**ITEM 1: CALL TO ORDER:** Mayor Flaute called the Riverside, Ohio City Council Meeting to order at 6:00 p.m. at the Riverside Municipal Center located at 1791 Harshman Road, Riverside, Ohio.

**ITEM 2: ROLL CALL:** Council attendance was as follows: Ms. Campbell, present; Mr. Curp, present; Deputy Mayor Denning, present; Mr. Fullenkamp, present; Mr. Schock, present; Mr. Smith, present; and Mayor Flaute, present.

Staff present was as follows: Bryan Chodkowski, City Manager; Emily Christian, Assistant City Manager; Jay Keaton, Service Department; Mark Reiss, Police Department; Bob Turner, Fire Department; Tom Garrett, Finance Department; and Bob Murray, Planning and Economic Development.

**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 Deputy Mayor Denning to approve the agenda as presented. Mr. Schock seconded the motion.

Ms. Campbell said on work session items like item b, notification of items of interest to council, it doesn’t explain what it is so we don’t have time to think about it. Mr. Smith said we talked about that at the last meeting. Ms. Campbell said she doesn’t know what that means. Mayor Flaute said maybe there needs to be more clarification when there an item that’s really general. Ms. Campbell said so we know what we’re talking about.

Mr. Fullenkamp said he thought we had talked about this; it’s when the city manager let’s council know something happened. Ms. Campbell said there should be some extra wording there like “in regards to what we spoke about before”.

Mr. Cole, an audience member, said a one line description of what the item is would help to inform the public. He said for example utility aggregation; nobody really knows what that is unless they are really informed, but a one line description would assist the public in knowing what is on the agenda.

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

**ITEM 6: WORK SESSION ITEMS:**

1. Discussion: Utility Aggregation

Mr. Chodkowski said this item is back on the agenda per the Mayor’s request, following the presentations from Integrys Energy and DPL Energy, for council to determine whether or not they wanted to pursue the city undertaking an aggregation referendum.

Mayor Flaute said we got two presentations which he felt were different from each other even though they were on the same subject. He said he wanted council to have a little discussion about aggregation; he has his feelings about it but he’s not sure and wanted to hear council’s thoughts on this.

Mr. Fullenkamp said he thought the only thing that would really be acceptable to the residents is the opt-in program and that would avoid having to put the issue on the ballot. Mayor Flaute asked how that would work. Mr. Fullenkamp said we would have to do an agreement with whomever, and then they would mail the opportunity to the residents to opt-in to the plan. Deputy Mayor Denning said similar to the sewer and water line warranty. Mr. Fullenkamp said yes, he thinks that is the fairest based on most the comments he got; that is the way the residents would prefer to have it. He said people don’t want to have to opt-out of anything.

Ms. Campbell said that was DPL; why would we want to put a vote out on something we already have. Mr. Fullenkamp said the options were an opt-out program which requires the residents to vote on it or we have an opt-in program where council can pass a resolution for our residents.

Mr. Chodkowski said currently these companies already offer the opt-in program; he doesn’t necessarily know if we as a city are in a position to select one opt-in vendor over another and advise the citizens to go with a vendor we have specifically singled out. He said it might just be a notice we would send that would say if you are interested in improving your costs you might look into an opt-in program, and then offer some websites for the residents to check out as well as resource materials. Deputy Mayor Denning said that would be something we could just put in the newsletter.

Mr. Smith said there’s no benefit to the city itself so he didn’t know why we would need to put it on the ballot. He said they have the option to select First Energy or DPL or another company that is out there soliciting for their business but as far as revenue coming into the city through aggregation, there is none. He said there is no real benefit for the city.

Mr. Fullenkamp said he thought they alluded to the fact that an opt-out program might give slightly better rates. Mr. Smith said it might be a penny or two. Mayor Flaute said it was a savings even if it is a penny or two. Mr. Fullenkamp said that requires us to put it on the ballot.

Ms. Campbell said she agreed with Mr. Smith; she didn’t think we needed to put this to a vote. She said why would we obligate ourselves. Deputy Mayor Denning said it wouldn’t be obligating us, it would be obligating our constituents and he didn’t think we, as the government, should be in the business of making decisions like that. Mayor Flaute said even if we save our constituents money. Deputy Mayor Denning said if you can prove it will save them a significant amount of money, but he still believes the residents will want the information of how much we can save them. He said then we will have to go through this every three years.

Mr. Chodkowski said right now in a traditional plan over a three year period you would see the rates gradually incline up; whereas in the aggregate program you have the base rate you pay for two or three years and then you rebid. He said in the aggregate program there will be spikes and plateaus, but at the end of the day if you look at the same cycle period he was given the impression, based on the information presented, that a resident was going to pay the same price in total over the three year period. He said its how you want to take your rate increase – a big chunk every three years when the contract is rebid or a little each year.

Mr. Fullenkamp said in the case of the opt-out the residents would be making that decision; it would have to go before them. Deputy Mayor Denning said they would be making the decision to give council the authority to pick who the aggregate company is. Mayor Flaute said they can opt-out. Deputy Mayor Denning said they also have to be accepted into the program on top of that; if for some reason they chose not to accept you, you don’t get the special price and are still stuck with whoever you’re stuck with. Mayor Flaute said his understanding was the only ones they wouldn’t accept are the ones who are on a payment plan. Deputy Mayor Denning said it could be credit or other things; the website didn’t say what their reasons were it just states you have to be accepted. He said that’s just another hurdle and he thinks we have more important things to worry about. He said if the city isn’t going to get a rebate and the constituents aren’t going to get much help with their bill – the lady stated it might make their bill better. Mayor Flaute said DPL said that but the Integrys guys……Deputy Mayor Denning said no; he asked the Integrys guys specifically since we would be buying as a larger group, we would make a significant decrease in our electric bill; what she said was you would think that might happen. He said she didn’t come right out and say yes that will happen or that she would guarantee it or that it would save a specific amount per KWH – she said it could happen. He said to him, we would be doing nothing more than saying; okay we are all going to go to Sprint for our cell phones instead of Verizon.

Mr. Smith said he thought the down side would be if the city decides to go with Integrys and someone gets turned down by them, it probably keeps them from going with DPL because the city has signed a contract with Integrys; so probably no other company can come in here and offer our residents lower rates. He said we are tying our hands by dealing with one company. Mr. Chodkowski said you can opt-out and you would still be able to get service from another company.

Mr. Fullenkamp said to the city manager, so you don’t think for an opt-in program we can specify a company. Mr. Chodkowski said correct; we can’t recommend vendors for any service but we can offer a list for a resident to choose from or refer them to the yellow pages. Mr. Fullenkamp said not even for an aggregation program. Mayor Flaute said we can if the voters decide. Deputy Mayor Denning said that’s an opt-out program. Mayor Flaute said we can’t recommend on an opt-in. Mr. Chodkowski said he didn’t believe we could. Mr. Fullenkamp asked if DPL or Integrys would be interested in the opt-in programs. Mr. Chodkowski said we can ask them to provide us where we can find generalized information about aggregate gas purchasing or aggregate electric purchasing which we can provide to our citizens. He said that would be appropriate information to share.

Mr. Fullenkamp said he guesses he didn’t understand where the conversations were about one, the opt-out program needing a referendum and the other, opt-in program needing a resolution, but you are saying we don’t need any of that. Mr. Chodkowski said on the opt-in program you don’t; we would simply advise our citizens that utility service can be provided through an aggregate purchasing program and give them generalized information where they can make a decision.

Mr. Fullenkamp said he thought the opt-in was what they needed to look at. Mayor Flaute said he wasn’t sure.

Mr. Curp said the south suburbs have a consortium called the Miami Valley Cable Council and he didn’t know if they had an aggregation program but they do have an agreement with DPL for electricity at a reduced rate over what the typical citizen or property owner throughout the Greater Riverside area, including Dayton and what all the others might have. He said it might be worth our while to have somebody from that group come and talk to us about what they did, whether it’s something we might be interested in, and if we can join them. He said it seems to him that the more households they have in their group, the more favorable rates they could negotiate. He said he didn’t know if each of those communities had to go to their voters and do a referendum on aggregation, he didn’t know what their procedures were.

Mr. Chodkowski said his understanding of that negotiation is that it was related to the public contract for street lights, stop lights, city halls, and waste water treatment plants. He said we were asked to participate but we were on an off contract cycle so when we negotiated our last contract we opted in on the aggregation program. He said our contract matches the MVCC regional contract so when those MVCC communities come up to renegotiate new terms for those public utilities we will then be able to participate in those negotiations. Mr. Curp said maybe we can have staff check with MVCC because they do have a full time administrator and see whether they have an aggregation program or whether it’s simply the public utilities.

Mayor Flaute said that sounds like a plan but he’s wondering if council wants to decide if that plan doesn’t work, do they want to go with something else. Ms. Campbell said let staff check on this.

Mr. Schock said he will not vote to support any of the aggregation programs; he wants to leave it up to the individuals in the households to decide who they want to go with. He said he does not want to lock in any company for three years and not allow anybody else to come in. He said that’s why these folks come before council because they want to lock in 27,000 people at once. He said he’s not going to get inside people’s home and tell them what they can and cannot do.

Mr. Smith said at this time he’s not willing to lock in anybody but he is curious about what Mr. Curp was talking about. Mayor Flaute said he thought we established we would look into that but as far as any other aggregation he didn’t think council was showing any interest because we don’t know how much money it would save. Deputy Mayor Denning said nobody was willing to put those numbers out there on what they are going to save you; it might, it could – that wasn’t enough for him to put everybody on the line.

Mayor Flaute said Integrys contacted him last week and he told them council was going to have to discuss it one more time. He said Mr. Chodkowski has the direction to check with the Miami Valley Cable Council and if they have something, we will continue to talk, otherwise, aggregation is not going to happen in Riverside. He asked if agreed. Deputy Mayor Denning said until somebody can show us some numbers.

b. Discussion: Notification of Items of Interest to Council

Mr. Chodkowski said this item is brought back up pursuant to the request of Council Member Smith regarding more notable incidents or items which may occur within the city and whether or not that would predicate identification from the manager’s office to council.

Mayor Flaute asked Mr. Smith if he noticed email this week from the city manager when there were some incidents. Mr. Smith said yes. Mayor Flaute asked if he was okay with that or if there was more he would like. Mr. Smith said he made a list and he thought that’s what he left with everybody two weeks ago; to give it some thought and jot down what council members thought was important enough for the city manager to notify us about. He asked if everybody did their homework.

Mr. Curp said he thought this started two weeks ago when we had the situation of where a dog was shot by one of our police officers over in one of the neighborhoods and we didn’t get notified. He said for those kinds of things, he considers it to be commonplace events and he doesn’t need to be notified. He said if the officer bit the dog instead of shooting the dog he might have an interest but most the stuff that is commonplace, daily events that go on in the city departments, he doesn’t need notification. He said if its going to be on TV, he doesn’t need notification because he would rather have the staff focused on doing other, more important things for the city rather than stopping what they are doing to send me an email or call me.

Mr. Curp said he would give a couple examples; in the Forest City report, they mentioned that over in Wright Point one of the buildings is 25% vacant and another is 45% vacant. He said when you look at the sale bill for the auction for those office buildings at Linden and Woodman, Claypool and all those; they are over 75% vacant. He said he would rather have staff focused on filling up office buildings than calling me to let me know a police officer shot a dog. He said he has a lot of confidence in staff to be doing what they are supposed to be doing out in the neighborhoods throughout the city and he doesn’t need to be notified every time there’s a hiccup.

Mr. Schock said he hoped discharging a firearm wasn’t a common practice around here and anytime an officer discharges a firearm, he would like to be notified. He said that was the only thing important to him on this issue.

Deputy Mayor Denning said he would be perfectly fine if this was part of the manager’s report. He said he doesn’t need to be notified every time something occurs; he agreed with Mr. Curp, he trusts the staff to do their job on a daily basis. He said if there was a situation where it is going to be on the news and there’s a possibility that the news is going to contact council to ask questions, it would be nice to have a heads up in that situation. He said the dog may have been one of those things if they could have found us, but other than that – an accident on Rt. 35 and traffic backed up; he doesn’t need to know that. Mayor Flaute said it was nice to know that. Deputy Mayor Denning said it was good information but you can get that from the radio; he agrees with Mr. Curp, even if it only takes staff 10 or 15 minutes, that’s 10 or 15 minutes they could be doing other things that truly need to get done. He said if they stop in the middle of something to send us information, it can take them another 15 minutes to get back the thought process of where they were when they stopped to notify us, so now we’ve lost a half hour. He said that could affect two or three people if they were in the middle of a meeting.

Mr. Smith said he doesn’t have to telephone us on everything; he can send us an email. Deputy Mayor Denning said he understood that but when you loose your train of thought in the middle of a meeting, you have to get back into whatever that is.

Mr. Schock said the only thing he was interested in was discharging of a firearm; the traffic stuff is something we don’t need.

Deputy Mayor Denning said he thought they were getting good enough information before hand.

Ms. Campbell said she thought the city manager has enough to do; we find out on the news or whatever.

Mr. Fullenkamp said he didn’t need a news feed assuming the city manager will put the information in his report. He said he wasn’t overly concerned about that one event, but he did understand the concern for action like that being exceptional - but what are we going to do about it. Mr. Smith said there’s nothing we can do.

Mayor Flaute said he would like to know when a new business is coming in or something like that in the manager’s report. He said maybe discharging of a firearm, but he agreed with Mr. Curp – a dog or a cat, he’s not sure. He said that’s something maybe we ought to have in our manager’s report if somebody discharges a firearm.

Mr. Smith said you have to wait until the end of the week to get that. He said he did prepare a list which he broke down into two categories - notification by telephone and notification by email; these are all common sense items. He said for notification by telephone: officer involved in a shooting; city generated emergency evacuation – snow emergencies and etc.; immediate employee suspension or termination; and any serious injury to employees while on the job. He said for notification by email: fatal shootings in general; any city-owned vehicle accident; large structural fires; fatal car accidents; fatal fires; anything media concerning; a significant arrest; responses to any government funding; and answers on any pending litigation. He said all pretty much common sense. Mr. Chodkowski said is this for every time they happen or for what the news media is aware of. Mr. Smith said no, it’s pretty common sense; this week you sent us an email in reference to the denial of our Jobs First Program grant. He said that’s what he is talking about; it was federal funding that was denied and it’s the perfect example. He said the large structural fire in the apartments – just send us an email making us aware of what took place. He said again, common sense stuff; you aren’t going to be calling us every time something happens but if an officer is involved in a shooting – he thinks they should know that.

Mr. Chodkowski said there are all kinds of extenuating circumstances that go into these components. Mr. Smith said what if one of our officers shot someone and killed them; do you think we should wait until Friday to get that in a report. Mr. Chodkowski said no, he didn’t think they should necessarily get that in the manager’s report 4 or 5 days later; on a fatal shooting he would probably call council about it. He said however, he might not be able to share with them all kinds of information and that might be a reason why he doesn’t notify them. Mr. Smith said just make us aware of it; that’s all he’s asking. He said what if one of our fire trucks or ambulances gets destroyed by another driver or possibly driver error, shouldn’t we be notified. Mr. Chodkowski said he is not arguing the fact that they should be notified, all he’s saying is that based on the list you just read off; one - some of those items occur more frequently than you want to think and; two – if the whole point is that you are aware of this information before the news media, he can’t always guarantee that. Mr. Smith said you didn’t even send us an email about the officer shooting the dog and he thinks it should have at least been mentioned.

Mr. Chodkowski said if that’s something he would have been asked to do prior to the incident, they would have gotten something; what council asked him to do was to notify them of some of the more unusual items that are going to make the news. He said as he explained about the incident with the dog; when he was notified the news media was not there, therefore, he did not notify council. He said he did not see the 11:00 p.m. news and all the next day, he was in fire chief interviews so he didn’t see the news then. He said he didn’t know it was an issue until he got a voice mail from Mr. Smith. He said there are times that he notifies council when he can about what he knows and when he knows it. Mr. Smith said that’s all he’s asking. Mr. Chodkowski said this one incident the timing didn’t work out so that he knew in advance. Mr. Smith said a dog shooting is not an everyday event. Mayor Flaute said he didn’t think that was the issue. Mr. Chodkowski said the point he is trying to make is, the request Mr. Smith had was if the news media is aware of it, and at the time he was made aware of this, the news media was not involved in this incident. Mr. Smith said he believed what he said was that council should have been notified.

Mr. Chodkowski said he can’t recall the voice mail message Mr. Smith left but in the event council wants to be notified of oddities, that’s fine, he will do that in the future but that is not the direction he was given prior to that incident.

Mayor Flaute said with the prior Mayor Doan, the city manager was getting texted at 11:00 p.m., 1:00 a.m., and council said that was something we didn’t need to be doing. Mr. Smith said maybe something the next morning for when we check our emails; it doesn’t sound like a concern for the rest of council. Mayor Flaute said that’s what he’s hearing; Mr. Smith and the City Manager can continue to have their discussion but he does think the rest of council agrees and we only need to be notified if its….Deputy Mayor Denning said he thinks the dog incident was an “oops” and the city manager has been doing a fairly decent job of keeping us informed. He said we just hope there aren’t too many of these “oops” situations that slip through and now that we have a City Manager and an Assistant City Manager, maybe we’ll get a little more information, but he thinks the way we’ve been doing it has been fairly decent. He said he got a phone call when the ambulance ran into somebody’s vehicle about three years ago notifying him of what happened and that the news media would probably have it in the morning. He said that, to him, was fine. He said the dog thing probably got carried away and the news media probably was having a slow night. He said the manager has been doing okay; we get phone calls when it was important. Mayor Flaute asked if he thought the dog thing was important. Deputy Mayor Denning said if it was going to the news media, maybe it could have been but if he knew the media was there, he probably would have called us or sent an email out; it’s one of those things where timing got messed up.

Mr. Chodkowski said as far as Tim’s Automotive catching on fire – fires happen, nobody got hurt, nobody got injured, it didn’t burn to the ground, and it didn’t carry over to 12 other buildings. He said when Page Manor caught on fire it actually had already made the news cycle; the original text he got on that was small fire, should be out soon; twenty minutes later, he got not so small a fire – get down here. He said once he got on the scene he sent all the information to council at about 11:30 or 11:45 p.m. He said Page Manor doesn’t burn everyday; but when he gets information that he thinks is noteworthy or it’s substantial, he tries to balance that information and unfortunately, like with the dog, the timing doesn’t always work. He said he does his best to get council information hopefully in advance. Mayor Flaute asked if the dog was something the manager would have called them on. Mr. Chodkowski said yes, if he had known the news media was there he probably would have texted or emailed council to let them know we had to put down a vicious dog.

Ms. Campbell said if email is sent after midnight, nobody is going to read it until the next day. Mr. Chodkowski said the directive the chiefs have is that he wants to be notified in the event that city property is damaged; city personnel are injured; if it involves a death - whether or not they are responding to a suicide, drug overdose, whatever the case may be; and whether or not the news media is there. He said when his phone goes off between the hours of midnight and 7:00 a.m. sometimes its stuff the news media never knows about which is why council doesn’t hear about it. He said those are the conditions he asked the chiefs to contact him about and they are fairly good about it. He said responses aren’t always immediate because they have responsibilities on scene whether or not it’s supervising a search warrant, clearing a property, getting a fire under control, whatever the case might be; he might hear about it an hour after it happens or at some point in time later but based on the criteria he’s given them, they are relatively good about letting him know. He said at the time of the dog incident, he was unaware the news media was involved but he probably would have notified council because those are the requirements he asks and that’s a fairly unusual occurrence.

Mayor Flaute asked the city manager if he had a fairly good idea of what council wanted. Mr. Chodkowski said yes.

c. Presentation: Eintracht Project – Mr. Bob Murray

Mr. Chodkowski said he was going to yield the floor to Mr. Murray for a presentation that was given at the Regional Water Summit held at University of Dayton not too long ago. Mr. Murray said it was the Great Ohio River Corridor Summit. Mayor Flaute said he attended the summit and Mr. Murray was by far the presenter and he learned a few things at the meeting that he thought council would appreciate.

Mr. Murray gave a Power Point presentation on the Great Miami River Access Project which locally includes the Eintracht Park and River Launch. He displayed an aerial view of Riverside and highlighted the area of Riverside that is along the Great Miami River; he also highlighted Eastwood Lake, the bike trail, the Air Force Museum, Huffman Dam, and MoMBA which is a mountain biking course. He said he also included the fountains, which are at the mouth of the Mad River, and the athletic fields. He said these are not in Riverside but he uses these all the time when talking with defense contractors about coming to this area. He said he also talked about the fact that we do not touch the Mad River even though we were named after it; there is no access but he has shown our access to the Great Miami River.

Mr. Murray said we were looking to utilize the assets we have and we landed at the Eintracht Singing Society on the Great Miami River. He displayed an aerial photo of the Eintracht property and surrounding land. He said what we looked at purchasing is the Eintracht Club. He said the Multimodal Transportation Commission has launched two canoe trips from the Eintracht down to the fountains; it took about 2 ½ hours and it was a very gentle piece of ground. He said during those trips we began discussing with the Eintracht if they were willing to sell and we started examining that. He showed photos of the existing Eintracht building.

Mr. Murray said in 1907, Jacob Kohl formed the Workers Singing Society and in 1932 they bought the 5 acres on the Great Miami River and built a beirgarten followed by a 9,000 square foot hall and then a caretakers cottage. He said the group promotes German culture, has about 150 members and a Chorus that performs throughout the tri-state area.

Mr. Murray said our goal when talking to council about this project was to first gain access to the Great Miami. He said along this stretch of the river there is 6 miles that the public does not have access to so we would be opening up a gateway to the Great Miami. He said this would increase our park land in the northern part of the city and we would gain access to 9,000 square feet where we could establish a community meeting hall. He said we are also looking to preserve the heritage of the area; it is a German Community that we want to protect and keep in good order. He said he looked at anything that involved economic development and will bring people to this area; anything that increases traffic is economic development. He said when the public uses that access point, that’s economic development. He said we are not going to impact the city’s budget to get this project done.

Mr. Murray displayed an aerial photo of the project area and showed two additional properties they are looking to purchase that are contiguous to the Eintracht property. He next displayed a slide showing the sources of funding: State of Ohio Clean Conservation Fund - $241, 539; Miami Conservancy Fund - $35,000; Montgomery County In-kind Contribution $1,000; Montgomery County CDBG - $8,000; City of Dayton CDBG - $8,000; LJB, Inc. In-kind Contribution - $1,708; Vectren Fund $3,769; City of Riverside In-kind Contribution - $9,000; and a shortfall of $20,194 which he said we can use some of the city’s CDBG funds if necessary. He said he still has the ability to go out and raise the dollars for the shortfall which is what he is going to try to do. He said Eintracht is going to lease the facility back to the city for $1.00 per year and they will be totally responsible for the maintenance of the facility.

Mr. Murray said some of the stuff that came along with this project that we weren’t really aware of in the very beginning is the Cook Cemetery located on the property. He said the VA is looking into the fact that there may be two Revolutionary War Soldiers buried in that cemetery. He said it is extremely old and is partially surrounding by a very nice iron fence. He displayed the aerial photo and pointed out the old Miami Erie Canal and a house on one of the additional properties that sits in the bed of the canal. He also pointed out the Miami Conservancy District’s levy which is adjacent to the Eintracht property and a 10 acre property in the City of Dayton which Dayton is looking to purchase to join to the facility. He said they are also looking at a property that would allow improvement of the entrance road. He said altogether we have about 6 acres now and itis cleaning up a lot of property.

Mayor Flaute asked who took care of Cook Cemetery. Mr. Murray said no one. Mayor Flaute asked if it was overgrown and Mr. Murray said very overgrown. Ms. Campbell asked who owns it. Mr. Chodkowski said it is a family owned cemetery which has been in default for years. Ms. Campbell asked if there were only two people buried there. Mr. Chodkowski said no, there are more people buried there but two are believed to be Revolutionary War Soldiers.

Mr. Murray said again, it’s the history of the area he wants to bring out and the ancillary things this will bring to the city.

Mr. Smith said maybe he missed it but what are we doing with the $350,000. Mr. Murray said we are going to purchase the property which is a little over 5 acres; purchase the two homes that are very dilapidated…..Mr. Smith asked if those were the ones in the Erie Canal. Mr. Murray said the one in the Erie Canal is vacant. Mr. Smith said what about the one to the south of the Eintracht property. Mr. Murray pointed out the other property that would be purchased and said council is familiar with this; everybody has reached an agreement and they have signed off at a reduced price. He showed where the parking area would be increased. Mr. Smith asked if it would be paved parking. Mr. Murray said they don’t want to pave; they want a pervious surface.

Mr. Smith asked if the road back to the property was going to be widened. Mr. Murray said we are going to widen and straighten the road which is why we need to purchase the additional property.

Mayor Flaute asked who was paying for that. Mr. Murray said that is all grant dollars. Mayor Flaute said he sees an anchor on the aerial photo. Mr. Murray said that is where the boat launch will be located; right now it’s easy to get to the river – he pointed at where you would park then walk to an area where there is a gentle slope that puts you right down on the river. He said the idea of moving the ramp to the future location is to separate the banquet functions from the public access. He said there will be a divided parking lot so the Eintracht can still have banquets which they will need to have to support the park but the public will still have access to the launch; it will be dual purpose parking.

Ms. Campbell asked if this would be a floating dock. Mr. Murray said it won’t be a floating dock because the water level rises and falls so severely; it will be a ramp down to the river. Mr. Fullenkamp asked if that was included in the project. Mr. Murray said this is a future improvement because there weren’t enough funds; we went to Ohio Public Works for $261,000 which would have gotten everything done but they only had $241,000. He said they gave us all they had and it was $20,000 short. Mr. Fullenkamp said the reason he asked is further along in the presentation is says this will open in September.

Mayor Flaute asked if you would be able to back your boat down or if you would have to carry it from the extended parking to the ramp. Mr. Murray said this is intended for canoes and light craft. Mayor Flaute said so you would carry it and Mr. Murray said yes. He added that when they did the floats, they only walked twice which he thought was pretty good.

Mr. Murray displayed a slide of people he wanted to give special thanks to: Montgomery County Commissioner Dan Foley; Miami Conservancy District’s Sarah Hippensteel Hall; Dayton Canoe Club’s Clyde Collins; and Whitewater Warehouse’s Bernie Farley. He also thanked the City of Dayton Staff and Commissioners; the City of Riverside Council Members; Riverside’s City Manager Bryan Chodkowski, and the Riverside Multimodal Transportation Commission who truly got this whole thing started. He said we added kayaking to his job description very early on thanks to the Mayor and since that time we have been trying to find a way to access the river. He said we had some very good news on the Mad River just last night and some of the things they are doing there are fantastic but he doesn’t have control over that; he does have some control on the land that borders the Great Miami River.

Mr. Schock said so this will all be done this year. Mr. Murray said he has a timeline. Mr. Schock said he saw that but there isn’t a year next to it. Mr. Murray reviewed the project time table: May 8th he goes back before the Natural Resources Assistance Council for an increase of $3,000 in the grant; May 17th he will bring legislation before council; in June we will be getting a visit from an ODNR Representative to help us fill out the grant; in late June there will be property closings; in July and August there will be construction of the improvements; and in September the existing boat launch will be opened to the public.

Mr. Murray said we talked about a grand opening which he will leave up to council. Mayor Flaute said he is very interested doing that. Mr. Murray said we will be able to have plenty of parties there once we acquire the property; it just depends on what you want to do.

Mr. Murray said this was a tough project to put together for many reasons; it’s done now and it’s been pre-blessed by OPW at the state level, he has to back up a little and go to Montgomery County, and then move forward again. He displayed photos looking down river from the park and photos of the park.

Mr. Schock said it sounds like this project is moving along pretty well. Mr. Murray said it is; there were some hiccups in the beginning and he thinks everything has been smoothed out. He said time helps sometimes with these things.

Mr. Murray said he included an invitation for Council, the City Manager and the Assistant City Manager to go to the Dayton Canoe Club on Saturday, April 28th, to see a movie, Call of the Scenic River. He said the cost is $5 which is well worth it just to see the club.

Mr. Murray said the last page we received last night from Five River Metro Parks which explains a lot of the things they are doing along the Mad River. He said they received a $100,000 grant from Rotary which will help access on the Eastwood Lake side to the Mad River as well as put in some features and they are looking at $285,000 on the other side of the Mad River to open that up so people can watch kayakers perform tricks. He said there is also a new master plan for MoMBA. He said there are quite a few things being done to establish recreation as a cultural activity in Dayton to draw people in. He said he thinks it is all good news and we are now at that table. He said all the cities up and down the Great Miami have formed a group called the Great River Corridor Group who is attracting people to the Great Miami River. He said the economic development numbers they are projecting are phenomenal and the growth they see on the Mad River in backpacking and biking is enormous and we are in the middle of all that.

Mr. Fullenkamp asked if the Mad River Bikeway was the one in Riverside. Mr. Murray said yes; it is our bikeway and it will go through the Center of Flight. He added bids are this Friday. Mr. Fullenkamp asked if all the rights of way had been acquired; he heard something about the base. Mr. Murray said from his understanding the base was on board not before us, but close.

Mayor Flaute thanked council and said he knew Mr. Fullenkamp was very involved in getting this to happen.

**ITEM 7: RECESS:** The Council took a recess at 7:06 p.m.

**ITEM 8: RECONVENE:** The meeting was reconvened at 7:30 p.m.

**ITEM 9: PLEDGE OF ALLEGIANCE:** Deputy Mayor Mike Denning led all those in attendance in the pledge of allegiance.

**ITEM 10: MINUTES: Consider approval of the minutes of the April 5, 2012 council meeting.** A motion was made by Deputy Mayor Denning to approve the minutes as written. Mr. Schock seconded the motion. All were in favor; none were opposed. **Motion passed.**

**ITEM 11: 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 12: CITY MANAGER’S REPORT:**

1. FYI Items
2. Council Request Sheets.
3. Code Rewrite Request Sheet.
4. Council Agenda Calendar.
5. Weekly City Manager’s Report.

(2) Monthly Reports

* 1. Fire Department
  2. Police Department
  3. Service Department
  4. Planning and Economic Development
  5. Finance Department

Mr. Chodkowski said you have my report as well as supplements from staff and we would be happy to answer any questions.

Deputy Mayor Denning said the bids are due shortly for the blacktopping on Harshman. Mr. Chodkowski said Mr. Miller cites the paint striping, mill & fill, crack seal, and water mains. Deputy Mayor Denning said there was something in one of the reports that in the next few days we were getting the bids on Harshman or we were putting it out for bid. He said he was just curious if we got any more information on the recycling system for pavement and if it lasted as well as regular asphalt. Mr. Keaton said most of the references are north in the Cleveland area or Chicago, then it misses our area and goes to the south near Florida. He said most everywhere he has checked they pretty much have done smaller streets, areas where testing would be appropriate and so far every report he’s got has been favorable but the traffic counts don’t match our kind of traffic counts or the kind of traffic we have on our roads. He said it’s kind of a situation where it is favorable to the communities it’s been done in and has lasted the test of time in their particular situations. Deputy Mayor Denning said what he is really looking for is if it lasts as long as a regular mill and fill would. He said his assumption is, if it does it on whatever street, it would be the same on a larger street because you are comparing apples to apples; if we put down regular asphalt vs. this is it pretty much equal and what you are telling me is on the smaller streets, it is. He said it sounds good to him since it will save us money and it’s green.

Mr. Smith said on the Brantwood Subdivision infrastructure bids, have we picked a contractor. Mr. Chodkowski said we have not; the engineer called earlier today and he has completed background and reference checks. He said he asked me to call him early next week but he would anticipate legislation for the lowest and best qualified bidder to come before council at the first meeting in May.

Mayor Flaute said he just has one question about the reconstruction of the St. Rt. 35 Bridge over the railroad; the contract was let on March 22nd and construction will begin in 2012 – 2013. He asked if there will be any disruption to our residents and if we are going to let our residents know this is happening. Mr. Chodkowski said this will be an ODOT project so we wouldn’t be involved in that; at this point we have provided guidance in certain aspects of design elements we wanted ODOT to be conscientious of. He said he would assume the impact related to our residents would mostly be related to the Spinning Road work which he believes they are going to reset the grade under the bridge rather than try to elevate the bridge deck. Mayor Flaute asked what that meant. Mr. Chodkowski said basically we have a low clearance on Spinning at that bridge deck so rather than raise that bridge deck up; they are actually going to come down and work on Spinning Road on our behalf basically digging Spinning Road down a couple more inches to create the necessary clearance. He said there will be some disruption to the local street traffic pattern as a result of that but all of their impacts should be related to the US 35 roadway. Mayor Flaute said they will probably have to close down Spinning Road for some time. Mr. Chodkowski said they shouldn’t have to close it down at all; they will have to do lane closures and flag work when they are changing the grade on Spinning but to the best of his knowledge they won’t have to close down Spinning Road to relocate bridge pylons or deal with the bridge deck surface. He said that is information we will have a better handle on once the contract has been awarded and the contractor has been selected; they will provide in their specs how they plan to address ODOT’s needs there. Mayor Flaute said so mostly the bridge is the problem but you say it’s for the railroad and the Iron Horse Trail also. Mr. Chodkowski said his understanding is that it includes those items simply because of the grade change. Mr. Keaton said that’s correct, the main issue being the Spinning Road Bridge.

Mayor Flaute said one time we talked and tried to get a grant to have a bike path from the railroad bike path to Spinning Road because right now, the way the bridge is constructed, you have to go out on the road with your bikes to get through there. He said we were talking about making that not be the case; five years ago we tried to get money for that and didn’t get it. He asked if we were going to try again. Mr. Chodkowski said to the best of his knowledge the bike path is uninterrupted. Mayor Flaute said from the bike path to Spinning Road you have to under this bridge they are going to be fixing, go by U-Haul and on Spinning Road there is no sidewalk or any way to be under the bridge; there is a path a lot of bikes use but we were talking about putting a sidewalk or something there. Mr. Chodkowski said based on the conversations he is aware Mr. Miller had with ODOT, we have asked them to make considerations for the placement of a sidewalk underneath the bridge at a future date; right now it’s a little time constricted. He said what we’ve asked them to do is while they are addressing the grade of Spinning Road, if they can accommodate some additional space for the placement of a sidewalk at a later date. He said we’ve asked them to do that as a consideration of their design plan but he has not seen the final plan so he doesn’t know if they have been able to accomplish it but we can ask them to do that. Mayor Flaute said please do; that’s a very dangerous situation especially for folks coming off the bike path down to Spinning Road. He said either side would be good but both sides would be excellent.

Mr. Smith asked if when ODOT digs spinning Road down are they going to take into consideration the ponding or collection of water issue because there is no sewer there. Mr. Chodkowski said he has not seen the plan. Mr. Keaton said he hasn’t seen the plan either but he was told they are going to route the drainage along the right of way area going next to the highway. Mr. Smith asked parallel to Spinning; Mr. Keaton said he hasn’t seen the plan.

Mayor Flaute said this is huge for our community; that bridge, as everyone knows, has been hit annually for years. He said this is a huge accomplishment for our community to have this done and it would also be huge to have some kind of sidewalk or bike path along that area. Mr. Smith said he thinks the bridge is hit monthly. Mayor Flaute said he didn’t think it had been hit lately since we got some sign improvements but it has been hit many, many times and he’s surprised it’s in as good a shape as it is.

**ITEM 13: PUBLIC COMMENT ON AGENDA ITEMS:**  Ms. Jan Pitzer of Wake Forest Road said she is happy to see the council has decided not to go with the aggregation for the electric and gas. She said is very happy with the opt-in program with the National League of Cities. She said Mr. Cole brought this up too, if we could have the little blurb on the agenda to let us know more; it said NLC Service Line Warranty and if we just could have put regarding water and sewer then people would know what it was that are possibly reading the minutes online that would want to attend the meeting. She said a follow up on that is during the work session, the people who do put an effort in and come to listen are not allowed to speak; a lot of times council is asking questions but you’re not asking if the audience has questions and we’re not allowed to ask. She said Mr. Chambers was from Pittsburgh and when he was done, he was out the door. She said if we could just possibly be able to speak if the questions council is asking are not the same as what the audience has. Someone on council said it’s a work session. Mayor Flaute said it gets tricky and that’s what these are for, but when a speaker is here, it’s tricky. Ms. Pitzer said they leave right after the presentation and if we have a different question we have no way of getting an answer. She said when you are making decisions for the residents; she thinks the people that show up should be allowed to ask a question during the presentation if it’s not addressed by council.

Ms. Pitzer said regarding ponding on Spinning, there is already ponding underneath the overpass bridge. She said by lowering the grade, it will exacerbate it. Mr. Keaton said the right of way he was speaking of, there is a small creek just to the north and that’s the area in which he believes ODOT stated they were going to run the drainage – right by the apartment building.

Ms. Pitzer said she has a situation she is going to bring up regarding the hobby farming zoning; back on March 1st it was approved for the 2 acres and at that meeting it was brought up for 1.5 acres which failed. She said then on April 5th it was brought up again by a council member who voted no originally for the 1.5 acres, to bring it to 1.5 acres and she can see that this benefits a certain council person. She said she thinks if council is willing to make adjustments to benefit, and this is relatively minor, what will be done in more major situations. She said she wanted to make that a public record.

Ms. Pitzer said she had some questions regarding the dog park that is having its grand opening and she sees Ms. Mitchell is here so she may be able to answer these for her. She asked who was going to monitor the dog park as far as making sure that dogs have vaccinations. Mayor Flaute said lets go to the City Manager on that. Mr. Chodkowski said that is not an issue we’ve been asked to address through the Riverside Health & Safety Commission which is the body who put this together. He said he didn’t have an answer. Ms. Pitzer said she is real concerned with that because if somebody brings in a 16 week old puppy that has Parvo, can’t prove that they’ve had vaccinations against this, and have this dog running with a bunch of other people’s dogs…she is a real animal lover; she’s had a dog with Parvo when she was much younger and it’s a disaster. Mayor Flaute asked if Ms. Pitzer had taken her dogs to the parks in Greene County. Ms. Pitzer said no, not in Greene County but she has gone to Kettering and Centerville and they do have people there to monitor. She said people are there checking the whole time the park is open; you have to sign forms and produce your vaccination records for your dogs. She said they have someone there in case dogs get involved with each other. Mayor Flaute said he’s never seen that; he’s always taken his to Greene County parks. Ms. Pitzer said she is really concerned over the vaccination because somebody could bring Parvo. Mayor Flaute said the veterinarian who helped out will be at the grand opening, he’s going to be giving a speech; please come and listen to him to get all the facts. Ms. Pitzer said its states this is open to the family; does that mean bring your dogs during this grand opening. Mayor Flaute said yes; come on down and get all the facts; the veterinarian who worked with them knows all about it. He said whatever your concerns are please bring those up. Ms. Pitzer said there are also the waste products. Ms. Mitchell said that is why there is going to be the pick ups for the fecal matter. Ms. Pitzer said but you are trusting the citizens to do it, there’s no one there monitoring. Mayor Flaute said if there are a lot of feces left over we will be addressing that. Mr. Chodkowski said please understand this is a test run, so this is really just to see if there is a need; so these might be things that are vetted out over the next year that makes us determine long term we don’t want one or we do need one but we need to ramp it up with other components. He said this is still just a trial.

Ms. Pitzer said regarding the 1.5 acre zoning, does that have to go through the zoning commission in order to be approved. She said she lives in a strictly residential area but at the end of her street is a gentleman who just bought 1.7 acres; can this man now have a horse and whatever else he wants inside residential. She said she is an animal lover and she’s had horses; she’s just questioning if he has to have that approved. Mr. Chodkowski said the way the legislation is drafted is anybody who meets the minimum requirements has to come before the Board of Zoning Appeals for a conditional land use permit. He said the BZA is the check to make sure that the stable or aviary is properly placed on the lot; the BZA can also instill additional conditions based on the circumstances such as one lot is vacant and the other lot is heavily populated – every situation is different and because of that the BZA can institute additional rules specific to each property. Ms. Pitzer said even though the BZA has jurisdiction, they are not going to go to any of those neighbors for any input. Mr. Chodkowski said the way a conditional land use provision works if he remembers correctly, anyone living within 300 feet of the property applying for the conditional use has to be notified of the request. Ms. Pitzer said okay, great; she would love to have a horse but the neighbors wouldn’t be thrilled.

Ms. Pitzer thanked council.

**ITEM 14: UNFINISHED BUSINESS:**

**a. Ordinance No. 12-O-488 to accept and dedicate Matt Way, Catherine Court, and Kay Court within the City of Riverside as public thoroughfares. (SECOND READING AND CONSIDERATION OF ADOPTION)**

Mr. Chodkowski said this ordinance is to accept and dedicate certain public thoroughfares within the Valley View Subdivision.

A motion was made by Deputy Mayor Denning to read Ordinance No. 12-O-488 for the second time by title only and to approve its final adoption. Mr. Schock seconded the motion.

Mayor Flaute said this is a second reading; is there any discussion from council. Mr. Schock said he had none but we have to ask the public. Mayor Flaute said no we don’t. Mr. Chodkowski said the provision of the Charter requires that every citizen have the right to speak on legislation prior to its second reading and adoption which is why there is public comment on agenda items. Mayor Flaute said if anyone wanted to speak about it that was their opportunity.

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

Deputy Mayor Denning called point of order; the ordinance had not been read for the second time by title only. The clerk read Ordinance No. 12-O-488 for the second time by title only.

Mr. Chodkowski asked council to vote again. All were in favor; none were opposed. **Motion passed.**

**ITEM 15: NEW BUSINESS:**

**I. RESOLUTIONS**

* + 1. **Resolution No. 12-R-1657 for the pavement planing and resurfacing of the existing roadway on State Route 4,further identified as project MOT SR 4 17.72, PID No. 92823.**

Mr. Chodkowski said this resolution is brought forth pursuant to the request of the Ohio Department of Transportation regarding the repaving of St. Rt. 4 in the year 2020.

A motion was made by Mr. Schock to approve Resolution No. 12-R-1657. Deputy Mayor Denning seconded the motion. All were in favor; none were opposed. **Motion passed.**

Mayor Flaute said there is no fiscal impact on this. Mr. Chodkowski said correct; it is very similar to the repaving they did in 2008 – 2009 so they will handle all the items identified within the scope and anything we ask them to do will be our responsibility. He said all of the improvements under the scope of this project number are at their expense.

**b. Resolution No. 12-R-1658 to authorize the City of Riverside to participate in the National League of Cities Service Line Warranty Program.**

Mr. Chodkowski said this resolution is brought forth pursuant to council’s request regarding the National League of Cities Service Line Warranty Program.

A motion was made by Mr. Schock to approve Resolution No. 12-R-1658. Deputy Mayor Denning seconded the motion.

Mayor Flaute said if this does pass this evening, are you going to have something in the newsletter. Mr. Chodkowski said his understanding of how the program works is they will prepare a letter in advance and they will mail it to all the residents in the city who are eligible for the program. Mayor Flaute asked if that was agreeable to everyone. Council members agreed. Mayor Flaute said he knew that’s what they were going to do but he thought some forewarning of the letter coming would be nice; we’ll just wait a little longer then.

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

**c. Resolution No. 12-R-1659 recognizing the Walter E. Stebbins High School Parent Teacher Organization’s “After Prom Party” as a function that promotes the public health, general welfare, and contentment of the citizens of the City of Riverside.**

Mr. Chodkowski said this resolution is brought forth pursuant to the request of the Stebbins High School After Prom Committee regarding a contribution to that activity.

A motion was made by Mr. Schock to approve Resolution No. 12-R-1659 inserting the amount of $250 (Two-Hundred and Fifty dollars). Deputy Mayor Denning seconded the motion. All were in favor; none were opposed. **Motion passed.**

**d. Resolution No. 12-R-1660 authorizing the Riverside Lions Club to place temporary promotional signs in the public right of way under certain terms and conditions.**

Mr. Chodkowski said this resolution is brought forth pursuant to the request of the Mad River Lions Club regarding placement of signs within the public right of way.

A motion was made by Deputy Mayor Denning to approve Resolution No. 12-R-1660. Mr. Fullenkamp seconded the motion.

Mr. Curp said he was not going to vote on this and he wasn’t going to vote on any more of these. He said he wasn’t voting against it and he wasn’t voting for it; he’s just not going to vote on these because our sign policy is just not consistent and he believes it is in violation of the various court rulings that deal with sign policies that need to be content neutral. He said until we address that he is just not going to vote on any more of these. He said it’s not that he doesn’t want them to have their signs; he wants everybody to have their signs and that means everybody; not just groups we belong to or favor or whatever; it should be for everybody. He said until we have a content neutral sign policy, he is not voting on any more of these.

With no further discussion; a roll call vote was as follows: Deputy Mayor Denning, yes; Mr. Fullenkamp, yes; Ms. Campbell, abstain; Mr. Curp, not voting; Mr. Schock, yes; Mr. Smith, yes; and Mayor Flaute, yes. **Motion passed.**

**e. Resolution No. 12-R-1661 initiating text amendments to the Codified Ordinances of Riverside, Part Eleven – Planning and Zoning Code as well as amendments to the Zoning District Map of the City of Riverside, Ohio.**

Mr. Chodkowski said this resolution is directing the Planning Commission to schedule a public hearing with regards to the adoption of text amendments and zoning amendments to the City of Riverside Chapter 11 Planning and Zoning Code.

A motion was made by Deputy Mayor Denning to approve Resolution No. 12-R-1661. Mr. Schock seconded the motion.

Mr. Curp said he wasn’t voting on this either for the same reasons that he didn’t vote for the previous one. He said this contains sign policies that are inconsistent with the federal court rulings and until we repair these things, I’m just not going to vote on this kind of stuff.

Mr. Schock asked what court rulings are these; he must have missed them and he asked Mr. Curp to bring copies in so we can all see them. Mayor Flaute said we can ask our Law Director. Mr. Curp said he thought the Law Director would be a more preferable source for the information; he could certainly bring in stuff he’s seen. Mr. Schock asked if could email it because he wasn’t copied on that; he tries to keep up on it but he must have missed it.

Mr. Fullenkamp said what he sensed when we discussed this sign issue was we don’t want to change the way we do business and we probably are running afoul of the state and federal law. Mayor Flaute said no we are not because the Law Director has approved all this. Mr. Chodkowski said that is incorrect; council was advised by the Law Director to not allow signs within the right of way period. Mr. Fullenkamp said while he is not going to take the stance that nothing is going to happen, he still thinks we need to revisit this because we are putting the city at risk liability-wise and that’s not something that’s acceptable. He said however, he thought they could revisit this. Mayor Flaute said put it on as a discussion item. Mr. Fullenkamp said he wasn’t sure what the best way was to do it; if we are all willing to have a real discussion about it or if we just don’t want to have to vote. He said that seemed to be the tenor of the conversation we had when we talked about this previously.

Mr. Schock said he does remember the Law Director telling us about freedom of speech; some of the things that have popped up and what the signs stand for but he doesn’t recall her saying all or none. He said he didn’t think she said it that way.

Ms. Campbell said she thought the Law Director told us if you allow one, you have to allow them all. Mr. Schock said she didn’t use that terminology if he remembers correctly; she pretty much cautioned us about not allowing political signs and items like that and regulating what we can and cannot put on there. He said if *xyz* comes here and we say no; they say, well, you let *abc* do it and you are in violation of the freedom of speech act which the signs demonstrate. He said if the Law Director warned us completely, saying go or no go, then it’s not a revision of it and he thinks we just ban them all. Mayor Flaute said we need to bring her back in then. Mr. Schock said let’s go with what we have on the table, let it fly; and then bring her in here for a 15 minute session and if we hear it from her again, we vote on it right then when she’s done. He said if she recommends we do away with it then that’s what we’ll do.

Ms. Campbell said what she gets out of it sometimes is the Law Director says you can do this or you can do that and it’s up to you to decide which and that’s confusing to her. She said it’s kind of contradicting the other so we need to get her face to face and ask – one or the other.

Mayor Flaute said he thought we should go ahead with tonight. Mr. Schock said maybe we can put the Law Director on the next work session for 10 or 15 minutes; he thought that would be all it took for her to explain that to us and then we will vote on doing away with it if that’s what she says that we are running a very high risk of being sued by a certain group that want their signs and we don’t want them; we are open for a law suit. He said that’s something we can’t afford at this time. Ms. Campbell said we just need a straight answer. Mr. Schock said next work session at the top of the list. Mayor Flaute asked the clerk if we had room for it. Mary Ann said she’s sure they could work it in but she will have to contact the Law Director to see if she is available. Mr. Schock said if she’s not available then one of her other partners could work it in. Mr. Chodkowski said most likely if she can’t make it her associate Ms. Blankenship could; she’s the one who assisted with the review of the final document. He said that might work out well since May 3rd is the joint work session. Mayor Flaute said that’s good and will be even better.

Mr. Schock said he hoped Councilman Curp understood he wasn’t climbing down on him; he just wanted to know and see this because it helps him make a better decision too; so you don’t look like the lone ranger out there at times.

Mr. Curp said he didn’t think there was a rush in having the Law Director in because this has to go through the Planning Commission and they have to do their public hearing; there is ample time between tonight and the time this comes back to us, to work the Law Director in. He said if she’s not available the next meeting we have, we can bring her in another meeting unless you want to have someone else from the firm come in. Mr. Schock said he, personally, thought someone else from the firm would be just fine and yes, we are aware of the procedure it has to go through finally to get it all set up in an ordinance form, but sooner the better because Councilman Curp is leaving his name off as a non-voting person and he’s doing it for a very valid reason; so when the law suit comes down, he won’t be named – we all will.

Mayor Flaute said he thought it would be nice to have it on the next work session because we will have the Planning Commission here. Mr. Fullenkamp said he didn’t think they had discussed this in terms of zoning but we did get a letter in terms of some sign requests we got. Mayor Flaute said certain sign requests. Mr. Fullenkamp said right; it was not discussed related directly to the zoning code. Mr. Chodkowski said he believed it was because we had specific discussion the week the Ohio Supreme Court issued it’s ruling with respect to the Fairborn case at their community festival because he specifically cited that as did the Law Director during my conversation with her that week. He said he knows we talked about it and he will check the date so they can refer to the minutes; but he does know that we had some specific discussion on that. Mr. Fullenkamp said regarding the zoning code and Mr. Chodkowski said yes.

Mr. Curp said we talked about Fairborn’s situation and another councilman brought up Huber Height’s code where they permit signs along the right of way for community groups; the council majority decided to use the Huber Height’s code as the Riverside language going forward in the revised UDO. He said we had the discussion and the council majority chose to go a different direction, that’s all.

With no further discussion, a roll call vote was as follows: Deputy Mayor Denning, yes; Mr. Schock, yes; Ms. Campbell, no; Mr. Curp, no; Mr. Fullenkamp, yes; Mr. Smith, yes; and Mayor Flaute, yes. **Motion passed.**

**ITEM 16: PUBLIC COMMENT ON NON-AGENDA ITEMS:**  There were no public comments on non-agenda items.

**ITEM 17: COUNCILMEMBER COMMENTS:** Mr. Smith said he received a letter for the Children’s Water Festival and he asked if anyone else received that letter. Mr. Schock said we all did.

Deputy Mayor Denning said he just wanted to thank staff for all they do, all the time. He said he also wanted to remind folks that June 2nd and 3rd is Relay for Life at Community Park; come out and have a good time, there’s going to be a bike show. He said this is a way to raise money for the American Cancer Society and the goal this year is $45,000. He said the Mayor was willing to take a pie in the face if they sold all 500 of the Illuminaries last year and he asked if the Mayor was willing to do that again this year. He said they have to sell 500 Illumunaries so that would be raising $5,000 for the American Cancer Society if they were able to do that and we would like to use that as a way to get the public to buy a few extra. Mr. Schock said put him in a dunk tank. Mayor Flaute said no dunk tank; he would rather take the pie. Deputy Mayor Denning said so if we are able to sell 500 Illuminaries, you’ll take a pie in the face. Mayor Flaute said he’ll take the pie; we need to let the Dayton Daily News know that and maybe we’ll get the 500.

Mrs. Julie Denning said maybe the City Manager would take a pie from the city department that raises the most money. Mr. Chodkowski asked what the minimum threshold is. Mrs. Denning said $200 for a team total. Mr. Chodkowski said he would take a pie in the face to raise $200 for cancer. Mrs. Denning said so any department that raises $200, the department head gets to choose who puts a pie in your face. Mr. Chodkowski said sure. Mayor Flaute asked who got to put the pie in his face. Mrs. Denning said the team who sells the most Illuminaries.

Deputy Mayor Denning said we appreciate everybody’s support for this; come out and have a good time with the Relay for Life. He said we are holding it a little later in the year so it’s a little warmer and there will be a lot of people out in the park. He said it will be a good time.

Mr. Schock said Mrs. Denning gave him registration forms for the motorcycles and it says “no fuel leaks allowed due to safety reasons” – if you invite Harley Davidson there, they are going to leak something. Mrs. Denning said our disclaimer says if something comes in and they damage the grass, we can tell them they have to leave.

Mayor Flaute asked if anyone else is going to the Fisher/Nightingale event. Council members said they didn’t receive the invitation. Mr. Curp said it is in your copy of the monthly newsletter from MVMAA. Mr. Schock said usually we get the invitations too. Mayor Flaute said he will attend.

Mayor Flaute said Riverside Seniors are having a garage sale on Saturday, April 28th; food will be available and if you have any donations, he has the number to call. He said we have the AFA (Air Force Association) newsletter which we are members of and he also has the magazine from the Air Force if anyone is interested in reading these.

Mayor Flaute said he also attended the meeting for SPARK, which is a group that came out of the Dayton Leadership of 2006, and they talked about the Dayton VA Hospital. He said there are a whole bunch of folks that are eligible for VA benefits who aren’t using them; that was the word they want to get out. He said our local hospitals are being burdened by folks who could use the VA Center so if you know any veterans and they are leery of the VA or don’t think they have benefits, please ask them to call the VA because there are benefits out there.

Mr. Smith said if he could expand on that – if a veteran goes to the VA Hospital and he’s requiring service that the VA doesn’t do, they will send the veteran to another hospital specializing in that field and they will pick up the tab for that. He said if the veteran goes to Miami Valley or one of the other hospitals on their own they would have to bear that cost. Mayor Flaute said please encourage veterans to use that.

Mayor Flaute said another thing was the Volunteer Dinner; thanks to all who worked on that especially our clerk – she worked very hard on that and it was a really nice event. He said we thank everyone who participated.

Mayor Flaute said he went to another library meeting but we really didn’t solve anything. He said he doesn’t have any new information from what we had before but he did become part of the group that is talking about the new libraries and the building of them; how that’s all going to work out. He said he will share new information when it becomes available.

Mayor Flaute said there is a group putting together a Mayor’s Breakfast for next year; we’re looking at the first of March or April. He said that’s something a lot of other communities do so you’ll be hearing more about that as we move forward.

Mayor Flaute said he did 6 weddings; this week is a little slow but last week was very busy, so we continue to do that.

**ITEM 18: ADJOURNMENT:**  A motion was made by Ms. Campbell to adjourn. Deputy Mayor Denning seconded the motion. All were in favor; none were opposed. The meeting was adjourned at 8:19 p.m.

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William R. Flaute, Mayor Clerk of Council