Recognition of Volunteer Firefighter, Austin Troya

Chief Carpenter: Austin sent me a note about making a gesture to the City of Riverside and I thought it was really special, so I wanted to bring Austin here to introduce you to him and give him the opportunity to let all of you know what his intentions are. Austin was born in San Diego, CA; he is a fifth generation San Diegan. He joined the Navy ROTC in high school and he earned an Air Force ROTC scholarship. He graduated from high school in 2009, attended Embry-Riddle Aeronautical University in Prescott, AZ pursuing an Electrical Engineering degree and graduated in 2013. He attended OTS and received a commission. He was stationed at Wright-Patt Air Force Base in 2013 working as a Radar Engineer and is currently working on the KC-46 Aircrew Training System Simulator. He is planning on attending AFIT this fall to pursue his Master's and he will be leaving Wright-Patt sometime in the summer of 2018. Austin has had a family tie to the fire service. He had two uncles retire from the fire service and one cousin who has recently accepted a position with San Diego Fire. He has always had an interest himself of being in the fire service and while he was here at Wright-Patt, he took the EMT class at Sinclair just on a whim. He started riding along with us so he could complete his clinicals, he then applied as a volunteer. He also has other talents; he recently acted as the Master of Ceremonies for the grand opening of the fourth hangar at the Air Force Museum.

Thursday, July 7, 2016

Mr. Troya: As Chief mentioned, I have a family history with fire service and I was drawn to the EMT course at Sinclair and I took that last spring. Given my full time job with the Air Force, I haven't been able to pursue a fire or paramedic course but I have enjoyed being able to volunteer with Riverside. The folks at the department have been very helpful in getting me up to speed and teaching me as I have worked there for about a year now. I am a volunteer and we do get paid by call, but with my full time job in the Air Force I'm not necessarily hurting for money. As a government employee I know that everyone is suffering fiscally, so I would like to donate my volunteer earnings back to the department and purchase some things for the station that folks can use.

Mayor Flaute: Thank you for volunteering. We definitely need more of you and we appreciate your service to Riverside. Hopefully someday you will become a resident of our great city. Thank you for your work. Mrs. Reynolds: Austin that was very kind, thank you very much. Mayor Flaute: The good people of Riverside. We appreciate all of our employees and we are so pleased to be able to see some of our good employees be recognized.

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

**ITEM 13: CITY MANAGER'S REPORT:**

- (1) FYI Items
  - a. Council Request Sheets.
  - b. Council Agenda Calendar.
  - c. City Manager's Project and Activities Report.
- (2) Monthly Verbal Reports
  - a. Finance Department
  - b. Economic Development Department
  - c. Administration Department

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

Mr. Garrett: Just a few highlights tonight. We made it to the middle of the year. I have now closed the June financial statements and they are posted on the website. We just got them closed today, so I know they haven't been looked over too much yet. We have been saying for the last couple of months that income tax has been doing pretty well. Last month puts us about \$430,000 above where we thought we would be at the beginning of the year for a total of just over \$3 million dollars of income tax. Also June is the settle up month for RITA, so we did get a refund check from RITA. As you know each distribution that we get from RITA has an administrative handling fee that they just estimate and in the month of June they calculate and come up with the correct amount of administrative fee. We got a check for \$39,330 and that brings the administrative fee down to under 2.3% for the services that RITA provides to us.

Also in June, the Brantwood TIF development was able to refund us the overpayment that we inadvertently made. We did manage to get that over to the schools so they could fold that into their fiscal year, which ended at the end of June. A final note, the auditors are back. They came in the early part of this week. They haven't talked to me too much yet, but they are getting back into the game and will probably be here for a few weeks reviewing things. The State Auditor has told us for the next 4 years, we are going to go through a contracted independent auditing firm rather than actual

Thursday, July 7, 2016

State Auditor people and they will be here as representatives of the Auditor for the next couple of years. For all practical purposes it is the same thing for us. Deputy Mayor Smith: Is the cost less for the contractor than it is for the State? Mayor Flaute: Probably for the State.

Mrs. Reynolds: Mr. Garrett, may I have the open order list for the month of June? Mr. Garrett: Okay. I did prepare one, but I didn't bring it. Mayor Flaute: So we will get an income tax score sheet next time. Mr. Garrett: I just did one for the June receipts. You may have not seen that yet.

Mr. Percival turned the floor over to Mr. Murray for the monthly Economic Development Department Report.

Mr. Murray: The first one is the car wash on Linden Avenue and again there are no prospects there because the deal did just fall through on that. One of the things I think is the problem is the utility pole that is right in the middle of the property. We have a cost that it can be removed for \$25,000. That might be something we look at later just to help that property along; maybe a lien on the property or some way to work that out to increase the attractiveness on that. I think that is one of the last ones on Linden that would need to be fixed up. Next is Smiley's, I'm meeting with the developer tomorrow that is looking at that property. This guy is new to the area and comes well recommended and is well financed for a change. This would be market rate something and I will let you know about that more tomorrow. The MTC Building is still for sale. They have not yet contracted with a realtor. I have fielded 2 calls on that, both were schools and they are concerns. We will see if we can work a deal on that later. Riverside Bar & Grill is still on track and are about a month away from opening. Flight Line is on track as well and they should be opening in August. The bad news on the sheet is Aldi's is going away, they are moving out of Airway Center. Mr. Henthorn has two prospects right behind that, however neither of them is a grocery store so we would be losing Aldi's to Airway as some of you have brought up to me before. The only news on Wright Point, Array we talked about earlier today and Price Systems has signed a letter of intent to continue renewing their space and I will bring that for you next council meeting. I'm still working with two prospects and two renewals, getting quotes on window replacement as well as redoing the driveways and restriping those. I think those are the major outstanding issue with Center right now and that will be done by the end of the year. The defense grant is done, of course. The patriotic banners are up, as noted there. Next council meeting, I would like to talk about the Eintracht project; just give everyone a review of where we are, what it means and what some of the agreements are, just a general walk through of that project and where we are at. Mayor Flaute: I heard a rumor that Cassano's is interested in moving in on Airway Road. Have you heard anything about that? Mr. Murray: I have not.

Mrs. Reynolds: Mr. Murray, speaking about the Eintracht, the discussion is going to center around what and is it possible that we may have our meeting over there that night? I would like to be able to look at those facilities again and see exactly what we are talking about in real time. Mr. Murray: That might be able to be arranged. I will have to talk to some people to see how far along the construction is. What I was planning on doing is a review of the documents, what we were doing and looking for some standard operating procedures on how we deal with that unique property that we have here in the City. That might be an opportunity. We will find out and get back to you ASAP. That's a great idea. Mrs. Reynolds: I think that would be a good opportunity because there has been a lot of activity over there and I would like to see where we are at. You can talk about it, but until we can see it and know. Mr. Murray: You want to walk that sidewalk. That's a good idea. Mayor Flaute: We will have a grand opening party sometime? Mr. Murray: I don't know that has been scheduled yet, but it is coming up for sure because we are very close. I think we put in for 90% of the draws. Mr. Percival: The only thing we are waiting on is the signage. The ODNR has not been delivered yet.

Mrs. Reynolds: I do appreciate and I don't know which department is responsible, but the turn lane into the building striping looks very nice. Mr. Percival: Everyone worked together on that. Mrs. Reynolds: It makes a very big difference out there, so I think

Thursday, July 7, 2016

that's very pleasant. Mayor Flaute: Talking about signage, are we doing any signage to this building? How is that coming along? Mr. Murray: It is in Brock's budget and he is trying to get me a number on that. I've got the emails, so we are just waiting to see how much is available and then we will augment that with what else is out there. It's on the list. Mayor Flaute: We've been here long enough. We see a car out there. Mr. Murray: I do that on purpose. Mayor Flaute: I thought maybe you did, but I was thinking we need a real sign out there. Deputy Mayor Smith: In reference to the signage, have we looked into a red neon light to go across the border of the top of the building? Mr. Murray: I haven't followed up on that too much. I had priced it out at one time last year around Christmas and it was expensive. I tried to keep away from that, but there is money there. To spend it on that might be a possibility and I will get new quotes to bring forward. It would really light the place up for sure. Deputy Mayor Smith: Or maybe something in the ground that shines up, one of those two. I like the blue across the top because I think that would set it off. Mr. Murray: Air Force blue. Mayor Flaute: Riverside blue.

Mr. Percival pushed back the Planning and Program Management Report to the July 21, 2016 council meeting due to Brock Taylor's absence.

Mr. Percival: Chris and I have been working on a lot of different projects along with the Director of Development interviewing candidates for the Assistant Director of Development position. We have been working on several other items. I know that the Personnel Manual, Chris submitted that to Dalma to get some updates and some questions answered about that. This past week, I met with a group of folks from Planters Avenue and that neighborhood with the folks from the Dayton Mediation Service. There were 3 things that came out of it that we are working on. One of the questions revolves around the non-conforming use letters that were sent out by the former City Manager and the information revolving around those has been submitted to Dalma for her to make a determination. The salvage yard or junk yard that's there close to that, there were questions regarding zoning of that piece of property. Chris and I are working on that. One of the issues down there is that the property lines are unique and I would hate to see if a surveyor came. I think they would pull their hair out in a heartbeat, but we are working on that zoning. The third question that came out of that meeting revolved around the paving of the lot for the trucking company and there appears to be some emails that went back and forth within the past. We are reviewing that to see if there was a commitment made by the trucking company to pave their lot and if there was, what can we do to follow-up on that? Those were the 3 things that came out of that and were in an email that I got from the mediation folks who were following up.

Mr. Percival turned the floor over to Mr. Lohr for the monthly Administrative Department Report.

Mr. Lohr: I'd like to acknowledge some work anniversaries for July. We have Jay Keaton, 27 years; Kevin Miller, 23 years; Travis McCool, part-time firefighter, 3 years; Bernie Gonzalez, part-time firefighter, 3 years; Nicholas Page, 2 years; Austin Troya and Kyle Arrowood have both been 1 year as a volunteer firefighter. We thank them for their contributions to the community and the city government. We also are accepting applications for firefighter/paramedics. We posted those in a number of different places earlier in the week and we are already starting to get some inquiries, which is a good sign. We will have those open through the end of the month and we are hoping to get a good group of guys to fill an open position that we have in the Fire Department.

I would like to ask Council and the community for help. On our Facebook page, I would like to do something called Throwback Thursdays and use it as an opportunity to highlight some of the history of the community. For that I need pictures of previous council people or current council people in their younger form or buildings in an earlier date; things along those lines. I have already spoken with Chief Carpenter and Anne. They are going to help me get some older pictures from the Fire Department, which I think will be interesting and I will be touching base with the Senior Center to see if we can get some good pictures for that. I would at least run

Thursday, July 7, 2016

that for a number of weeks; I think that will be good to revisit some of our history and put that on display.

Mayor Flaute: The place that will have pictures would be the Historical Society. Judy Horn, their president, is out there and she can give you many pictures. They have lots of pictures that they would love to share with you. Ms. Horn: Even a baby picture of the Mayor. Mayor Flaute: So they have lots of pictures for you. I think that is a great idea and they have enough pictures to at least last you for a year or so. Mr. Lohr: I will certainly take advantage of that. Mayor Flaute: Any other council members who want to send some pictures that would be very helpful. Mrs. Reynolds: Mr. Lohr, I will just say be careful what you ask for because you are going to get a lot! One more question, looking at longevity plans for employees that are not under the bargaining agreements. Do we have longevity plans or bonus payments for longevity? Mr. Lohr: No, we do not.

Mayor Flaute: Are there any other questions from the Manager's Report? Mrs. Reynolds: Mr. City Manager, thank you very much. This will be your last meeting with us and we are very grateful. I think I can speak on behalf of Council, thank you very much for your service. We have appreciated you being with us and you are welcome back at any time to come visit and go out to dinner with us one night. We would enjoy that very much. I appreciate everything that you have done. Mr. Percival: It's been a real pleasure for me to be here and I thank you for the opportunity to serve the community. I think I have told you all individually or collectively, it truly has been a pleasure and I believe that the potential in this community is great. There are so many positive things that I see coming in the future, it's just a matter of taking advantage of the opportunities that are going to be presented. I just really appreciate you giving me the opportunity to serve. Thank you.

Mayor Flaute: As far as the renovation goes for the other building, there was a concern about bulletproof glass where the folks come into the entranceway. Are we going to be doing that or are we changing that? Mr. Percival: I think that's under evaluation as far as the renovation. I will tell you that bulletproof glass is extremely expensive, so whether you put it in or don't put it in will be taken into conjunction with the overall cost. It will add significant cost to your project if you do add bulletproof glass, but that will have to be evaluated with everything else. Mayor Flaute: If there is some way to make that a little safer, it might make sense since we are over there doing that.

I was looking at the kickoff meeting. Miller-Valentine St. Mary's Development has been awarded a federal housing tax credits. The kickoff meeting will take place the week of July 11<sup>th</sup>. Will you let us know when that is? Mr. Percival: I don't think anyone has heard about the date of that. Mr. Lohr: We have a meeting scheduled with the developer just to go over permitting requirements. It's not like a ribbon cutting kickoff, it's just to get us on the same page in terms of what the regulations would be for getting that put into place. Mr. Percival: You are talking about the groundbreaking. Mayor Flaute: I hope we have something like that. Mr. Lohr: We will, but we are not at that point yet. Mayor Flaute: Ok because in the report you called it a kickoff meeting, so I wasn't sure. We will get something going on that. Mr. Lohr: We will keep you in the loop on that. Mrs. Reynolds: Mr. Lohr, will you share with Council all of the information you give to the developers so we will know and be on the same page? Mr. Lohr: Yes, we can give you a summary of that.

Mayor Flaute: One last thing, this evening I was informed that the Bark Park grand opening needs to happen very, very soon. Mr. Percival: I spoke to Mary Kay Tuesday and expressed that same thing to her. I said just give us a date and time and we will make sure that everybody is there, but I have yet to get a date and time. I'm running into the same impression that it needed to happen and somebody that is in close contact with Mr. Browne just needs to say everybody needs to be here at 2:00 and we will make it happen.

There were no further comments.

Thursday, July 7, 2016

**ITEM 14: PUBLIC COMMENT ON AGENDA ITEMS:** There were no public comments on agenda items.

**ITEM 15: NEW BUSINESS**

**A. RESOLUTIONS**

- I) **Resolution No. 16-R-2175 recognizing the Air Force Association's Silent Auction Charity Event with a donation in the amount of \$\_\_\_\_\_ as a function that promotes the public health, general welfare, and contentment of the citizens of the City of Riverside.**

Mr. Percival: I do have one question; mine has a blank in the dollar amount. Does Council want to give me a number to read or do you want me to read it blank? Mrs. Reynolds: We normally determine what it is going to be.

Mr. Percival introduced Resolution No. 16-R-2175 recognizing the Air Force Association's Silent Auction Charity Event with a donation.

Mr. Denning: I suggest we fill that blank with \$250.00 and pass the Resolution.

A motion was made by Mrs. Reynolds to approve Resolution No. 16-R-2175. Deputy Mayor Smith seconded the motion. There was no further discussion on the motion. All were in favor; none were opposed. **Motion carried.**

- II) **Resolution No. 16-R-2176 appointing the Clerk of Council as the Riverside City Council's representative for Ohio Public Records Training.**

Mr. Percival introduced Resolution No. 16-R-2176 appointing the Clerk as the Ohio Public Records Training representative.

A motion was made by Mr. Denning to approve Resolution No. 16-R-2176. Mrs. Reynolds seconded the motion. There was no discussion on the motion. All were in favor; none were opposed. **Motion carried.**

- III) **Resolution No. 16-R-2177 setting forth appointment of Merrily Federle to the Parks and Recreation Commission for the remainder of the term ending August 2, 2018.**

Mr. Percival introduced Resolution No. 16-R-2177 appointing Merrily Federle to the Parks and Recreation Commission.

A motion was made by Mrs. Reynolds to approve Resolution No. 16-R-2177. Mr. Denning seconded the motion. There was no discussion on the motion. All were in favor; none were opposed. **Motion carried.**

- IV) **Resolution No. 16-R-2178 setting forth appointment of Tim Schneider to the Health and Safety Commission for a three year term beginning August 3, 2016 through August 2, 2019.**

Mr. Percival introduced Resolution No. 16-R-2178 appointing Tim Schneider to the Health and Safety Commission.

A motion was made by Mrs. Reynolds to approve Resolution No. 16-R-2178. Deputy Mayor Smith seconded the motion. There was no discussion on the motion. All were in favor; none were opposed. **Motion carried.**

Thursday, July 7, 2016

**V) Resolution No. 16-R-2179 authorizing the City Manager to enter into a Service Agreement with the Law Offices of the Montgomery County Public Defender to provide legal counsel to indigent person charged with violations of Municipal Ordinances for the year 2016, under certain terms and conditions.**

Mr. Percival: About this one, I do want to thank the Clerk because she caught the fact that this had already been signed off on and sent back to the Public Defender's Office very early in the year. It was signed off on before I even got here, but it was never approved by Council. Thanks to Brenna for catching the fact that it needed to be done.

Mr. Percival introduced Resolution No. 16-R-2179 authorizing the City Manager to enter into an agreement with the Law Offices of the Montgomery County Public Defender.

A motion was made by Mrs. Reynolds to approve Resolution No. 16-R-2179. Mr. Denning seconded the motion. There was no discussion on the motion. All were in favor; none were opposed. **Motion carried.**

**VI) Resolution No. 16-R-2180 authorizing the City Manager to enter into a lease agreement with Array Information Technologies, Inc.**

Mr. Percival introduced Resolution No. 16-R-2180 authorizing the City Manager to enter into a lease agreement with Array Information Technologies, Inc.

A motion was made by Mr. Denning to approve Resolution No. 16-R-2180. Deputy Mayor Smith seconded the motion. There was no discussion on the motion. All were in favor; none were opposed. **Motion carried.**

**VII) Resolution No. 16-R-2181 appointing Interim City Manager.**

Mr. Percival introduced Resolution No. 16-R-2181 appointing the Interim City Manager.

A motion was made by Mrs. Reynolds to approve Resolution No. 16-R-2181. Mr. Denning seconded the motion. All were in favor; none were opposed. **Motion carried.**

Mayor Flaute: Just so everyone knows the new Interim City Manager will be Mr. Mark Carpenter. Chief Mark Carpenter will now be Interim City Manager Mark Carpenter. We thank you Chief for doing that and for stepping up. Mr. Percival: I would like to say that I am absolutely, 100% positive that Mark is going to do a fantastic job. There is no doubt in my mind and I'm proud to have worked with him. I'm proud to have worked with the whole staff and I do wish everyone here only the best.

**ITEM 16: PUBLIC COMMENT ON NON-AGENDA ITEMS:**

Sherry Pope of Corinth Boulevard requested to speak before Council regarding her son who was hit by a driver.

Ms. Pope: This is in regards to an incident on May 12<sup>th</sup>. My son was struck by a vehicle by a Timothy Shepherd at Valley and Harshman. He suffered a broken femur, which required a rod and 5 screws to repair, and a concussion to the back of the head. My son received a summons to go to Court on June 9<sup>th</sup> to testify on behalf of the City of Riverside. We appeared in Court, the Prosecutor spoke to us and spoke with the driver. The driver requested a trial. The Prosecutor called us back in an office and stated he called officers that were there at the scene and filed the report. He asked them to bring the videotape and come to the Court so we could

Thursday, July 7, 2016

have a trial. Two hours go by; the Prosecutor approached me and said that the officers could not come because they were on calls. All charges were dropped against this man who hit my son all because these officers could not show up. How can somebody get off for hitting a child? I want an explanation. All charges were dropped and he can't be prosecuted. My son has got to suffer now for the rest of his life. He is 17 years old. Somebody explain this to me.

Mayor Flaute: Thank you Ms. Pope. We will have someone contact you. We have your phone number here and we will have someone contact you with that information probably tomorrow. We will make sure we get a good explanation for what happened. Mr. Percival: I was wondering about this Court process. I don't know the Montgomery County Court processes, so that's what I was asking the Clerk. We will just have to have somebody investigate the Court process. Ms. Pope: That's what I was told; there was a 30 day where they have to have this trial and the accident happened on May 12<sup>th</sup> and this was on June 9<sup>th</sup>, so they could not reschedule because of the one law that states a speedy trial. That's why it could not be rescheduled and he could not be retried at a later date. They could not reschedule it according to the Judge.

Mrs. Reynolds: Mr. City Manager, what's the procedure in house when an officer has to go to Court? Mr. Percival: They are usually scheduled. The Prosecutor will call two weeks in advance and schedule it so they have an officer there. Usually there is a pretrial and a whole lot of other things that go along before that trial would even be scheduled. Again, I don't know Montgomery County's procedures, but anytime there is going to be a trial you will have a pretrial. Anytime officers need to be there, the Prosecutor will give them at least a week. Ms. Arnold: They would have to be subpoenaed. Mr. Percival: Yes, they would have to be subpoenaed by the Prosecutor to show up. There are things that I don't understand and someone is going to have to do some investigative work to find out exactly what this is about. Mrs. Reynolds: Will you find out if the driver was cited? Ms. Pope: He was cited. That's the reason he was there for Court. I have the report right here, but he was cited. I don't have the citation, but everything was dropped. Mayor Flaute: Alright, someone will be getting back to you tomorrow with any information they can get.

Debbie Hobbs of Chesterfield Circle requested to speak before Council regarding chickens.

Ms. Hobbs: I wanted to talk to you about chickens for Riverside. I have prepared a proposal that each of you have in front of you that I will reference. I just have a quick statement that I want to read about it first. I am proposing an amendment to be made to Riverside's zoning to allow for backyard chickens. If you turn to page 2 of my proposal, you can see a picture of what I'm not talking about and what nobody wants. I am also not talking about chickens running free through the neighborhoods. On the next page there are two examples of chicken coops that would be more suitable for backyard chickens. I contacted the people in zoning quite a while ago asking why chickens are not allowed and when I say chickens I mean hens not roosters. I was told it was because of noise, smell and disease. I have covered each of these matters in the myths vs. facts section of my proposal.

One of the best amendments to zoning that I have seen happened in our very own state. Franklin County researched keeping backyard chickens, ducks and rabbits for sustainability. They have done a tremendous amount of research on this matter. They amended and put into practice new zoning laws in a 6 month timeframe that allowed for chickens, rabbits and ducks to be kept in an urban setting through the county. I encourage you to visit their website, which I provided to you, or even call them with your questions. I have included in my packet with Franklin County's permission a copy of their amended Ordinance and permit application. Not only do their zoning requirements take into account the desire of residents to keep these animals, but also the safety of the animals while maintaining courtesy to immediate neighbors and neighborhoods. The Ordinance that was put forth in Franklin County also encompasses more regulation and oversight than maintaining dogs or cats and when was the last time you heard of a chicken escaping its owners and biting someone? This issue has become important in today's society with knowing where

Thursday, July 7, 2016

our food comes from and having a greener community. Because of preconceived notions and ideas, this endeavor will take a fresh set of eyes and forethought. Riverside has the opportunity to be a trailblazer for the Miami Valley in sustainability. I am happy to assist in any way that I can to see this important change take place. If you have any questions, I will answer them at this time.

Mrs. Reynolds: Ms. Hobbs, do you care if I share your phone number? We have other residents and we have been working on a proposal. I'd like to include you in that. Her name is Alice Waddell and I will make sure that she gets your number and you all can talk. Ms. Hobbs: Okay. Mrs. Reynolds: I just told our Clerk earlier this evening, things have been so busy for Council as of late that I have not been able to get back with Ms. Waddell because I have some information also that I wanted to share with her so I will be able to share with both of you. Mayor Flaute: I have a bunch of information to share with Council too. We've just been so busy.

Mr. Denning: I heard the UDO changes are coming up. If we are going to do this, we ought to and I believe the process is to send it to the Planning Commission to come up with this. If we think this is the direction that we want to go, what we need to do is make a motion to have the staff send stuff to the Planning Commission so that can become part of the UDO and we can move this along fairly quickly and we are not kicking this can down the road for another 6 months or a year. I think we should be able to get this taken care of this calendar year one way or the other. Mayor Flaute: Should we first have a work session on it? Deputy Mayor Smith: I think first you need to have a collect of the information. Mr. Denning has information, I have no information. I think we need to look over it and review it, give it to staff and let them review it, and then send it to Planning Commission. Mr. Denning: I thought that was the purpose of having the Planning Commission is to let them look at it and come back to us with what they believe is in the best interest because they would hold a public hearing on the whole thing and all of that. Then it's the community telling us what they think is best for the community. If they say we shouldn't do it, then that's what we come up with. Deputy Mayor Smith: Right now they don't have any information. Mr. Denning: Staff has information. That's not our job, that's their job.

Ms. Hobbs: Mr. Denning, are you saying that you think it is something that should go into vote with the residents? Mr. Denning: No, it should go before the Planning Commission and they should come up with something like this that Franklin County had and they may come up with that exact wording. I don't know. I do know that Montgomery has a really nice Ordinance also, so any of those. What I think is that staff and the Planning Commission because that's where the process starts other than us saying we want them to look at it. That's where the process starts and that way we can move forward because otherwise we are going to have a work session and we are going to kick it around for a month or two. Then it is finally going to go to Planning Commission and they are going to kick it around for a month or two. Then it's going to come back to us while we have already passed the UDO, so now we have to go through all of that. What I'm trying to say do is grease that up a little bit so we can move forward because I think this is something we should have passed 2 years ago or 5 years ago. Ms. Hobbs: The way you are describing it is actually the way Franklin County recommended to me, to go through zoning to get it passed. I did leave a packet with Mr. Lohr.

Mr. Denning: We can make a motion that staff has direction to look at it and send it to Planning and then we can move forward. If this group says no, we don't want to do it, then that's where it goes. I think we should move forward. Mayor Flaute: Wouldn't it be a good idea for staff to know how Council feels? Obviously a couple years ago, we didn't feel that way. Mr. Denning: That's why we take a vote to send it to them. If we have enough votes to send it to them, then it goes to them. If we don't have enough votes to send it to them, then it doesn't go to them. That's the end of the conversation. Mr. Curp: It could go to them without us voting. Mr. Denning: Right. At least if we tell them to do it, then it moves forward. Mr. Percival: If that's the direction of Council, then staff will put together a proposal and take it to Planning Commission.

Thursday, July 7, 2016

Mr. Denning: I would like to make a motion that we move this forward with staff to the Planning Commission. Mr. Curp: What are we moving forward? Just that they study it or that Council is recommending that something be added to the zoning? Mr. Denning: To give us what Planning Commission thinks, if they want to put something in the UDO to allow chickens in the City of Riverside. Mr. Curp: Okay, so the motion is just for the Planning Commission to take up the issue. Mr. Denning: And possibly put it in the UDO. Mayor Flaute: And pass it onto us. Mr. Curp: They will decide to put it in or not, but our direction is simply for them to take up the issue. Ms. Hobbs: Can it be for them to take up the issue in a prompt manner to meet the UDO? Mr. Denning: I expect it in a prompt manner. We will be asking about it. Mrs. Reynolds: What is the motion? Ms. Arnold: The motion is for staff to move forward on researching chickens.

Deputy Mayor Smith: I call for a roll call vote. Mayor Flaute: I want to have some discussion first, so the Planning Commission will study it, right? Mr. Denning: Staff would send it to Planning Commission and then it would come back to us as possibly part of the UDO. Mr. Percival: It's got to go to Planning Commission. This is a change to the zoning code, so it's going to have to go Planning Commission. Staff will take a recommendation. It may be to allow chickens, it may be to not allow chickens, and it may be to allow ducks or rabbits and no chickens. I don't know, but that recommendation will be taken to Planning. Planning will then make a recommendation to Council and then Council will ultimately vote on a change to the zoning code should that be your pleasure. Mayor Flaute: Are we agreeable that is the motion? Mr. Curp: I want to point out that the city does already allow chickens. It just doesn't allow chickens in lot sizes they size of your lot on Chesterfield. Ms. Hobbs: The majority of people that live in Riverside do not have that lot size. Mayor Flaute: In so many cities they are doing this. Ms. Hobbs: Chicago, Cincinnati, Cleveland. Mayor Flaute: The one was heard a discussion from at the Mayor's Association meeting was a very affluent city outside of Columbus and they are doing it. They have a population of about 40,000 and they have like 13 chicken coops. It doesn't become a big deal and some of the big dogs can make more manure than 5 chickens. Ms. Hobbs: Absolutely true and if the neighbors don't clean it up you smell that too.

A motion was made by Mr. Denning for staff to move forward on researching chicken and present their recommendation to the Planning Commission, who will provide a recommendation to Council. Mrs. Reynolds seconded the motion. A roll call vote, requested by Deputy Mayor Smith was as follows: Mr. Denning, yes; Mrs. Reynolds, yes; Mr. Curp, no; Deputy Mayor Smith, no; and Mayor Flaute, yes. **Motion carried.**

Deputy Mayor Smith: We have already covered this issue. Mayor Flaute: Yes, but things have changed in the last 2-3 years. A lot. Mrs. Reynolds: In this office it will move forward to staff to do their research and present. The process has started. Mr. Denning: I want to make sure staff keeps her in the loop, so if Planning Commission gets to the point where they might have a public hearing that she knows about it. Ms. Hobbs: May I ask one question? The two gentlemen that said no, what are your fears of having chickens? Mr. Curp: I'll answer. I don't have any fears; it's just a personal choice. That's all. Just like it is a personal choice for you, it is a personal choice for me. It's what I want my neighborhood to look like. Ms. Hobbs: But I don't have that personal choice. Mr. Curp: I may not either. Deputy Mayor Smith: I too feel the same way. It's my personal choice, but we have already discussed this issue and it was already agreed to allow chickens with X amount of square feet of yardage. Ms. Hobbs: It's always good to revisit. Things can't stay stagnant, so it's always good to revisit. Deputy Mayor Smith: We just approved that here in the last few years. Mrs. Reynolds: I think the community is bringing forth that it is unacceptable. They have a right to bring that forth and we have a right to look at that.

#### **ITEM 17: COUNCILMEMBER COMMENTS**

Mayor Flaute: I had two Great Debate meetings. The Great Debate is coming up September 26<sup>th</sup>, a Monday. We are in the process of having a watch party at Mad River Middle, so we can get all the students involved in the Great Debate. If you don't know what the Great Debate is on September 26<sup>th</sup>, Monday evening, the two

Thursday, July 7, 2016

maybe three presidential candidates will be here in the Dayton area right next door at Wright State University. We expect a large crowd. NBC came and bought out all of the rooms of the Hilton Garden Inn in Beavercreek. They are buying hotels out. If any of you have a house that you would like to rent during that week, there is an app. I don't know what that is, but you could probably rent your house out. They expect all of the hotels from Cincinnati, Columbus and Dayton area to be filled. The presumptive candidates are Mr. Trump and Mrs. Clinton, so it is going to be a big deal. I know our police are involved and I had a security briefing today on the security measures that we will be taking. It's a big deal for Riverside because we are next door neighbor to Wright State University. It's something we need to get involved in as much as we can.

Lynn Domesick who is our Chamber person is working with us also to get more watch parties at some of our restaurants, maybe Clancy's would do a watch party. It's Monday Night Football, so that might overtake the watch parties. It depends on who is playing. We definitely want the young people involved. This is a big deal for junior high and senior high folks of the government parts of the school. They all need to be involved in this watch party. There is only 1,000 tickets being given away for the Nutter Center which holds 13,000 people, but due to security reasons they are only giving away 1,000 tickets. 800 of them are going to students, 100 going to the Democratic favored people and 100 going to the Republican favored people. There will not be any tickets even for the Mayor of Fairborn or its next door neighbor Mayor. It's going to be a big week. We are closing down roads. We have a football field for the protestors because we know they are going to be there. We have two gymnasiums ready for all of the media because it is going to be a world event. People from all over the world are very interested in this and it is the first presidential debate after the convention. We are working hard on that.

Thanks again to Mr. Denning, Health & Safety and all the folks who came out to pass out the police information. I also went to a Change of Command, as many of you might know Colonel John Devillier was our Commander here at Wright-Patterson for a very quick 2 years and it transferred over to Colonel Bradley McDonald. As many of you know the Air Base Wing Commander is just like the Mayor of the City of Wright-Patterson Air Force Base. We work very hard together with them to make sure if there is anything we can do together, we try to do. Mr. Manager, thank you again. We just appreciate all that you have done. If you want to come back someday, we hope that you would and be available for the new City Manager. I did 8 weddings in the last couple of weeks and they continue to be a part of what this Mayor is doing.

**ITEM 18: ADJOURNMENT:** A motion was made by Mr. Denning to adjourn. Mrs. Reynolds seconded the motion. All were in favor; none were opposed. The meeting was adjourned at 8:20 p.m.

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William R. Flaute, Mayor

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Clerk of Council