**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; Mitch Miller, Service Department; Mike Brown, Police Department; Bob Turner, Fire Department; Tom Garrett, Finance Department; and Steve McHugh, Law Department.

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

**ITEM 4: ADDITIONS OR CORRECTIONS TO AGENDA:** The agenda was revised prior to the meeting, Councilman Smith adding items 6c – Review Language for Hobby Farming, 6d – Notification on Items of Interest to Council, and 6e – Request for Transfer of Training Funds; and the City Manager adding item 14 (II) e – Resolution No. 12-R-1656.

**ITEM 5: APPROVAL OF AGENDA:** A motion was made by Deputy Mayor Denning to approve the agenda as revised. Mr. Schock seconded the motion.

Mr. Fullenkamp said he was a little concerned about these things coming up at the last minute; he understood this was changed late today and he’s not sure why these things come up at the last minute. He said these should have shown up when the agenda came out last Friday. He said he was concerned about the process of when we get our items in to the clerk for discussion.

Mayor Flaute said right and his thoughts on that is the agenda gets pretty full, pretty quickly as Mary Ann knows, when something comes up sometimes you have to wait a month or two because the agenda is so full. He said quite frankly, he gets a little bit nervous when we start going past 7:30 p.m. and there has been discussion on going too long after 7:30 p.m. He said Mary Ann works very hard to make sure the agenda doesn’t get too full so we don’t run into that. He said the process should be that you call Mary Ann and say you want to get something on the agenda as soon as possible and sometimes that may take a month.

Mr. Schock said if these items are added and they are 5 or 10 minutes, we should put time frames behind the names so we would be better able to figure out what will fit in the hour and a half. Mayor Flaute said that way we have an idea of where we are going.

Ms. Campbell said item 6d – Notification of Items of Interest to Council; she doesn’t have a clue what that is about, no one called her. Mayor Flaute said that is the problem with all of them. Ms. Campbell said if she wanted to check this out she wouldn’t know what to look for. Mayor Flaute said that’s his point too. Ms. Campbell said this should go to the next meeting.

Mr. Schock said we just approved the agenda. Mr. Fullenkamp said we do need to make the adjustment for the resolution. Mr. Schock said right, let’s just run with it and restrain the time. Mayor Flaute said we should go with the old agenda with the addition of the last item, the resolution.

Deputy Mayor Denning said that’s not what the motion was; the motion was to approve the agenda as revised.

Mr. Smith said these are just quick items that are time sensitive. He said he has a convention coming up in May and he needs more funds. Mayor Flaute said he would prefer to not talk about this now and wait until we can get it on the agenda. Mr. Smith said it won’t take long. Mr. Schock said he thought they would have enough time.

Mr. Curp asked if they were voting on the original agenda or the revised agenda. Deputy Mayor Denning said the revised.

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

**ITEM 6: WORK SESSION ITEMS:**

1. Mike Chambers – National League of Cities Service Line Warranty

Mr. Chodkowski introduced Mike Chambers who will be presenting the National League of Cities Service Line Warranty Program. Mayor Flaute welcomed Mr. Chambers.

Mr. Chambers said he is with Utility Service Partners and his company administers NLC’s Service Line Warranty Program. He said through that program, we work with cities and municipalities throughout the country making our service line warranty products available for your residents. He said the protection covers both sewer and water laterals at your residence from the street all the way to the point of entry in your house. He said we offer these programs to the city and we handle all the marketing, billing, customer service, and the claims. He said there is no cost for the city to participate in the program and we actually share 10% of the revenue from the program back to the city for participating.

Mr. Chambers said a couple benefits from the program; pretty much everywhere we go, we hear the same thing; if a resident has a break, they call the city, and the city sends someone out only to find the break is on the resident’s side of the line and there’s really nothing the city can do to help because it is on their property. He said a lot of time residents become upset with this because they don’t even realize it’s something they are responsible for. He said our program gives them options they don’t have to take and for a small monthly fee, typically between $4 to $6, the resident can enroll in our program and if they have a break in a line or a clogged sewer line or any kind of failure in service, all they have to do is make one call to our 24 hour/7 day per week service center and we will dispatch a local, licensed plumber to make the repairs. He said there are no service fees or any deductable and the residents don’t have to worry about getting reimbursed, we pay the plumbers directly.

Mr. Chambers said that’s another benefit of the program, we only use local, licensed plumbers, so you don’t have to worry about outside guys coming in and taking jobs away from your local businesses. He said this keeps local dollars in your community and more importantly, local plumbers know what the local codes are so they are going to make sure the lines are fixed the way the city wants to see them fixed.

Mr. Chambers said finally, one of the last benefits is the revenue that goes back to the city; 10% of every dollar that is collected from the program will go back to the city for participating. He said a lot of our city partners will set up programs with those funds to where low to moderate income families will have access to the funds if they have a break in a line or other city partners will put the funds back into their public works system for special projects. He said it is up to the city however they want to use the funds.

Mr. Chambers said we have a very simple approach to marketing the program; basically, twice per year we will draft a letter which will say something along the lines that “the National League of Cities and the City of Riverside would like to make you aware there is a program available if you choose to take it”. He said that’s another nice aspect, your residents don’t have to take the program; if the city decides to participate, it’s available for them to protect themselves. He said the mail campaigns are done in the spring and it the fall; we create the letter which comes to the city for review and if there are any suggestions for changes in the letter, we will incorporate those. He said until the city approves the letter it won’t be mailed to the residents.

Mr. Chambers said from there the most important part of our program is customer service and it’s one of the main reasons we come to the city first; from that we are able to determine exactly what it is your residents are responsible for. He said we run this program throughout the country and typically the coverage is pretty standard but we’ve found that from municipality to municipality it can vary. He said by coming to you first and finding out what your residents are responsible for, we are able to tailor our program to cover everything they are responsible for. He said because we do this, we deny less than 2% of all the claims that are filed. He said the only reason we ever deny a claim is maybe when the customer hasn’t paid and the program has cancelled; they will still call in and try to file a claim.

Mr. Chambers said to date we have over 100 cities that are participating in the program ranging from small cities with just a couple hundred people all the way up to cities like Phoenix and Atlanta. He said there are seven cities in the State of Ohio that are participating. He said we usually see 10% to 15% of the households sign up from the first mail campaign and then after a couple years it usually reaches 30% to 35%. He said to him, he sees it as a program that residents really like to take advantage of – a lot of people would rather pay that $4 or $5 per month than get stuck with that $2,000 or $3,000 bill when they really haven’t planned for it.

Mr. Smith said what if you just have tree roots in your main line going from your house to the street. Mr. Chambers said if its tree roots, we will come out there and clean it out and if it’s something that’s broken and it looks like the roots are going to keep getting in, they will do a spot replacement or replace the whole line. Mr. Smith said what if a kid throws a wash rag or a toy in the commode and it gets stuck in the sewer line. Mr. Chambers said that’s still covered. Mr. Smith said what about inside the house. Mr. Chambers said we have another product for that and that wouldn’t be covered under the external program. He said with cities we usually start with offering the external sewer and the external water warranties and after a while, if you guys want to offer other products, we have products to cover all the lines in and out of the house – for gas, electric, and everything.

Mayor Flaute said the first offer would be just for the sewer and water; not the gas lines. Mr. Chambers said yes.

Deputy Mayor Denning said what if somebody has city water but they still have a septic system. Mr. Chambers said the septic tank line to the house would be covered but the tank would not. Ms. Campbell asked if they would be running pipes so you wouldn’t have to fool with the septic. Deputy Mayor Denning said that’s a completely separate situation and we would have to tie into the county sewer which is not even in the area yet.

Mr. Curp asked in the rates go up in subsequent years. Mr. Chambers said they never have gone up on our partners; basically, when you get into the program whatever the rates are, that’s what they’ve always been with our partners. He said we have raised our rates so there are some partners that are paying a little less; the first rate for sewer lines was $5 and now it’s up to $5.50 but wherever you get into the program, that’s where your rates will stay. Mr. Curp asked if there was a separate rate for each line. Mr. Chambers said yes; the water line warranty typically runs $4.25 and the sewer line warranty runs $5.50, so for under $10 per month they can cover both lines. He said we keep them separate; maybe someone just replaced their water line and don’t want that coverage so the residents can pick and choose.

Deputy Mayor Denning asked if they got billed monthly for this. Mr. Chambers said we have several options; they can pay monthly, quarterly, semi-annually, or annually. He said if they pay annually, we will discount it another 10%. Mayor Flaute asked if they could make payment electronically. Mr. Chambers said yes; we have a complete website where they can sign up to pay online. He said we also have an 800 number they can call.

Mr. Fullenkamp asked what they required council to do in order to enable them to offer the program. Mr. Chambers said the only thing we ask the city to do is to introduce the program to your residents. He said the letter is something you will have to approve and it will say something like “the City of Riverside and the National League of Cities want to make you aware of this program”. Mr. Fullenkamp said so we will most likely need a resolution. Mr. Chambers said yes.

Mayor Flaute asked if they would be using our city letterhead. Mr. Chambers said yes. Mayor Flaute said but you pay for all the paper and postage and all that. Mr. Chambers said yes. Mayor Flaute asked if he would be signing the letter. Mr. Chambers said there are different options; sometimes the Mayor signs, sometimes the City Manager signs, and other cities have just signed it with the city’s name.

Mr. Curp said in the cities you’ve introduced the program to what’s the capture rate. Mr. Chambers said usually 10% to 15% of the households in the first campaign then in a couple years its 30% to 35%. He said in this area, one partner is Harrison, Ohio and they got 38% from the first mailing.

Mayor Flaute said it’s kind of like the prescription drug program we have with NLC, that saved our residents a lot of money. Deputy Mayor Denning said he didn’t see a negative side to this. Mayor Flaute said the folks have a choice. Mr. Chambers said correct; we have a city about your size in West Virginia and over the last two years we have paid over $65,000 in claims. He said that’s $65,000 the residents didn’t have to pay and $65,000 that went into their economy using the local plumbers.

Mayor Flaute asked if they had competition in the area. Mr. Chambers said there are people that offer the program but nobody does it the way we do; coming to the city first and getting your blessing. He said the trouble with that is you don’t really know what it is the residents are responsible for and you just have a typical coverage that is offered to the whole country which often doesn’t cover everything.

Mr. Curp said it was stated earlier that less than 2% of the claims are denied; he asked for some examples of denied claims. Mr. Chamber said of the 2%, probably 70% is this situation: if a customer doesn’t pay for a month, we send a reminder; if they miss a second month, we send another reminder; after three months we just cancel them from the program. He said they will get a letter to let them know it’s cancelled but we don’t go after them for collections. He said what we see a lot of times is maybe a year down the road after they’ve been cancelled from the program, they will end up calling and wanting to file a claim. He said obviously we can’t pay it because they are not customers anymore; even though they are not customers, we count that as a claim denied. He said another thing that might happen is a customer will have a sewer line warranty but their water line will break; that makes up another portion of our claims denied.

Ms. Campbell said we are paying for sewer on our water bill. Mayor Flaute said that is something else. Ms. Campbell said we don’t already have this coverage. Deputy Mayor Denning said no; if it breaks now, you have to pay for it. Mayor Flaute said in his business, he has already paid for about 6 of them and it’s not pretty.

Deputy Mayor Denning asked if this extended to businesses as well. Mr. Chambers said no, right now it is just residential; we might end up developing a commercial product but we haven’t done the pricing for that because most the time commercial products involve concrete. Mr. Schock said rentals are okay. Mr. Chambers said yes.

Mayor Flaute said there was a lady that ended up paying $10,000 because she had special circumstances. Mr. Chambers said you see that if your sewer line gets into the street and our product even pays to put the street back to the way it was.

Ms. Campbell said what if construction is working and they accidently dig up a line. Mr. Chambers said that is one of our other claim denials; if you are out there digging a swimming pool and you break a line that is not covered. Mayor Flaute said you would have to go back to the third party. Mr. Chambers said correct.

A motion was made by Mr. Schock to bring forward legislation for the NLC Service Line Warranty Program. Deputy Mayor Denning seconded the motion. All were in favor; none were opposed. **Motion passed.**

b. Joe Loy - DATV

Mr. Fullenkamp said he met Mr. Loy at the filming of the Meet the Candidates in October. He said Mr. Loy came up to us after the filming, said he was a resident of Riverside, and was interested in trying to help us provide video coverage of our meetings. He said we brought this up last year before the election and we decided to put it off awhile and now that we are one big group and all on the same page, he thought it would be a good chance to have Mr. Loy come in and discuss what he can do for us with his expertise to provide a quality product. He thanked Mr. Loy for coming tonight.

Mr. Loy said he is a volunteer member of DATV and he is an independent producer with them. He said DATV does Dayton’s Commission meetings and it’s put on their channel for the citizens to watch. He said being a volunteer, he could come in, video tape the meeting, and take it to DATV to make available for our citizens to watch. He said Riverside and Butler Township are also viewed by DATV in the local cable channels. He said with him being a volunteer, he can get the equipment through DATV and he also has his own equipment because he produces a broadcast from his church, Way of the Cross here in Riverside. He said whatever works best; he is willing to come in and do that. He said he has talked with DATV and however long the meeting takes, whether you want the work sessions or the business portion, he can produce it all and take it to DATV for broadcast the next day.

Mr. Fullenkamp asked Mr. Loy if he could talk a little about how we will accomplish what we are going to do. Mr. Loy said this room is a little small; we would use probably at least two cameras depending on how we would be working it – one camera on a wide shot to capture the whole council and then a camera to capture someone who is speaking. Mayor Flaute asked where the cameras will be. Mr. Loy said for the main camera, he would probably put it in the center in the back. He said if someone is speaking, the other camera could be in the corner getting a profile. Ms. Campbell said some audience members get up and talk so would we need a camera behind council. Mr. Loy said if we want to capture video of the audience we could do that but the space is kind of limited.

Mr. Loy said audio was the other concern he had because a lot of cameras will pick up a lot of roomy sounds. He said if the microphones are actually functional, we can tie into that and get the audio from those to help augment. He said we would need a microphone at the podium too.

Mr. Fullenkamp asked Mr. Loy to describe the production of this after the fact. Mr. Loy said it’s a meeting; Dayton’s meetings sometimes last 2 to 2 ½ hours and they are not opposed to putting the entire thing on TV. Mayor Flaute said we usually go for about 3 hours. Mr. Loy said it will break for your recess; filming would stop at that point and pick back up when it’s over. He said he tries to have it all on one DVD so as soon as we are done in here, all he would have to do is take that down to DATV and it would be done. He said he wouldn’t plan on editing anything unless something was to happen that would require that be done but we do have the capabilities of editing should that be necessary. Ms. Campbell said if they are going to watch it, they should watch it all.

Mr. Fullenkamp said we talked about the option of using DATV for the broadcast and we also talked about streaming on you tube. Mr. Loy said there are a couple different ways to use the internet to stream live and that’s you stream or live stream; those are the two he has worked with in the past for their church service. Ms. Campbell asked what station that would come on. Mr. Loy said the church service is on channel 992, Time Warner Cable, but DATV would be channel 5. Ms. Campbell said she has AT&T; what channel on that. Mr. Loy said it wouldn’t be on there; it’s only Time Warner Cable.

Mr. Fullenkamp said rather than live streaming, can we put the video up online so people could watch it after the fact. Mr. Loy said with live streaming it includes archiving so if you wanted to watch a video over again, it would be available for you to watch. Mr. Fullenkamp asked what requirements were needed for live streaming. Mr. Loy said he really didn’t know; he uses a computer and it’s all built into that. Mr. Fullenkamp said we don’t necessarily have to live stream; his biggest interest is to have the record online for people to pull up after the meeting. Ms. Campbell asked if a copy of the disc would be available. Mr. Loy said we can make copies of the DVD. Mr. Fullenkamp said you would be able to download the product that we put online. Mr. Loy said when DATV broadcasts, they will also broadcast on you stream so you will be able to watch it on your computer. Mayor Flaute asked if we could link to that. Mr. Loy said whatever time it is on Time Warner Cable it will be simulcast on the web on you stream. Mr. Fullenkamp said but they don’t provide an archive so we would have to provide our own link. Mr. Loy said live stream provides an archive but he doesn’t think you stream does.

Ms. Campbell said you should try to get that on AT&T U-Verse. Mrs. Luckner said they do have governmental channels on AT&T.

Mayor Flaute asked if the cameras would be kept on the wall or stored here or would Mr. Loy take the cameras home after every meeting; how would that be done. Mr. Loy said the camera will be on a tripod, used during the meeting, and then he will take the camera back to DATV. Mr. Schock said that’s a lot of work. Mr. Loy said he does it all the time; that’s the purpose of DATV is to give people like him a voice in the community and the ability to go out and capture the footage. He said he has worked with DATV on several projects and he has been doing it for 10 years.

Mayor Flaute said we had this discussion 2 or 3 years ago; he was going to run down and pick up the equipment. Deputy Mayor Denning said there was a cost associated with it at the time. Mr. Loy said he knows DATV has come in to offer the service and there is a charge if DATV does it; but as a volunteer like myself, there is no charge. He said they don’t charge me for the equipment and when he tapes it, he doesn’t charge the city.

Mr. Fullenkamp said he has talked with a couple people in the community that showed some interest in offering a backup service in case you weren’t able to make it; is that something that you would help initiate people on - what they need to do in terms of training. Mr. Loy said if anyone is going to be coming into the program, they need to go through DATV and take their training on use of the equipment, then they would be as equal as I am as far as getting the equipment out. He said he does have his own equipment that is used at the church and for now he could use that until we get a constant schedule for equipment with DATV. Mr. Fullenkamp asked which equipment Mr. Loy would rather use. Mr. Loy said the DATV equipment; he would use their cameras and run everything into a DVD recorder. He said he would put an opener on it, record the broadcast, put an ending on it, and then take it right to DATV. He said that eliminates editing.

Mayor Flaute asked if they had an extra microphone lying around; he doesn’t know where the hook up would be so we would have to run a cord all the way to the back. Mr. Chodkowski said there is a hook up behind Mary Ann and we can go to Radio Shack and pick up a microphone; they are not that expensive. Mayor Flaute said these microphones are all okay. Mr. Loy said yes; as long as they are all functional. He said tying into the system might be tricky.

Mr. Chodkowski asked if DATV runs a set schedule. Mr. Loy said their Programming Director has stated that whenever he brings in a DVD they will give him a time; we might be able to get a set time, right now on the Dayton Access Channel the programming is relatively thin compared to the spiritual channel. Mayor Flaute said what the manager is saying is that it would be nice if we could put it out in our newsletter to watch for it at a certain time. Mr. Loy said that is what he would try for, to have a constant time.

Mr. Chodkowski said he thought there would be a couple policy issues that council will have to consider adopting in the event they would chose to utilize DATV. He said you would need to consider public comments; people speaking in the audience won’t be on a microphone so we will have to limit those types of comments. He said other things will need to be considered such as time at the podium and a universal implementation regardless of the person or purpose for which they are here. Mayor Flaute said in other words, the 3 minutes needs to be 3 minutes. Mr. Chodkowski said correct; another issue would be the accessibility to the information and how the information is stored because now you have come into the realm of public record maintenance and public record access. He said for us it would be beneficial to have a regularly scheduled time on DATV then we can simply advertise the time and it would not be recognized as the official record of council – those are the minutes. He said so we don’t wind up having a records management maintenance issue, while we might allow it to happen it is not sanctioned by the city as an official document or record. He said so we would provide people access to a feature, that’s not something we would be required to maintain as part of our public records.

Mr. Fullenkamp said he’s not sure why people would think it is, especially if we were to put a disclaimer on it. He said it would be a public document but not the official record. Mr. Chodkowski said council would have to pass a general set of policies some being specific to DATV or to publically broadcasting our council meetings and others would just be procedural items that have to occur in council chambers such as the 3 minute rule and you have to speak from the podium. He said also as far as how we view the recordings and whose possession they are and how they are sanctioned and if they are classified as public records. He said it may not be the official record but those would be a public record and we still have maintenance requirements and production requirements. Mr. Fullenkamp asked how that would differ if an individual came in and filmed it – would that be part of the public record. Mr. Chodkowski said no it wouldn’t; a person can lay their camcorder out here and it’s their personal property. Mr. Fullenkamp asked if they could rebroadcast it. Mr. Chodkowski said yes and they can edit it. Mr. Fullenkamp said so the only difference is we are talking to Mr. Loy before hand. Mr. Chodkowski said we are saying we as council or we as the city want this to be done, we are directing it to be done, thereby making it a work product. Mr. Fullenkamp said it sounds like the only big issue is the requirement for our public documents and that sounds pretty minor. Mr. Chodkowski said depending on how the policy would be set; he would advise council to consider what the official public record is and he would have to talk with the Law Director about how the policy would best be structured and phrased.

Mayor Flaute said if someone came in and slapped him in the face and he sued them; could the recording be used to show this person came in and slapped him in the face. Mr. Chodkowski said he would assume so. Mayor Flaute asked if that was a DATV question or how would that work. Mr. Loy said the way he looks at it is the DVD would be the property of the City of Riverside; he would just be here to produce it for the city and DATV is just there to broadcast it. Mayor Flaute said and there wouldn’t be any requirement for us to hold it for any length of time because it’s not our official record. Mr. Chodkowski said he didn’t know if that was an accurate assessment and he would have to talk to the Law Director to see how that’s classified. He said if he would have to venture we would be required to hold it until the official record is adopted but he would have to talk with the Law Director.

Mr. Fullenkamp said he hoped the rest of council sees the value of this; he thinks it is a positive moving forward. He said he thinks they need to resolve some of these issues but he didn’t think those issues sounded serious enough to abate what we are trying to accomplish here.

Ms. Campbell said if you remember a while back there was a council meeting on TV where a person came in and started shooting; it would be good to have for that reason. She said that does happen.

Mr. Smith said he didn’t understand how this is not a public record; you are witnessing it as it was taped live. Mayor Flaute said it’s not our official public record; the official record is the minutes. He asked if they would be allowed to run it before the minutes are approved. Mr. Chodkowski said it would have to be a provision of the policy as to how we would look at that; his concern would be if you were going to match the minutes to the video. He said the minutes do not always reflect verbatim the actions or the words that occur in a council meeting. Mayor Flaute said as hard as she tries to do that it sometimes isn’t. Mr. Chodkowski said you would have to be cognizant of how you look at the official record in comparison to other documents. He said once council provides for an official record of council by adopting the minutes it is in the city’s best interest to make sure that the official record is the most accurate record of council’s actions. He said we would have to talk with the Law Director on how we could best have a work product such as the video and how the work product is handled, how long it can be held, and when it can be destroyed under Ohio Public Records Laws. He said it could be significantly different from other records and those are all questions we would have to ask the Law Director. He said you wouldn’t want the official minutes and the video to coexist at the same time because you might have conflict.

Deputy Mayor Denning asked if we kept the digital recordings or if we recorded over them. Mr. Chodkowski said the clerk was advised by former City Managers and former Law Directors to hold on to all of those items, so they do exist. He said under our new records retention policy, all of those audio recordings can now be destroyed once council has formerly adopted the minutes. Deputy Mayor Denning said okay so we would have to ask the Law Director but he would guess that the video would fall into the same category as the digital recordings. Mr. Chodkowski said he believes the record retention policy talks about the media on which a council meeting is recorded. Deputy Mayor Denning said he’s not looking to get it destroyed, he just doesn’t want to have to produce it 7 years from now and us have to keep it stored someplace. He said if we have to save all of that then he would expect we would have to save the videos also.

Ms. Campbell said the city has the original and that covers us; anybody can come in and take a picture of us and edit it, whatever they want to do but the original would be stored here. Mr. Chodkowski said the point is that we don’t want to be responsible for it after the council minutes are adopted.

Mr. Schock said this is not going to be the first council to ever be on television; there’s a ton being streamed live out there, so whatever issues you are bringing up have already been solved even within this county. He asked if the Law Director was coming in this evening. Mr. Chodkowski said the Deputy Law Director Steve McHugh. Mr. Schock said we can get our questions answered by him. Mr. Chodkowski said he is not coming prepared to talk about this. Mr. Schock said we can ask him the questions and he can take them back for research. Mr. Chodkowski said all the questions you are going to ask are questions I will be taking to the Law Director. Deputy Mayor Denning said let’s do our homework first. Mr. Schock asked how long the homework was going to take; we need a timeline. Mr. Chodkowski said he will have to talk with the Law Director to see what her schedule is and how much time she needs to review it. Mr. Schock said it only takes a few minutes to call Huber Heights or Fairborn and see what their policy is; before you call the Law Director, check with your constituents to see what they do. He said we are talking about something where we are not first. Mr. Chodkowski said he understands that but he just doesn’t want to commit to a time line; will it take him 3 months – no, will it take him one more meeting – probably.

A motion was made by Mr. Fullenkamp to move forward with this, understanding that the City Manager will bring us the approach we need to apply to do this properly. Mr. Curp seconded the motion.

Deputy Mayor Denning said this is pending that we pass all the rules we need before we actually record. Mr. Fullenkamp said yes.

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

c. Review Language for Hobby Farming

Mr. Smith said just reflecting back on when we were going over the zoning code for hobby farming/gentlemen’s farming we looked at the size of a property and settled on 2 acres. He said if you look at the number of properties we have in the community that are around 1.5 acres; there are more of those and he thinks in all fairness it would be wise to change the ruling from 2 acres to 1.5 acres for hobby farming.

Ms. Campbell asked if they should limit what can be put on 1.5 acres. Mr. Smith said we already have the zoning. Ms. Campbell said for horses, don’t you have to have a lot of running room. Mayor Flaute said isn’t it 1 horse per acre. Mr. Smith said he believed they determined that. Mr. Chodkowski said the proposed language related to hobby farming is in front of you. Mayor Flaute said it doesn’t say anything about animals. Mr. Chodkowski said the provisions council discussed are in several different places in the code but specific to the physical constraints that need to be met are there. Ms. Campbell asked if they would still be able to do that with one structure. Deputy Mayor Denning said yes.

Mr. Curp said no matter what size acreage gets selected, someone is always going to be left out. He said if we go to 1.5 acres, the people with 1 acre are going to say why not me. He said secondly from a procedural standpoint, for things that are already voted on, he’s not sure if Mr. Smith was part of the prevailing side or the other side and who is eligible to bring it back up for review. Mr. Smith said he would just be more comfortable with 1.5 acres.

Mr. Fullenkamp asked what Mr. Smith’s comfort was based on. Mr. Smith said based on the lot size of the properties; there are areas that are less dense populated. Mr. Fullenkamp said before you were proposing 5 acres. Mr. Smith said that’s the term we use as a realtor for a gentleman’s farm, 5 acres; we classified this as a hobby farm. Mr. Fullenkamp said so you’ve reconsidered this since you voted. Mr. Smith said yes; it’s a different term. Mr. Fullenkamp said you did vote to support 2 acres and he won’t ask why he reconsidered.

Ms. Campbell said if we change that, what types of buildings are going to be allowed. Deputy Mayor Denning said same thing, it doesn’t change anything other than the size of the property. Ms. Campbell said you have to have housing for the animals. Deputy Mayor Denning said right but you can only have a limited number of square feet. Mr. Chodkowski said he believed whatever accessory structure is housing your animal; it has to be 200 feet from a structure used as a dwelling. Deputy Mayor Denning said we already have rules limiting the total number of square feet for accessory structures and the number of structures. Mr. Chodkowski said correct; no more than 2 accessory structures with a total of 980 square feet.

Mayor Flaute asked if that could be done on 1.5 acres. Mr. Chodkowski said yes. Mayor Flaute said quite frankly we finally settled on 2 acres and he wasn’t sure we were going to get anything else. Mr. Smith said it just opens it up to a larger group of people; that’s all.

Ms. Campbell asked if this was going to be an even square or can it be an L-shaped property. Mr. Chodkowski said we don’t regulate the shape of the property; all we regulate is the total size and the location of the structure in proximity to lot lines and other structures. Ms. Campbell said where she’s at there is a lot beside her and two behind her and she sure wouldn’t want a beehive in the lot beside her. Mr. Schock said the lots have to be connecting; one consistent lot, they can’t be separate.

A motion was made by Mr. Smith to bring forward legislation to change hobby farming from 2 acres to 1.5 acres in size. Mr. Schock seconded the motion. A roll call vote was as follows: Mr. Smith, yes; Mr. Schock, yes; Ms. Campbell, yes; Mr. Curp, no; Deputy Mayor Denning, yes; Mr. Fullenkamp, no; and Mayor Flaute, yes. **Motion passed.**

d. Notification on Items of Interest to Council

Mr. Smith said last Wednesday, we had an incident with a dog over on Bushnell where the dog was loose and chewed up another dog; the owner tried to break it up and the dog chewed up the hand of the owner. He said the Police were called and the Police decided to shoot the animal, twice with a revolver which didn’t stop the animal so they chose to shoot the dog with a shotgun. He said this happened at 7:15 p.m. on Wednesday and it was on the 11:00 p.m. news. An audience member said it was on Rondowa. Mr. Smith said he didn’t learn about it until the 11:00 p.m. news, then again in the morning, and on the noon news. He said he called the City Manager around 1:00 p.m. and asked why we weren’t notified of this because it seemed of significant importance.

Mr. Smith said he just felt this was important; he talked with the City Manager and he asked me what I felt he should contact me with on important information and he asked me for my definition. He said the reason he brought this up this evening was for council to think about and jot down some ideas so we can discuss at a later date what we feel we need the City Manager to notify us about when certain events take place. He gave some examples: an accident with one of our vehicles, an officer discharging his weapon, a significant fire, a fatal car accident, etc. He said this City Manager has been very good; he notified us about a car accident on Rt. 35 that tied up traffic for some time, the apartment fire at Amherst yesterday, so he’s done better but he thinks we need to spell it out as to when we feel we should be notified of what’s going on in our city.

Ms. Campbell said to call her because she has computer problems. Mayor Flaute said that’s the problem; does he call everybody or send an email. Mr. Smith said he thinks it depends on the severity of the issue. He said he just wants council to give it some thought so we can discuss it at a later date and make a list of what we feel is important.

Mayor Flaute said it might be something the manager is not aware of; then do we criticize him for not notifying us fast enough. He said he guessed we would talk about all that.

Mr. Chodkowski said he could think of 2 incidents; the one that originally led to the policy which was the fender bender involving one of our fire engines on Rt. 35 back in December of 2007; and the one that Mr. Smith talks about as well. He said in both of those instances the news cycle had it before he knew about it; at least the fire engine incident. He said as far as the dog incident; he did receive a text right after it happened. He said the Deputy Chief informed him and one of the questions he asked the Chief is if the media was on the scene. He said the response he got at 7:20 p.m. was no they are not. He said he didn’t see the 11:00 p.m. news, so he didn’t know it made the news. He said he also didn’t see the 6:00 a.m. news, so he didn’t know it had made the news cycle, and that particular day, he had to do Fire Chief interviews, so it wasn’t until well in the afternoon that he found out it had made the news cycle. He said those are things that you should consider, not that he has any objection to notifying council whatever it is they want to know, just understand that his job involves other things than just hunting for news which is exactly what the TV stations do.

Mr. Smith said wouldn’t that have come up in your Friday morning staff meeting; didn’t the Chief say the news was there. Mr. Chodkowski said no; like he stated earlier, the Deputy Chief sent him a text and he asked the Chief if any of our people were hurt, if there were any policy violations, and if the news media was there. He said the response he got back was none of our people are hurt, we were within policy, and the media is not here.

Ms. Campbell asked what time of day that happened. Mr. Chodkowski said the initial call came in just before 7:00 p.m. and he got information back between 7:20 p.m. and 7:30 p.m. Deputy Mayor Denning said if the news hadn’t taped it this would be a non-issue. Ms. Campbell asked Mr. Smith how he heard about it. Mr. Smith said on the 11:00 p.m. news that night.

Mayor Flaute said so we need to consider those things and Mr. Smith will get it on a future agenda.

e. Request for Transfer of Training Funds

Mr. Smith said his last convention with the Steering Committee for the First Tier Suburbs was in Washington D. C. last month and it ate up a big portion of his budget for training and education. He said next month we have a scheduled meeting in California. He said he did suggest to the National League of Cities that those who are members of a national forum for NLC be excused from paying the conference registration fee. He said they have reviewed that and decided not to charge us for registration. He said all he would have to pay for is lodging, airfare, and meals to go there. He said with the recent trip, he is down to $250. He said the meeting is May 17th through May 19th so if he is going to go, he needs to be making arrangements for airfare and hotel accommodations. He said that was the urgency for getting this on the agenda tonight.

Mayor Flaute said in the past we’ve had this discussion, when Mr. Schock had a national position and at that time we said to ask other council members for transfers. He asked if Mr. Smith was suggesting we change that. Mr. Smith said no; he’s just asking for funds from council if someone is not going to use all their funds this year.

Deputy Mayor Denning said Mr. Smith could have $500 of his training funds. Mr. Smith thanked him.

**ITEM 7: RECESS:** The Council took a recess at 7:15 p.m.

**ITEM 8: RECONVENE:** The meeting was reconvened at 7:31 p.m.

**ITEM 9: PLEDGE OF ALLEGIANCE:** Council Member Edward Schock led all those in attendance in the pledge of allegiance.

**ITEM 10: MINUTES: Consider approval of the minutes of the March 8, 2012 special council meeting and the March 15, 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.
6. Minutes of the March 22, 2012 Health & Safety Commission meeting.
7. Memo from Mark Reiss, Chief of Police, regarding photo enforcement.

Mr. Chodkowski said first he would like to introduce Ms. Emily Christian, our new Assistant City Manager. He said you have all seen Ms. Christian’s resume, just a few notes for the folks in the audience and for the record: Ms. Christian comes to us from the City of Huber Heights where she previously served as the Assistant to the City Manager and the Community Services/Special Projects Manager. She also has a Bachelor’s Degree in Political Science and a Master’s Degree in Public Administration from Central Michigan and Eastern Michigan University. Her first day was Monday this week and we thought it best to break her in right, he thinks she is tired of reading code, law, policy, and procedure but she continues to muddle through. He said he would like to welcome Emily to City Staff.

Mr. Chodkowski said you have my manager’s report in your packet and there are informational items he wanted to pass down. He said at the next council meeting we will bring forward legislation regarding the final, formal adoption of the Unified Development Ordinance. He said there are some timing issues and this memo highlights those for you, so that is coming your way. He said additionally council had asked for an update on the Center of Flight Bridge Plan so he has composed a memo to do just that. He said he received an update today from Forest City with additional information so they are continuing to make progress on that per council’s request. He said he would be happy to answer any questions concerning the information in the packet and staff is also here to address any concerns you may have.

Mr. Smith said in looking at the police report memo on the photo enforcement tests, he has a few questions. He said if we were to go with the red light cameras, what fines would be charged for speeding, improper turns, and running through a red light and how many dollars of each ticket would come back to the city. Mr. Chodkowski said council would have to set a civil fine structure to do that; if we discounted the speed violation based on this information, on the traffic data related to the red light issue – at $100 per fine minus the proportionate share with Red Flex and assuming we have a 60% collection rate it would be around $100,000 give or take annually that the city would seek.

Ms. Campbell said when it was first presented; we were told they would take 60% to furnish all the cameras and equipment. Mr. Chodkowski said that depends on whatever arrangement we would negotiate with Red Flex; we assumed when calculating the figures it would be 50/50 but it could be 60/40 or any number that would be negotiated as part of the contract. Ms. Campbell said they also stated they could prevent a collision if someone runs a red light; the other light would not change. Mr. Chodkowski said yes, they do have that technology.

Mr. Smith asked what has been normal and customary for these fines. Mr. Chodkowski said he didn’t have an answer to that and referred the question to Deputy Chief Brown. Deputy Chief Brown said Dayton’s percentage is a 65/35 or 60/40 ratio. Mr. Smith said 60 to the city. Deputy Chief Brown said no; 60 to Red Flex who owns, manages, and maintains the equipment. Mr. Smith asked if Deputy Chief Brown remembers what the fines were for speeding or improper turns. Deputy Chief Brown said he doesn’t remember. Deputy Mayor Denning said Dayton’s fine is $85.

Mayor Flaute asked what LT stood for. Mr. Chodkowski said LT is for a left turn on red violation, through is running a red light violation, and RT is a right turn on red violation. He said some intersections are posted no right turn on red. Mayor Flaute asked if the study was 24 hours. Mr. Chodkowski said the study was a 12 hour period. Mayor Flaute said so at Harshman and Valley there were 3 people that had a left turn violation. Mr. Chodkowski said correct. Mayor Flaute said there were 8 people that ran a red light. Mr. Chodkowski said correct. Mayor Flaute said how much money would we have made in one day if it is 60/40. Deputy Mayor Denning said he did some homework online and most of the tickets are about $100 in other cities and it would be easier to calculate. Mr. Chodkowski said assuming the fine is $100 and our cut is 40%, it would be $1.0 Million in one year. He said that assumes the behavior pattern does not change and also assumes 100% collection.

Mr. Fullenkamp asked what Red Flex’s opinion was of these numbers since they will be the ones to decide whether or not it is profitable to install their cameras. Mr. Chodkowski said he did not speak directly to Red Flex; that was done by Chief Reiss but his understanding in discussing the issue with Chief Reiss is that Red Flex is more concerned about the ability to enforce speed as opposed to the red lights. He said Chief Reiss could speak better to that and he asked Deputy Chief Brown if he could add any comments.

Deputy Chief Brown said he thought the stats kind of support that in terms of speed vs. red lights; that the preference would focus more on the speed thing. He said if you look at the stats for the red lights it was pretty much averaging one violation per hour and remember; our goal is to reduce the number of accidents at the sites selected. He said it would be mutually agreed upon by all parties – us, council, and Red Flex in terms of where to put the cameras. He said if you look at the stats of one red light run per hour, it might not be the factor that’s causing the accidents so it must be some other factor. He said it’s something to think about and particularly the speed in some areas is an issue.

Mr. Fullenkamp asked if Red Flex offered an opinion of where the cameras should be placed at this point. Deputy Chief Brown said they did not; these locations were our recommendations for the tests. Mr. Fullenkamp said what he guessed he was getting at was they must have some criteria such as if they see 25 offenses during the daytime at a major intersection; either that’s enough or that’s not enough – did they have that conversation. Deputy Chief Brown said no; we received the data from them but there was no real hardcore comment from them on if cameras are needed at the intersections. He said we could have that conversation down the road but we haven’t yet.

Ms. Campbell said this was a 12 hour survey, less than a day. Mr. Chodkowski said his number was 36 for the through red light violations; he multiplied that by 2 to account for 24 hours, then assuming that behavior does not change he multiplied that by 365 days times $100 per fine times .4 our cut being 40% and that number comes out to be roughly $1.0 Million. Mr. Smith said he used $85 as the fine with 40% as the rate of return back to us. He said based on the information we have, there were 36 red lights and 122 speed violations and that would have generated just under $3,200 for a 12 hour period. He said bear in mind this isn’t something you are going to use for capital gain; it’s for safety. He said if we can reduce the speed, we will reduce the number of accidents and the severity of the accidents that do happen.

Ms. Campbell asked where we would normally keep the money from fines. Mr. Chodkowski said it goes into the general pool for the Police Department operations.

Mr. Schock said the reason we are talking about the amount of money is we need to make sure Red Flex would want to come out and do this. He said it is more for safety than it is for revenue generation and he would think we should go forward with this and see if it’s worthwhile for Red Flex to operate their cameras in our intersections with the highest violation rates. He said if council needs a motion he can do that.

Mayor Flaute said from his understanding; you don’t have to pay these tickets and there aren’t any consequences for not paying. Mr. Chodkowski said he wouldn’t say that is incorrect; in this particular instance you are not issuing criminal citations which is what the Police Department would do if they pulled you over, you are going to be issued a civil infraction. He said the civil infraction does not have a criminal penalty to it but there is a financial penalty. He said every community is different in how it handles civil infractions and there are a few different ways in which you can seek payment. He said you can sell the unpaid fines to a collection agency in bulk or you can pursue criminally depending on how the civil infraction law is written.

Mayor Flaute asked if the Law Director had any ideas on how we can handle that. Mr. McHugh said he’s not sure you can criminalize it in Ohio but there are some communities in Ohio that if you have outstanding tickets they will tow your vehicle or move it as incentive to get the tickets paid.

Mayor Flaute said would the tickets be recorded in a system so if the officer pulled someone over and saw there were 3 or 4 outstanding tickets, the car could be impounded. Mr. McHugh said he would defer that to the Chief but it should be on a system. Deputy Chief Brown said since it is a civil matter, he didn’t think it could be entered into LEADS but we could look into creating a spreadsheet where that information is highlighted and made available to the officers via email. He didn’t think that would be something that is too cumbersome to complete.

Mr. Smith said it was his understanding that there are no points associated with these tickets. Mr. Chodkowski said correct. Deputy Chief Brown said that is one of the attractive things about this in terms of issuing citations, it isn’t against their driver’s license.

Ms. Campbell said besides the safety issue; if someone runs a red light and it stops the other light from turning green, that’s a good thing. She said it also saves time for the Police Officers having to sit there and give tickets; it gives them time for other things.

Mayor Flaute said this will anger a lot of citizens. He said that’s a concern but does the safety override that. Mr. Schock said yes.

Deputy Mayor Denning said if safety is the true concern then why are we charging $100 every time someone does this; why not charge $35 and say don’t do that again. He said this is a revenue generating system. He said in the case of someone having 4 outstanding tickets; if someone owes him $400 and he takes them to small claims court and the court agrees he is owed $400 – he cannot go and tow a car to get his $400; so how can we as a city impound someone’s car for a civil offense. Mr. McHugh said in another situation he is charged to research the situation so he cannot speak to it at this point. Mayor Flaute said we didn’t mean to put him on the spot.

Ms. Campbell said hopefully this will deter people from running a red light and slow them down a little bit. She said if they are running red lights they are going to cause an accident somewhere along the line. Mr. Schock said that’s what’s important because the statistics we got a while back had a number of accidents. Mr. Smith said we might be surprised too at the demographics of the violators.

Ms. Campbell asked if you had to put them at red lights or can the cameras be put somewhere else. Mayor Flaute said it would be our choice. Ms. Campbell said a lot of accidents seem to be happening at Rohrer and Valley; you can’t see to pull out because of a business there.

Mr. Schock said we have all these questions but we haven’t checked to see if Red Flex is interested in going any further and then we can revisit all the questions everyone has.

Mr. Chodkowski said the direction if for us to inquire if Red Flex is interested in proceeding in a relationship with the city provided that relationship is limited to red light photo enforcement at the intersection and not speed; or is speed included. Mr. Schock said let’s throw it all out there and see what Red Flex is interested in.

A motion was made by Mr. Schock to further the study with Red Flex on our traffic systems including speed and red lights. Mr. Smith seconded the motion.

Ms. Campbell said they were here with a presentation and she thought it was up to us to decide if we want to do it or not. Mr. Schock said they haven’t decided if it’s worthwhile for them to make money to pay for the equipment. Ms. Campbell said that’s why they said 60/40. Mr. Schock said that’s negotiable, he does remember that. Ms. Campbell said they were allowing for damaged cameras or people shooting at them or stolen cameras.

Mr. Curp said he thought some information we need to get from Red Flex is to find out what the minimum dollar revenue is they need off the process in order to support the system. Mr. Schock said that’s negotiable. Mr. Curp said the reason he mentions that is because depending on the contract the city might arrange, in other cities Red Flex gets a fixed dollar amount per citation and the municipality owes that to them regardless of how much the municipality collects. He said if you are not stringent in going after the collections and you only collect $250,000 out of $1.0 Million but Red Flex’s take is $600,000 then the city has to come up with $600,000. He said if you get your money, that’s up to you but they do get their money up front regardless of what you collect. He said we need to find that out as part of the information we get from them; what the break even point is for the kind of equipment they bring in here and the support system they put in place to manage it. Mr. Schock said of course; when she came and presented it that was one of our concerns because we can’t pay money out of what we don’t have.

Mr. Fullenkamp said he is surprised Red Flex hasn’t given us this information. Ms. Campbell said they did. Mr. Fullenkamp said no, they didn’t give us the information on whether this is sufficient to encourage them. Mr. Schock said we have to ask. Mr. Fullenkamp said we have to ask whether they are interested, although that’s why they said they would do the study to establish the need. He said he’s just surprised it wasn’t part of the conversation.

Mr. Smith said he thought Red Flex collected the money then sent us a check. Mr. Chodkowski said there are several different versions of the relationship you can have, specifically, what we will be asking them is based on the data they have collected here are they interested and if they are interested, what much revenue do they need to take away from the system to cover their annual investment in the infrastructure. He said we also want to see what the potential contracts look like and other information such as trends data showing changes in behavior. He said those are the things based on the motion and the conversation that we are going to ask for then we will come back and report that information to council.

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

**ITEM 13: PUBLIC COMMENT ON AGENDA ITEMS:**  There were no public comments on agenda items.

**ITEM 14: NEW BUSINESS:**

 **I. ORDINANCES**

**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. (FIRST READING)**

Mr. Chodkowski said the Valley View Subdivision is finally complete and Ryan Homes has met all the necessary design criteria for the remaining streets in that subdivision which are public. He said they have asked for the city to assume those as public infrastructure and pursuant to that request and the laws of the State of Ohio, we are asking you to accept Catherine Court, Kay Court, and the remaining portions of Matt Way as public thoroughfares in the City of Riverside.

A motion was made by Deputy Mayor Denning to read Ordinance No. 12-O-488 for the first time in its entirety and to approve its first reading. Mr. Schock seconded the motion.

The clerk read Ordinance No. 12-O-488 for the first time in its entirety and Mayor Flaute asked if there were any questions or comments.

Being none, all were in favor; none were opposed. **Motion passed.**

# RESOLUTIONS

* + 1. **Resolution No. 12-R-1652 accepting the lowest and best bid for the Riverside Neighborhood Stabilization Project.**

Mr. Chodkowski said this resolution is to authorize the city to enter into a contract with Badger Construction with respect to the Neighborhood Stabilization Program for the razing of several structures within the city. He said for the purposes of reference, he provided a memorandum tonight with the addresses and photos of the structures. He said the actual account on which funds will be drawn, shown on the last line of Section 1, the last four digits are 5391.

A motion was made by Deputy Mayor Denning to approve Resolution No. 12-R-1652. Mr. Schock seconded the motion.

Ms. Campbell said Badger Construction is from West Virginia. Mr. Chodkowski said that’s where their office is based out of. Ms. Campbell asked if they were local. Mr. Chodkowski said he didn’t know; they provided the lowest, best qualified bid. Ms. Campbell asked if they had a copy of the bids. Mr. Chodkowski said that information was provided to council three weeks ago.

Mr. Smith said looking at the picture at 4804 Northcliff, it looks like the structure is occupied. Mr. Chodkowski said at the time of the photo it was but it is now vacant. Mr. Smith asked why they needed to tear down the church on Pleasant Valley. Mr. Chodkowski said his understanding is the structure is no longer utilized and while there are not any physical deficiencies we can see, there are some structural issues. He said it is owned by Agape and they approached us and asked if we would be willing to demolish it based on its structural condition. Deputy Mayor Denning said it has been empty for at least 10 years. Ms. Campbell said the entrance is on Rohrer Park and the new church is right in front of it. Mr. Smith said it seems like the building could be utilized for something for the neighborhood. Ms. Campbell said they keep breaking all the windows out and it is crumbling. Mr. Smith said the other stuff looks like it needs to go.

Mayor Flaute asked if the one on Glen Martin was really that bad. Mr. Chodkowski said yes; it’s tough to see from that perspective but there are holes in the roof as well as mold and rot everywhere throughout the property and it has been vacant for several years.

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

 **b. Resolution No. 12-R-1653 authorizing the City Manager to enter into a contract with Burgess Hearse and Ambulance Sales, Inc. for the purchase of a 2012 McCoy Miller E-450 Ambulance through the state bid process in an amount not to exceed $132,000.00.**

Mr. Chodkowski said pursuant to the request of Acting Fire Chief Bob Turner and in conjunction with the 2012 budget previously approved by council, this is to authorize the purchase of a new ambulance.

A motion was made by Deputy Mayor Denning to approve Resolution No. 12-R-1653. Mr. Schock seconded the motion. All were in favor; none were opposed. **Motion passed.**

**c. Resolution No. 12-R-1654 approving the Brantwood Tax Increment Financing and Infrastrucutre Development Agreement between the City of Riverside and DDC, LLC and authorizing the City Manager to enter into said agreement.**

Mr. Chodkowski said pursuant to council’s direction previously provided with a TIF Ordinance, this resolution is to authorize the city to enter into a TIF Agreement with DDC, LLC regarding the Brantwood Phase I Subdivision.

A motion was made by Deputy Mayor Denning to approve Resolution No. 12-R-1654. Mr. Schock seconded the motion. Five were in favor; two were opposed – Mr. Curp and Mr. Fullenkamp. **Motion passed.**

Mr. Smith said he had a question on the previous resolution in reference to the ambulance; he asked if we would be paying cash for the ambulance or if it would be financed. Mr. Chodkowski said we are paying cash

**d. Resolution No. 12-R-1655 by the Riverside City Council authorizing the assessment of delinquent charges for the cutting and removal of weeds, vegetation and/or grass to be placed on the Montgomery County Property Tax Duplicate.**

Mr. Chodkowski said this resolution authorizes placement of delinquent charges on the tax role.

A motion was made by Mr. Schock to approve Resolution No. 12-R-1655. Deputy Mayor Denning seconded the motion. All were in favor; none were opposed. **Motion passed.**

**e. Resolution No. 12-R-1656 authorizing Wright Patterson Air Force Base to place temporary promotional signs in the public right of way under certain terms and conditions.**

Mr. Chodkowski said this resolution is to authorize the placement of promotional signs in the right of way on behalf of the WPAFB carnival.

A motion was made by Mr. Schock to approve Resolution No. 12-R-1623. Deputy Mayor Denning seconded the motion.

Deputy Mayor Denning said they finally got with the program. Mayor Flaute said it states they are going to try to keep the signs out of the right of way but they didn’t try very hard last year.

Mr. Curp asked if we were going to prohibit them from using wires. Mayor Flaute said that is not part of the motion as far as he knows. Mr. Curp said he knew it was not part of the motion; his question is if it will be added. He said the reason he brings it up is when we talked about political signs in the right of way as part of the zoning regulations, one of the things he brought up was that the code would prohibit signs in parts of the right of way that the city doesn’t own. He said the counter claim was that political signs had wires that create problems for our lawn equipment and that sort of thing. He said his question is if we are going to permit signs in the right of way, are we going to permit wires.

Mr. Schock said that is something we would have to change in the zoning code itself. Mr. Curp said no we don’t. Mr. Chodkowski said the fact that you are authorizing the signs to be posted in the right of way allows you to stipulate whatever conditions you so choose. Mr. Schock said Councilman Curp is correct but he doesn’t know what other substitute they could use. Mayor Flaute said that’s the thing; he’s sure they already have the signs bought. He said maybe we need to tell them to be sure they get all the wires out for the very reason Mr. Curp just indicated. Mr. Schock said for now and then next time around……Mayor Flaute asked if they said where the signs were going to be placed. Mr. Schock said it is with the resolution on the back page. Mr. Fullenkamp said he didn’t see why they needed 10 signs on Spinning; that’s saturation. Deputy Mayor Denning said it’s in the Wright Patterson housing area so they are pushing the event.

With no further discussion, five were in favor; two were opposed – Ms. Campbell and Mr. Curp. **Motion passed.**

**ITEM 15: PUBLIC COMMENT ON NON-AGENDA ITEMS:**  Ms. Sherry McConnell of Spaulding Road said she is here concerning the Spaulding Road Improvement Project and the letter that the residents submitted and the responses from Mr. Chodkowski. She said one of the concerns was why weren’t the improvements kept on the Eastmont School property because their property is very large – 20 to 30 acres of land. She said the response was, to summarize, that as long as the property owner is in compliance with zoning and the rules and regulations then everything is okay. She said her question to council is that true even with the situation they created that later turns into them threatening people with eminent domain which is what happened. Mayor Flaute asked the city manager if he understood the question.

Mr. Chodkowski said the question relates to when you face the driveway on Spaulding Road, to the left is a very large, vast property owned by Dayton Public Schools, and when you look to your right, you have private property owners. He said the question is why did the city not compel Dayton Public Schools to make all of the right of way adjustments and road widening on the property they own as opposed to partial improvements on their property and partial improvements on the three private properties.

Ms. McConnell said it’s just that is seems the city approved the Dayton Public Schools’ plan but they created a situation that has now required part of the frontage property of three City of Riverside residents in which two have stated they did not want this to happen. She said one resident obtained a lawyer and she has spent $3,000 that she has now lost; she is being paid by Dayton Public Schools but only $1,000. She said even though they were in compliance, they created a situation that’s going to take people’s land. She said that seems wrong to her and it seems like we are always at risk as property owners of somebody coming in and saying oh, eminent domain. She said that’s what happened.

Mr. Schock said you have thrown that word out twice. Ms. McConnell said the Dayton Public School Lawyer said it twice to the property owner at the meeting on March 9th; she was there, the property owner, Mr. Chodkowski, John Carr of Construction Services for Dayton Public Schools, and Mr. Washington, their lawyer, said that twice. She said that’s what they wanted to do according to him.

Mayor Flaute said he didn’t think we had an answer but our Law Director is here and you are welcome to talk to him after the meeting. Ms. McConnell said she wants the council to be aware of that because she thinks it is a very serious situation. Mr. Schock said it is. Ms. McConnell said it’s serious when you can say your fine over here but now you’ve done something where oops, we have to take three people’s land regardless of what they want; that’s what happened. She said also in the concerns were the tax dollars; of course Riverside will have to pay to maintain the widened road, so that’s increased tax dollars, and secondly, the State of Ohio is paying for 61% of this. She said we’re all paying for that. She said she found out unofficially the construction contract is $300,000 paid for by Dayton Public Schools but that’s $183,000 from the State of Ohio. She said more than anything else she can tell you the opinion of the citizens on Spaulding Road; this was never necessary. She said there are no traffic or public safety problems on this road other than normal inherent risk of driving on a road like that. She said the traffic study is not true; she doesn’t know what happened but she would challenge any of you – the back up for all this construction is only three houses and it doesn’t even back up to the next city road; she’s watched it since she’s been here and she never did see a back up. She said Mr. Fullenkamp did come out and she thanked him.

Ms. McConnell said she is just here as a concerned citizen, the tax dollars, and will she be the next person to hear they want her land; especially Dayton Public Schools, she thinks they really did dictate to the City of Riverside. She said she wants someone to say no because they made a mistake; Dayton Public Schools admitted they made mistakes in planning the school – the lawyer and John Carr.

**ITEM 16: COUNCILMEMBER COMMENTS:** Mr. Fullenkamp said he appreciated everyone coming to the meeting tonight.

Mr. Smith said he would just like to welcome Ms. Christian.

Mayor Flaute said he just a couple things; it’s National Kids Day on May 19th. He asked council if they wanted a proclamation and said if they wanted the community to make something happen that day, we need to go about it. He said he did a lot of weddings the past three weeks. He said he went to a Tax Administrator’s meeting with our new Finance Director. He said we went there because we were supposed to talk about central collection with the state doing the collecting; they are still saying nothing is happening except maybe some uniformity of the code so everybody’s looks the same. He said they say nothing is happening with that but he’s still not convinced.

Mayor Flaute said at the First Suburbs meeting we talked about land banking and we also have a request from First Suburbs. He said we have an issues list which he gave a copy to each council member and asked them to each take a little time to decide which item they thought was most important for the First Suburbs to be tackling. He asked council to return it to him by the next meeting.

Mayor Flaute said the Filling Station had a Chamber event and it was a wonderful time. He said Shaun got his photo in the paper.

Mayor Flaute said he met with Deb Feldman with the Mayors & Managers and we were talking about the services the county provides to the townships. He said it was a very interesting meeting and the Mayors & Managers are going after that; you saw the legal study and we at the Mayors & Managers still believe the legal study is correct. He said Ms. Feldman, Administrator for the County had some different opinions on that but Mayors & Managers are moving forward with that and we will be discussing the things that are happening there.

Ms. Campbell asked what the study was about. Mayor Flaute said right now the study says that they provide about $12.0 Million worth of services to the townships that they don’t provide to the cities and most of that is in traffic and roads, those types of things. He said Ms. Feldman states that we get that money also but she didn’t say how we get it; it goes through the county to the townships and there’s a lot of discussion moving forward to try to get us that $12.0 Million also.

Mayor Flaute said he attended a River Conference held at University of Dayton; our own Bob Murray was one of the speakers and he presented the Eintraught Project which is moving along very well. He said Mr. Murray did an excellent job and everyone was very impressed; kudos to Bob Murray. He said if anyone had any questions about what’s going on with that, please feel free to ask the manager or Bob. He said it’s moving along and we are doing a lot of things. He said they also talked about the water kayaking park and he has asked that the Executive Director of Five Rivers Metro Parks to come to one of our meetings. He said he’s not sure when that will be but we may be getting a kayaking park at Eastwood. He said that is very exciting for our community and another way our residents can have their recreation on the river.

**ITEM 17: EXECUTIVE SESSION:** A motion was made by Mr. Schock to enter into executive session for the purpose of discussing personnel. Ms. Campbell seconded the motion. A roll call vote was as follows: Mr. Schock, yes; Ms. Campbell, yes; Mr. Curp, yes; Deputy Mayor Denning, yes; Mr. Fullenkamp, yes; Mr. Smith, yes; and Mayor Flaute, yes. The council entered into executive session at 8:27 p.m.

**ITEM 18: ADJOURNMENT:**  The council came out of executive session at 8:49 p.m. and 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 8:49 p.m.

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William R. Flaute, Mayor Clerk of Council