**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, absent; Deputy Mayor Denning, present; Mr. Fullenkamp, present; Mr. Schock, present; Mr. Smith, absent; and Mayor Flaute, present.

Staff present was as follows: Bryan Chodkowski, City Manager; Pete Williams, Zoning Administrator; Mitch Miller, Service Department; Mark Reiss, Police Department; Bob Turner, Fire Department; and Bob Gillian, Finance Department.

Mr. Smith arrived at 6:15 p.m.

**ITEM 3: EXCUSE ABSENT MEMBERS:** Mayor Flaute said he had received an email that Mr. Curp was away from the city today and would not be able to attend tonight’s meeting. He said he had not heard from Mr. Smith.

On a motion by Ms. Campbell, seconded by Mr. Denning, it was moved to excuse absent members Mr. Curp and Mr. Smith. On call of the roll: Ms. Campbell yes; Deputy Mayor Denning, no; Mr. Fullenkamp, yes; Mr. Schock, yes; and Mayor Flaute, yes. **Motion passed.**

**ITEM 4: ADDITIONS OR CORRECTIONS TO AGENDA:** The agenda was revised prior to the meeting to remove item 11, Presentations; and item 15 (I) f, Resolution 12-R-1641.

**ITEM 5: APPROVAL OF AGENDA:** With no further additions or corrections; council moved forward with the agenda as revised.

**ITEM 6: WORK SESSION ITEMS:**

1. Board & Commission Interviews

Council interviewed those folks who have applied for open board and commission seats, currently being one seat open on the Health & Safety Commission, one seat open on the Multimodal Transportation Commission, and one seat open on the Property Maintenance Appeals Board. The applicants interviewed were: Mr. Shaun Doerner, Ms. Karen Miller, and Mr. Stanley Leszczuk.

Following the interviews, a motion was made by Ms. Campbell to bring forward legislation to appoint Mr. Shaun Doerner to the Multimodal Transportation Commission; Ms. Karen Miller to the Health & Safety Commission, and Mr. Stanley Leszczuk to the Property Maintenance Appeals Board. Mr. Schock seconded the motion. All were in favor; none were opposed. **Motion passed.**

b. Representatives James Butler and Michael Henne

Mayor Flaute thanked Representative James Butler and Representative Michael Henne for coming. He said this idea brewed a couple of months ago when he was speaking with Representative Butler; since they will be our new representatives soon he thought it would be a good idea for them to come and meet council as well as some of our citizens. He said we were also hoping Ms. Lehner could join us but it’s doubtful due to another commitment. He said if the audience would like to ask questions, please fill out a registration form.

Representative Butler thanked council for having him tonight and said he just wanted to introduce himself. He said he is originally from Washington Courthouse in Fayette County; he grew up there and it is a farm town for those who aren’t familiar. He said he went to the Naval Academy; he, from an early age, thought that he wanted to serve and for the rest of his life, that’s what he wants to do. He said as a younger person, he thought the best way to do that was to be in the military, specifically to fly fighter jets. He said he went to the Naval Academy, graduated from there studying history. He said he went to flight school and did end up flying F-14s for a while and was eventually medically discharged.

Representative Butler said he worked for a pharmaceutical company for a couple years; his wife who is a Physician was in med school at the time. He said he then went to University of Cincinnati Law School and ended up practicing at Thompson Hine in Dayton, where he has been for six years.

Representative Butler said in 2010, he was thinking about the way our country is heading and things weren’t going so well and he thought he needed to serve; step up and volunteer. He said he saw that our unemployment was 11.2%; Ohio had lost 600,000 jobs in the last decade and was 48th in the country for job creation, second only to New York and California. He said things weren’t looking good and we ranked near the bottom in most business competitiveness ratings, tax environment, and various other things.

Representative Butler said the opportunity to serve in government came when Ms. Lehner was appointed to the Senate following the election of Secretary of State John Husted; he volunteered for Ms. Lehner’s position and was fortunate to be selected and appointed. He said he went to the Statehouse and was immediately faced with all the problems just mentioned. He said in addition, there was an $8.0 Billion budget deficit.

Representative Butler said we immediately passed a couple of measures; one was *Jobs Ohio* which basically takes the Department of Development and makes it like the Dayton Development Coalition on a statewide basis. He said we are still working on that and getting the details of that completed.

Representative Butler said we also passed the *Common Sense Initiative* which is whenever an agency proposes a rule or if there is a rule that needs to be reviewed, the Common Sense Initiative Office looks at the rule and examines the impact it will have on that segment of business. He said they actually go out and ask the businesses what this will do to them; if they find the impact is too great then they will go back to the drawing board and figure out a way to accomplish regulation by not having as great an impact on business, if they can. He said it’s just a way to think of what regulations do to the business environment in Ohio.

Representative Butler said we also have worked on the budget and you are familiar with some of the things and tough decisions we had to make as far as cutting across the board, in a lot of different areas including the local government but we were pretty broke. He said we made those choices and we decided not to raise taxes which we felt would make our business environment even worse and lead to more job losses. He said the last phase of an income tax decrease that was passed in 2005 was allowed to happen which was about $300 Million. He said in addition, we repealed the death tax which he was very much involved with and which he thinks also makes our state more competitive in terms of people not moving to Florida or Tennessee in order to escape from having to pay that tax or moving to those states for six months and one day, which happens a lot.

Representative Butler said we also passed within the budget something called *Invest Ohio* which is a tax credit for investment in small business, one of the most important segments in the business community because that’s where all the jobs are grown and created. He said 50% of all jobs come from small business and 70% are created there. He said the way Invest Ohio works is you get up to a 10% tax credit for investment in a small business if that small business invests that money in buying capital equipment and that type of thing. He said your money must stay in that business for two years initially and later on that will change to five years. He said that was another business friendly program that we passed within the budget.

Representative Butler said with all that, we have seen improvement; we were 34th overall in a CNBC rating as far as being a business friendly state. He said last year we jumped up to 23rd. He said after all we had done the state rose 11 positions and that was the biggest jump of any state. He said in the last year, 2011, we have also created 80,000 jobs and our unemployment rate went from 11.2% down to 8.1%. He said he firmly believed we had to look at how we do compared to other states; the nation in doing better now but we are actually below the unemployment rate for the nation and we are the number one job creator in the Midwest. He said we are 9th overall in the nation for job creation. He said when comparing us to other states, we are doing much better as a state which he thinks is a direct result of some of the tough choices they had to make in this past year.

Representative Butler said he didn’t think we could cut our way to prosperity, that’s not going to work. He said you have to have fresh ideas and innovative ideas and one of the things he is working on is prison reform. He said prisons cost us $3.1 Billion or 12% of our overall budget for the state every two years. He said its $24,000 per prisoner and we have about 50,000 prisoners just in the state system, that’s not even counting the local system. He said in the local system, 70% of Montgomery County’s budget goes to law enforcement and corrections. He said 1% is economic development; so it’s extremely expensive. He said we try to have rehabilitation and all the reasons why we have corrections in the first place and he thinks we do a decent job of it but he has toured several prisons and those guys need something to do because a lot of the time they are just standing around and they are very bored. He said his idea is to have them work eight hours per day making something that is not made in the United States so no American jobs are lost and have that be sold on the open market to help offset the cost of corrections. He said it helps out the budget, it helps the prisoners – it’s a voluntary program where they will learn a skill, they will work hard everyday, they will get licenses and certificates, and they will be able to go into the work force when they are released. He said the prisoners will be a lot more employable and it will help our trade deficit because we will be reclaiming products that have been surrendered overseas because, again, we won’t be making any products that are made in the United States. He said this will also create jobs; these facilities will need trainers and foremen and managers of the business which we happen to have in the Miami Valley and they can use a job.

Representative Butler said there is a lot of talk about regionalism; we actually just came from the Montgomery County Open Forum and that is one of the topics they are going to discuss. He said he is not for unified government or anything like that; he thinks local government is the best form of government and our community identities are very important as well as important to our citizens. He said he doesn’t think we should all be merged or anything like that but he does think that job poaching is a big problem and a lot of times we will use precious resources for tax abatements or incentives to try to lure businesses sometimes across the street from one jurisdiction to another or from one county to another. He said that’s a waste and we are not thinking together as a region; he thinks it has to be a multi-county region working together to bring jobs and businesses into our communities. He said basically a program that would incentivize us to work together to bring jobs from outside of our region and to minimize or eliminate job poaching between our local governments. He said that is something he is also working on.

Representative Butler said in addition to innovative ideas, he thinks you also have to invest, which is something you don’t hear very much and if you do hear it, investment means repave our streets and rebuild our bridges. He said that’s true and he thinks we need to do that but he thinks we need to invest in something that when it’s completed it is going to be a draw for businesses into our community or would make our communities much more efficient.

Representative Butler said another project he is working on is the airports; our Dayton Airport is run very well but we are handicapped because we have an airport for each of our cities in Ohio and each of those cities does not have a sufficient population base to fill up the flights. He said in the airline industry it’s 40%; you need to fill the flights with 40% local folks before they can fly in the other 60% and make a profit. He said we have basically small airports throughout our state and if you want to fly most places, you have to lay over somewhere. He said businesses don’t like that; it’s unpredictable, it takes extra time, and in fact, Chiquita just left and went to Charlotte, where there’s a big hub, because of that very issue. He said he is working on having an airport that’s between Columbus, Dayton, and Cincinnati. He said if you look at that area, within an hour’s drive, that would bring in six million people. He said if you have 3.5 million in that area then that gets, for most flights, the 40% level. He said we would be beyond that threshold and would actually be the size of Dallas/Fort Worth giving us the ability to have many different flights all over the country and all over the world. He said the same thing could also be done between Cleveland, Akron, and Youngstown.

 Representative Butler said he thought we should also have rail. He said at the outskirts of each major city you could have rail that goes into the terminal increasing the number of passengers that would fly out of the airport. He said from that, you could have transportations hubs like a park and ride where you have cheap parking; that would encourage more people to go to this airport and it would be a lot more convenient. He said that would be the beginnings of a real network for Ohio because if you put one transportation hub at the outskirts of each of the cities then the next logical extension of that line would be to the downtown areas and various suburbs. He said then you would start building a real rail network in each of the cities that could eventually lead to a robust rail network in our state. He said this would give us a reason for rail; to make it easy to get to the airports.

Representative Butler said the last investment he thinks we need to make is compressed natural gas vehicles. He said this is not used a lot in our country; we have some hybrid vehicles and some electric vehicles but we don’t really have compressed natural gas and a couple other countries in the world do. He said compressed natural gas; gallon for gallon is less than half the cost, about $1.50 to $1.70 per gallon. He said if we were able to have our government vehicles use compressed natural gas it would obviously save a lot of money and the conversion for certain government vehicles would pay for itself in 2 or 3 years especially if there was help from outside sources.

Representative Butler said there is a chicken and egg process ultimately with compressed natural gas and having government fleets convert over solves it. He said right now there aren’t any filling stations for compressed natural gas which are expensive – fast filling stations which have to have a lot of compression for it to come out quickly. He said there aren’t any customers for compressed natural gas filling stations which is why they aren’t being built and no one is going to buy a compressed natural gas car because there aren’t any filling stations. He said if we have anchor fleets throughout our state for local and state government then that will solve the chicken/egg problem and the fast filling stations will be built. He said then we will have the infrastructure and citizens can buy compressed natural gas cars and have things called bi-fuel cars which are both gasoline and compressed natural gas. He said if you are driving out of state and there aren’t any filling stations, then it would be just like it is now with your gasoline car. He said that can be the future of Ohio; we make a lot of natural gas in our state next to the shale discoveries so this is something that is a win-win because it will make us more efficient and at the same time develop the market for a natural resource which we happen to have an abundance of. He said it will also generate revenue for our state.

Representative Butler said those are some of the things he is working on and one of the topics he knows is often asked for is the issue of centralized tax collection. He said the short answer is that it’s not going to happen. Mayor Flaute said we’ve heard that and all of a sudden it comes back. Representative Butler said it’s not going to come back on our end and it has to come through us. He said Representative Henne has been very involved in this issue and he will cover the details.

Representative Henne said he was born and raised in the North Clayton area; he went to Northmont High School and Miami University; married his wife Jenny who also went to Northmont High School; and we have four kids, three in college and an eleven year old. He said he owns a business; an insurance agency in Englewood and he has never been involved in a public position. He said over the years he has become more and more frustrated with how our government has de-emphasized business. He said he works with a lot of business customers and we love to sit around and complain about how tough it is to do business in Ohio. He said his previous state representative ran for another position and left this seat available and he ran for the position to become the state rep for the area. He said with voter’s approval, he will have in his district a northern portion of Riverside.

Representative Henne said he has been working intimately with the state income tax issue; the issue does start off with two different parts. He said one is the uniformity and the other is collection. He said some entities thought it was best to do centralized collection; part of his decision making process is to listen to all the parties – tell them the situation and let them work through it. He said everybody has their interests that need to be addressed, so he worked with the municipal league, he worked with the tax administrators throughout the state, he talked with the CPAs, he talked with the business community, and he heard loud and clear that you guys do not want us to collect your income tax. He said he took that message and he’s been fighting from the beginning to just work on the uniformity issue.

Representative Henne said we had a meeting last week with the CPAs in the State Tax Department and the Governor’s Office. He said he heard the Governor’s Office say they do not want to collect income tax if the cities don’t want it done. He said as Representative Butler stated, that will not be part of any bill as far as collecting the income tax.

Representative Henne said uniformity is important. He said for example if you are a plumbing company and you have 10 employees, you have to track where every employee is throughout the day. He said the employee could be in four different places and you have to track where he is every hour so you can withhold the proper income tax. He said that is a burden to the business community; that’s money and time they have to spend complying to a law which could be spent elsewhere. He said there are solutions we are working on; he doesn’t have specifics because they haven’t worked through them all yet, but we are working as a group on this. He said when the cost of compliance is more than the cost of the tax, it’s not a good system. He said we are not here to take any of the city’s money, we’re making this as revenue neutral as possible but we have over 500 taxing cities in the State of Ohio and they all seem to do it a little bit different. He said the definition of income varies from city to city and we are by far the most complex municipal income tax system in the country. He said he shares Representative Butler’s passion for local government and he thinks the most responsive government is the local government; you know who your citizens are and you can respond to their needs better than anyone else. He said he also opposes regional government. He said once again, we are trying to find one definition of income and one form. He said he believes the Business Gateway is a good avenue for the businesses that work in multiple jurisdictions but we are going to have to put some money into that system and make it work better for the CPAs so that when they do their client’s taxes their software works real well with the Business Gateway. He said that way, no one touches your money, it goes directly into your account; but it gives them one place where they can file all of their municipal income taxes.

Representative Henne said we don’t have all the solutions yet, we are working through the problems. He said he meets regularly on this issue and it takes a lot of his time. He said when he went around to his business clients, two things he heard most were: first, Workers Comp. He said we have done a lot on Workers Comp, most of that through the department. He said they have made policy changes and they have really helped and gave businesses a lot of opportunities. He said what he thought they needed to do with that is put it into code because what is changed by the pen can be changed back by the pen so we need to put it in code and the changes that are working can be there for a long time. He said second was the municipal income tax and he has been working passionately on that.

Representative Henne said Representative Butler covered most of the items we have been working on; there’s a lot of minor things he thinks are important but there is a lot more to be done. He said he thinks we have come a long way, we haven’t fixed all the problems, but we’ve come a long way and we’ve created an environment for the business community to be able to create jobs.

Mr. Fullenkamp said you just stated that you oppose regionalism. Representative Henne said absolutely. Mr. Fullenkamp said to what extent, in all forms; when you talk region, what is it you don’t like about regionalism? Representative Henne said if we had one regional government, say for all of Montgomery County, he didn’t think they could be as responsive as the local governments. Mr. Fullenkamp said you don’t oppose cooperation between jurisdictions. Representative Henne said he thought shared services is something we needed to do a lot more of; there is a lot of benefits from shared services and that still leaves local control.

Mr. Fullenkamp asked where the tool box for communities was; he’s heard there is a tool box that will help cities overcome some of the cuts. Representative Henne said there is an innovation fund that incentivizes and helps with some of the costs for shared services. He said he didn’t have all the details but that’s basically the concept. Representative Butler said recently the rules for that were amended and it’s up to $200,000 per jurisdiction; last time we talked it was $100,000 so that’s been doubled and you can go in with other jurisdictions. He said if you have a project where you are collaborating on something, you can apply for a grant to get these funds. He said there is $45 Million in the fund and the specific rules for applying will be coming out very soon.

Mr. Chodkowski said to that point, what he and his colleagues have been critical about regarding that fund is that it was originally told to us that fund is the tradeoff to the Local Government Fund which you so graciously kept to address some of your budget issues; and that the original pot of $45 Million was going to be all grant funds. He said since the innovative fund was introduced, we have been informed that is now $5 Million in grants and the rest of the pot is all a loan. He said basically the program requires us to borrow money to investigate whether or not an idea is financially worthy to be funded to create regionalism and if it’s not, we still have to pay the money back on an idea that was supposed to help us save money.

Representative Butler said from his understanding that is not correct. He said although there will potentially be more loans, the money, itself, is not to investigate whether it’s a good idea or not, it would be to go for it; but the idea is some of the money would be grant and some of the money would be loans. He said he wasn’t familiar with the $5 Million amount but it’s not for investigation, it’s for doing the project. He said when you do the project, you are supposed to save money and then that would be where you need to repay the loan whether it be a low interest loan or a zero interest loan. He said it is to facilitate that type of collaboration where you would have nothing otherwise. He said it is certainly not to replace the cuts in the Local Government funding.

Mr. Chodkowski said he understood that fund cannot simply do that but that was kind of the token that we’ve taken these funds over here but your tool in the tool box is this innovation fund. He said he guessed that was the frustrating component to him and his fellow managers because we collaborate in an ongoing way and we have been doing so regionally as a whole and in sections for quite some time. He said it seems through the OML and through our Mayors/Managers organization, we hear one piece of information. He said we just met two weeks ago with Sandra Brasington from the Governor’s Office and she told us, as city managers, what I just told you and here we are three weeks later and you are telling us that’s not how the budget is set up. He said part of the issue is in Columbus there seems to be this fly fast, fly furious kind of approach to dealing with these problems and ultimately it is getting passed down to us and we just want to know what we can use or what we can’t use or what is available or what isn’t available. He said those tools – this one is in the box today, it’s out tomorrow, it’s been replaced with that one, then the first one is back – that’s a concern to us, we just don’t know what’s there.

Representative Henne said you do make some good points; he was meeting with the Auditor’s Office the other day and he was talking about something similar to what you are talking about but he didn’t think it was the innovation fund. He said he was talking about working with a loan to help you set up those shared services to help you save the money so you can pay back the loan. He said that is something through the Auditor’s Office and not something associated with the innovation fund. Representative Butler said we will get the specifics and send them to you. Representative Henne said the concepts are there but the actual rules are just starting to come out. Representative Butler said we will get you those answers.

Deputy Mayor Denning said on the income tax, is there any thought on giving where you live priority over your city income tax vs. where you work because you spend 16 hours per day where you live and most of your services for police, fire, and road are done where you live, not where you work. He said that would help everybody have better services at least locally. Representative Henne said that is an item that varies around the state; some places do not give credit for where they work, you guys give credit for where you work. He said that’s not controlled by us, it’s controlled by you. Deputy Mayor Denning said you control the fact that where you work has first priority on our city income tax. Mr. Fullenkamp said no; it’s our reciprocity agreement that does that.

Representative Butler said without reciprocity you can get hit on both ends and you are saying to eliminate the ability to get hit where you work. Deputy Mayor Denning said he’s not saying to eliminate where you work; if, for example, where you work is 2 ¼% and where you live is 1 ½%, where you live should get their 1 ½% first and then where you work gets the ¾%; he’s not saying lower my tax rate, he’s saying where I use most of my services should get the money first. He said where you live should be the first place that gets to collect. Representative Henne said he has not heard that one brought up yet. Deputy Mayor Denning said bring it up.

Mayor Flaute said when you do ask for an income tax, a lot of times you get to tell people not to worry about it because they won’t have to pay for it. Deputy Mayor Denning said that’s how a lot of larger cities get it passed because they give tax relief on real estate if they pass a higher income tax. He said that doesn’t do the guy that lives outside of that town any good and it doesn’t do his local city any good either. He said for example if we had a 2 ½% tax and Dayton had a 2 ¼%, then we would get ¼% of someone’s tax; but if Dayton decides to raise theirs to 3%, now that person will be paying everything to them and we would be losing money even though we are still serving that person. Representative Henne said it’s a tradeoff. Deputy Mayor Denning said he understood that; it’s just something that has been a soapbox issue for him for a couple years.

Deputy Mayor Denning asked if anyone was talking about making Ohio a right-to-work state. Representative Butler said they are collecting signatures to put it on the ballot and he thinks that would probably be on the ballot in 2013, if he had to prophesize what might happen. He said he thinks it will end up on the ballot either this year or next year. Representative Henne added driven by the voters. Deputy Mayor Denning said that’s fine; that’s the way to do it. He said something that is as volatile as that, we learned from the last one, and that might be the best way to decide.

Deputy Mayor Denning asked if they knew that Wright Patterson had a compressed natural gas outlet and he thinks they still use that in a lot of their police vehicles and fleet vehicles. He said he thought they had been doing that for the last 5 to 7 years. Mayor Flaute said Dayton Power & Light does too. Deputy Mayor Denning said the problem from his understanding is that those vehicles don’t have quite the get up and go that a gasoline engine has but that may be old information; technology marches on.

Representative Butler said he thinks that was the case from his research thus far but now it’s the same. Deputy Mayor Denning asked if they get the same mileage. Representative Butler said they get the same mileage but the one drawback is the amount of space it takes to hold a certain number of gallons; it’s three times as much for compressed natural gas. He said that’s the one issue and the reason you need fast fill stations. He said they have low cost, no-so-fast fill at lower pressure filling stations; DP&L has those and they cost about $2,000 to $3,000 each. Deputy Mayor Denning asked if it was possible to put something at his home that would work. Representative Butler said yes; you can do that if you are just driving around town and every night you come in, plug it in, it stays on all night, then you’re good. He said it costs $2,000 to $3,000 for the utility to fill your car and another $2,000 to $3,000 to convert your car. He said if you are burning lots of energy and you need to fill up once a night, you have to have the fast fill stations which are very expensive, about $6 Million each, but the utility companies will build them if there is a market for them. He said he thought if we convert over, they will build the fast fill stations, and then you guys can save some money on your transportation costs. He said that will be a tool in your tool box.

Mayor Flaute said he drove one of those trucks for 3 or 4 years and it would get about 125 miles out of the compressed gas then all of a sudden it would run out, switch over, and the truck would go vroommm – it was a thank you moment. Representative Butler said he thinks they solved that issue and the bi-fuel is very important; he didn’t think we would convert our family vehicles to compressed natural gas but with bi-fuel, we would. He said it’s easy to make a vehicle bi-fuel instead of just one type of fuel and the funds to convert Riverside’s vehicles would be provided by the state. He said it would help you immediately.

Deputy Mayor Denning said if we needed a station we could possibly work with the school system; between the city and school fleets we could possibly save enough together to pay for the station. Representative Butler said if the bill he has passes, what will happen is guys will come through the state, figure that out, report to the general assembly on where we need to convert and how much it will cost, and then the funds will be appropriated. He said that should happen in a 6 month period after the bill hopefully passes.

Mr. Smith said with a flex fuel system in our police cars, we run 5 to 6 cars at a time, so we would need several pumps to fill them up overnight on a low pressure system. Representative Butler said on a low pressure system but that’s the reason why having the fast fill stations available to you is so important. Mayor Flaute said it takes about 3 or 4 minutes to fill them up. Representative Butler said on fast fills, otherwise it takes about 6 hours; that’s the problem but with bi-fuel, it would be less of a problem.

Mr. Fullenkamp said there was a problem with the Honda Civic GSV which uses natural gas; they dropped their small pump program because it was causing impurities and water in the system. He said they still sell the cars but they no longer include the slow fill station as part of the package. Representative Butler said even more reason why we need the fast fill stations and he anticipates about 80 fast fill stations being constructed as part of this program, largely with private money. Mr. Fullenkamp said time frame on this is 2 or 3 years? Representative Butler said 2 or 3 years is return on investment, maybe 2 to 5 years if it’s a bus; but if you aren’t going to get a return on investment for 15 years then you shouldn’t do it because technology changes and it’s not worth the up front costs. He said the implementation will happen hopefully in the next budget cycle, June 2013, and the actual conversion will obviously take some time.

Mr. Schock said you’ve done a lot of work on this and he is impressed. Representative Butler said yes but he has to make sure it happens. Mr. Schock said Warren Buffet has been working on that too for semi trucks because he was upset with the oil barons. Representative Butler said that’s actually liquefied natural gas, not compressed, because semis run better on liquefied natural gas. He said they are putting fast fill liquefied natural gas stations along the interstates for semis and that is an ongoing federal/multi-state program.

Mayor Flaute asked if they could explain where the new district lines are being drawn and who is representing the new districts. Representative Butler said the district he will be running for is Oakwood, Kettering, Centerville, and Riverside up to Airway. Mr. Schock asked about Washington Township. Representative Butler said that is still going to be Terry Blair’s district.

Representative Henne said his district currently goes from Germantown all the way up the west side and across half of Huber Heights. He said the new district will lose everything on the west and will have Clay Township, but not Brookville, all of Huber Heights, the remainder of Riverside, and into the City of Dayton down to Fifth Street.

Mr. Schock said it sounds like the old lines. Representative Butler said Cleveland State always draws the detailed maps but they haven’t done that yet.

Representative Butler said he had a question for council. He said many of the citizens are here tonight because of Lily Creek and he would like to know generally what the current situation is – tell us a little about it to help us learn and if there has been anything looked into to have Greene County help out which he understands to be the ultimate source of the problem.

Mayor Flaute said we did have a meeting with Commissioner Foley, Montgomery County Soil & Water, Greene County Soil & Water, and the Miami Conservancy District and at the same time the City of Riverside applied for a USEPA Grant in the amount of $60,000 for a study. He said with Commissioner Foley’s help we are writing all our federal guys; this week he spent a lot time sending emails and we also sent hard copies to our federal representatives and senators asking them to consider this and to please help us with this grant. He said the grant is to study the creek and what options might be available.

Mayor Flaute said the creek does originate in Greene County and is also affected by WPAFB. He said we’ve heard a lot of the water comes from I-675, comes into the creek, and eventually goes to the Great Miami River. He said it is one of the most polluted creeks and water outlets in the State of Ohio, so it does need to be addressed.

Mr. Fullenkamp said that is pretty complete and the approach now is to be more regional, looking at all the players to see if we can get some intergovernmental cooperation. He said part of the process will consist of more inclusion of comments from all players – the residents and the different municipalities. He said we are hoping we get cooperation from the other players because we believe they are partially responsible. He said we don’t think the City of Riverside and its residents should bear the full cost of solving this problem.

Representative Butler asked if legal counsel, Dalma Grandjean, had taken a look at this.

Mr. Chodkowski said the shortest version is this: the watershed is 1,400 acres and it encompasses Greene County, Beavercreek, Beavercreek Township, Riverside, and Dayton. He said part of the issue is compounded because while there is a primary open water stream, Lily Creek, it also has several different tributaries feeding into it along the way. He said the project that was most recently looked at here always was regional in its scope; what compounded the issue is that the creek was basically an open air storm ditch established in the 1950s with the developer promising to tile it in and of course that didn’t happen. He said slowly but surely development progressed and water went to the lowest point.

Mr. Chodkowski said the latest attempt to address the issues focused on the Riverside residents today who stand to be impacted negatively first. He said it was to address their immediate issue with erosion, the potential loss of out properties and the potential loss of principal structures. He said it would go from all these private party open air systems to a publically controlled, monitored, and maintained system thereby allowing Riverside and Montgomery County Soil & Water to take over the system then bring in Greene County and the remaining components of Dayton which have yet to participate.

Mr. Chodkowski said the approach now, in light of the response and affect of the project, is to go back from the localized component and start at the 10,000 foot view and drill down from there. He said the grant Mr. Fullenkamp and Mayor Flaute spoke about is to look at a regional plan for the entire watershed, break out the estimated costs, and the available resources. He said this is the first step in a multi-layer solution to this project. He said we do have letters of commitment from Greene County Soil & Water, Montgomery County Soil & Water, City of Dayton, and Beavercreek, so this is going to be a collaborative effort provided those funds come through on this grant application. He said we are exploring other potential EPA Grants to help deal with this issue in the event this grant does not come through.

Representative Henne asked if this was a drainage ditch or a creek. Mr. Chodkowski said it is both; when Beverly Gardens was developed, no one gave much thought to its name or purpose because they were just going to pipe it through, cover it over, and this would not be an issue for those residents that live along the creek. He said that was back in the 1950s; it never occurred and it was left to its own devices. He said Montgomery County Soil & Water has been asked to assist about every 10 years since the 1980s, so this most recent attempt was the fourth iteration of the county trying to address these issues. He said it is also compounded by the fact there is no defined public storm water system in Riverside; being that we are one of the younger communities, this was all township which fell to the regulation of the county. He said as county resources became thinner and thinner or priorities took over, that was an item the County Engineer’s Office and Soil & Water didn’t spend the appropriate amount of time addressing. He said not only do you have all these existing issues that need to be addressed, in addressing those, it then compounds other problems we know to exist. He said if we create this public system, then who is going to maintain it; well it’s going to be us which will be an added cost, so how do we handle that for a system that affects multiple jurisdictions – who pays for what. He said it’s a project we are going to continue to work on and our biggest lesson learned from this latest project is that it is fine to try to have that umbrella and auspice of regionalism and broader scope collaboration; it’s in our yard and we need to take care of what’s in our yard and not rely on others to do that.

Representative Henne asked if it was the natural watershed from I-675 that contributed to this and is that when it became a creek. Mr. Chodkowski said geographically the watershed extended east of I-675 but the watershed existed years before I-675 was constructed. He said what you have are all these engineered pinch points throughout the watershed so the water still has to get from the east side of I-675 to the west side of I-675. He said it used to be able to follow the natural slope of the open ground but now it is all routed into small diameter pipes which create damming and velocity issues that are compounded as they move through the system. He said if you are at the bottom of the hill, you get all the water. Mayor Flaute said that’s where we are. Mr. Chodkowski said you have all this development that happened during the course of the 1960s, 1970s, and 1980s south and east in Riverside and in Kettering and then you have all the development that’s now going on in the west side of Beavercreek which is the newer construction; all that water eventually has to go to the same place, it’s just getting there faster now because there’s more tile, more manmade storm sewers, more roofs, more driveways, more curbs, etc. - all that makes the water flow faster and that creates velocity issues which in turn creates erosion.

Mayor Flaute said the people who live there each own a part of the creek and they have been trying to solve the erosion problems, when somebody tries to do something, that will make the water move, and it erodes somebody else’s property. He said folks have tried various different things to stop the erosion of their yards and it’s causing other erosion. He said what we were trying to do is get something consistent.

Representative Henne said so if you dealt with the erosion problem on the ones that are most critical, you don’t feel that would solve the problem it would just pass it on. Mayor Flaute said as long as it is done professionally and says it will solve the problem because otherwise we will have what we have now and that is one person trying to do something and moving the water over to someone else. Mr. Fullenkamp said that’s why the engineering study is necessary; we will actually understand what the best solution is. He said that’s what we hope to get from this urban streams grant - to provide us an answer.

Representative Butler asked if in that grant there is any jurisdiction gained by the EPA. Mr. Chodkowski said at this point in time the grant hasn’t been specific in what the recourse in its award would be; it’s simply to provide funds for engineering. He said any engineer that would be awarded the bid on this study is obviously going to have to design to USEPA standards which may be different than the ODNR standards or Ohio EPA standards. Representative Butler asked that by accepting the money would the city also be accepting to continue EPA jurisdiction over this issue. Mr. Chodkowski said he didn’t know; to the best of his knowledge, EPA’s interest in having grants available for this program is to curb surface water contaminates. He said it’s not so much that they have the ability to control jurisdiction and regulate, they are simply trying to provide funds to increase water clarity and cleanliness.

Representative Butler said the reason he asked about legal consultation is if Greene County tells you to pound salt is there some other recourse so the citizens of Riverside don’t have to foot the bill. He said he assumed the city would be looking into that if they haven’t already looked into that depending on the study and if Greene County comes forward voluntarily. Mr. Chodkowski said correct.

Representative Butler asked if there was any chance that some type of special assessment will be imposed on the citizens unless there is a vote; what would be the status on special assessments. Mr. Chodkowski said by law, we cannot establish a special assessment unless that assessment is specifically tied to a purposeful expense; so at this point in time, there is no purposeful expense for us to assess for. He said he can’t say there will never be a special assessment related to this issue or whether or not we would advice council of that; what he can say is in the event local funds are needed in part or in whole in relation to this project and an assessment is required, we would be able to specifically demonstrate why the assessment is a valid expenditure.

Representative Butler said we really appreciate your indulgence in this; we obviously don’t represent Riverside now but we are running for the chance to represent Riverside. Mayor Flaute said your help would definitely be appreciated – any suggestions you may have. Representative Henne said he has boots and a shovel. Mr. Schock said we are going to need some concrete with that.

Mr. Chodkowski said he understands they are not our current representatives but hopefully one day will be. He said there are a couple things even though you don’t represent our community that he would like for them to consider that would be beneficial not only to Riverside but to your current jurisdictions as well. He said one of the things both local governments and school districts face is the continuing need to put levies on the ballot and that is caused by a revenue cap in response to the inflationary issues of the 1970s. He said what he would ask them and their colleagues to consider in short order is a change in that law and he would reference them to the State of Michigan Headlee Amendment. He said what it does is check revenue growth to a regional consumer price index. He said once a tax measure goes on the ballot, if the value of a home increases 13% but the consumer price index only increases 2.8%, your revenue can only increase by 2.8%; that will protect property owners from unnecessary revenue inflation but it also provides benefits to the local jurisdiction – we do not have to continue to go back to the ballot, we do not have to continue to waste the expense to do so, and our residents aren’t overburdened with having to choose which issue is more important.

Mr. Chodkowski said another suggestion he would have is, he knows pension reform is coming forward and it is always easy to say just work longer. He said he would ask for them and their colleagues to consider that for some of the more physically intense professions such as police, fire, or public service that you actually look at reducing the requirements to be retirement eligible and at the same time reduce the benefit paid upon retirement. He said everyone is going to have to work longer now but his suggestion would be allowing someone to get out early and receive a reduced pension until they reenter the work force in another capacity. He said when you require these folks to work longer towards their pension contributions, you do nothing but drive up our cost in health care and it is cost prohibitive to us.

Mr. Chodkowski said Representative Butler spoke earlier about job poaching from community to community; he would encourage, and several other states have adopted this, the Fix it First Conditions for Economic Development incentives through the state. He said communities that have existing infrastructure would receive funds from the state to redevelop existing properties before communities on the outskirts receive monies to turn over fields. He said how the system works currently, all the state is doing is incentivizing urban sprawl and that is increasing long term expense for everyone. Representative Butler asked if there was a list of states that have adopted that. Mr. Chodkowski said he thought there were 17 states including Michigan, Wisconsin, Illinois, Tennessee, etc.

Mr. Chodkowski said this is directly related to our community and to our county; as you know from President Obama’s State of the Union Address, the focus of the military is going to start changing and the key benefactor to that, based on the comments provided in the address, is going to be WPAFB. He said there is another BRAC alignment coming. He said one of the things that the City of Riverside and its development partners, Woolpert, Forest City, the Montgomery County Commission, the Dayton Development Coalition, will be coming to Columbus to talk to each one of you about establishing the Wright Patterson Air Force Base Development Authority. He said this is going to be a regional based development authority with certain development rights to acquire property, issue debt, provide tax incentives, and it is specifically designed to promote development in support of Wright-Patt and, understand that those other bases that stand to benefit from this forthcoming BRAC are in Oklahoma, Utah, Alabama, and Florida; these organizations already exist there, have been in existence for quite some time, and they are well ahead of us. He said in light of economic development to benefit the entire region, we would very much like for you to be very open minded when we come forward in the next few months to talk with you about that.

Representative Henne said something you just brought to mind from the budget, HB 153 the delegation led by Chris Wiedner; we put $21 Million in the budget – part going to the Dayton Development Coalition and part going to Wright State to invest in the UAV/UAS type of thing. He said before we weren’t even on the map for that type of stuff and now we are one of the leading cities for that. He said through Chris Wiedner’s leadership and our support, we were able to get that in and that’s a great benefit.

Representative Butler said just to update you on that, we are currently ranked third by the latest analysis for air space out of the six places selected. He said he didn’t think any of us should rest on our laurels on that; we saw what happened with the shuttle. He said things look somewhat promising and the congressional delegation is definitely working hard on that which we fully support.

Mayor Flaute said he was glad to hear they are still thinking about trains; it seems he’s spent his lifetime talking about trains. He said with our Forest City project we still plan on having an area for a train station because we believe that is still coming. He said if you can utilize that for the plans you talked about, we would definitely appreciate that very much.

Mayor Flaute asked on the Common Sense Initiative, could they give any examples of what might have come out of that group yet. Representative Henne said it is in very early stages but there is an example of their success, He said there was a manufacturer of salad dressings and there was an abuse of liquor involved; the only way the manufacturer was able to purchase the liquor was retail. He said the Common Sense Initiative determined that didn’t make sense, there was a rule change, and now the manufacturer can purchase the liquor wholesale to make their products. He said he has also been working with the Early Childhood Race to the Top program and they had a list of things that didn’t make sense. He said that was given to the Common Sense Initiative Group and they are reviewing the list.

Representative Henne said once again, it’s in the early stages and when new ideas are formed there has to be policies and rules written and it takes a little time.

Representative Butler and Representative Henne thanked council for having them. Mayor Flaute thanked them for coming and welcomed them to Riverside.

**ITEM 7: RECESS:** The Council took a recess at 7:27 p.m.

**ITEM 8: RECONVENE:** The meeting was reconvened at 7:47 p.m.

**ITEM 9: PLEDGE OF ALLEGIANCE:** Mr. Drake Leszczuk, a local Boy Scout, said he was a member of Troop # 71 and attends school at Mad River Middle. He said he is in the 7th grade and he thinks it is a really good school. Drake led all those in attendance in the pledge of allegiance.

**ITEM 10: MINUTES: Consider approval of the minutes of the February 1, 2012 special council meeting and the February 2, 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. He said we have a large number of people registered to speak tonight and we have asked the clerk to please keep time; you will have 3 minutes for discussion.

**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. He said as a reminder, tomorrow morning, he and several members of the Job Ready Sites team will be going to Columbus to make our presentation to the review committee in hopes of obtaining a $3 Million grant to construct a three story, 60,000 square foot building in the Center of Flight.

Mayor Flaute said on the Assistance to Firefighters Grant, is that a grant we don’t have to pay back. Mr. Chodkowski said there is a 10% match; based on items that are previously allocated in the budget, we won’t need for council to take any action in relation to that contribution. He said Chief Turner did receive confirmation today from Senator Brown and Senator Portman that the official announcement of our receipt of that grant will be tomorrow. Mayor Flaute thanked Chief Turner for all his hard work. He said responses are up, overtime is down, and that is all very good. He also thanked the Service Department for keeping the roads clear.

Mayor Flaute said reading some of the Police Department statistics: patrol officers made 73 criminal arrests, 16 OVI arrests, 23 drug related arrests, 407 traffic stops, 240 traffic citations, and handled 58 automobile crashes, in one month. He said wow, that is amazing; that’s a lot of work and congratulations for making our city better. He said also the overtime was down – can’t beat that. He thanked them all for their hard work.

Mr. Smith said on the same topic, of the 407 traffic stops mentioned there was only 240 traffic citations, a little more than half. He said those that didn’t get tickets probably got a warning, so we aren’t just pulling people over and writing tickets all the time.

Mayor Flaute said we’ve also seen the prisoners doing detail work out there; he knows that’s not easy all the time but it’s a good thing for our community and it has been noticed by the residents. He thanked the Service Department for that and said you guys are doing a good job.

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

**ITEM 14: NEW BUSINESS**

# RESOLUTIONS

* + 1. **Resolution No. 12-R-1636 declaring certain property owned by the city to be surplus and no longer needed for city purposes and authorizing its sale at the best obtainable price.**

Mr. Chodkowski said this resolution is to declare certain equipment owned by the city to be surplus and authorizes its sale.

A motion was made by Deputy Mayor Denning to approve Resolution No. 12-R-1636. Mr. Schock seconded the motion. All were in favor; none were opposed. **Motion passed.**

 **b. Resolution No. 12-R-1637 authorizing the City Manager to submit an application to the Ohio Department of Transportation Municipal Bridge Fund for a grant in the amount of $280,000 for the Fair Park Bridge Rehabilitation Project.**

Mr. Chodkowski said pursuant to council’s request this resolution is to authorize submittal of an application for the Municipal Bridge Fund Grant for the Fair Park/Fairfax Bridge.

A motion was made by Mr. Schock to approve Resolution No. 12-R-1637. Deputy Mayor Denning seconded the motion.

Deputy Mayor Denning said if this all happens; how soon before work actually begins. Mr. Chodkowski said anywhere between January 1, 2013 and December 31, 2017.

Mayor Flaute said that’s not good news for a couple of the folks; he’s heard from a few that were hoping it would be started this summer. He said it’s a very controversial issue and we are doing the best we can to make sure the bridge is done the right way. He said this money is welcome; unfortunately, it will just take us a while to get the bridge opened back up once we get the grant.

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

**c. Resolution No. 12-R-1638 authorizing the City Manager to submit an application to the Ohio Department of Transportation for Safe Routes to School Funds in the amount of $349,605.**

Mr. Chodkowski said pursuant to the request of Council and the Mad River School Board this resolution is to authorize the submittal for a Safe Route to School Grant.

A motion was made by Mr. Schock to approve Resolution No. 12-R-1638. Deputy Mayor Denning seconded the motion.

Mayor Flaute said the fiscal impact is marked N/A. Mr. Chodkowski said there are two resolutions tonight, one for building infrastructure and one for non-infrastructure items. He said the way the program works, certain items have been submitted and preapproved as part of the safety plan. He said that was done in conjunction with the school board. He said we are applying to the state to release funds to pay for items that have previously been included in the plan which is 100% reimbursable. He said in this instance to construct sidewalks, we would pay from our reserves for construction and when construction is complete, we submit receipts to the state and they pay us the money back. He said the only costs the city would incur that it would be solely responsible for are anything that we add to the project that is not included in the preapproved plan.

Mr. Fullenkamp asked if the prices in the legislation are based on current bids. Mr. Chodkowski said the costs are based on the engineer’s estimates from actual costs during the 2011 construction season. Mr. Fullenkamp asked what if the costs are higher, would that be on us. Mr. Chodkowski said it could be; he knew the safety plan could be amended but he did not know to what extent for inflationary costs.

Mayor Flaute said this is for Beverly Gardens School and Mad River Middle School. Mr. Chodkowski said correct. Mayor Flaute asked if the sidewalks will run along Valley and Harshman. Mr. Chodkowski said related to Mad River Middle, yes; related to Beverly Gardens it will be sidewalk constructed outside of the public right of way between the WPAFB Prairies Early Childhood Center and Beverly Gardens School.

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

**d. Resolution No. 12-R-1639 authorizing the City Manager to enter into an agreement with LJB, Inc. for the engineering of construction plans and the preparation of bid documents associated with the Harshman Road & Valley Pike Intersection Improvement Project.**

Mr. Chodkowski said this resolution is to authorize the contracting of LJB, the city’s engineer, for the preparation for the construction engineering documents related to the Harshman/Valley project.

Mayor Flaute said $156,000 is what we expect to be contributing to prepare the bid documents; was that included in the $3.5 Million cost. Mr. Chodkowski said yes.

A motion was made by Mr. Schock to approve Resolution No. 12-R-1639. Deputy Mayor Denning seconded the motion. All were in favor; none were opposed. **Motion passed.**

**e. Resolution No. 12-R-1640 authorizing the City Manager to submit an application to the Ohio Department of Transportation for Safe Routes to School Funds for non-infrastructure improvements in the amount of $25,250.00.**

Mr. Chodkowski said pursuant to council’s request this resolution is to authorize the application for funds for Safe Routes to School non-infrastructure expenses.

A motion was made by Deputy Mayor Denning to approve Resolution No. 12-R-1640. Mr. Schock seconded the motion.

Mayor Flaute said again, there is no impact on the city’s budget. Mr. Chodkowski said correct; again, reimbursable expenses mostly borne by the school district.

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

**ITEM 15: PUBLIC COMMENT ON NON-AGENDA ITEMS:**  Ms. Norma Caldwell turned her minutes over to Jan Pitzer.

Mr. Dana Bush of Wake Forest said he had 13 items he wanted to bring to council’s attention, some requiring an answer and some they might not be able to answer tonight but he thought they needed to have the information brought forward to the citizens. He said his first question is what steps council will take to start legislation for our city, county, and state that would prohibit non-property owners to vote on any issue or levy which would affect property tax.

Mr. Schock said that was an issue he talked about a long time ago and what was brought up to him was a person who pays rent, pays the landlord’s property tax. Mr. Bush said not necessarily; we’re saying direct obligation. Mr. Schock said that’s the way the renters felt back in the village days because the village had more renters than property owners. He said a property owner will pass a tax burden on to the renters, so in all actuality the renters are paying the property tax.

Mayor Flaute said he thought that type of legislation would be illegal and we would have to check with our law director.

Mr. Smith said he has rental properties and the tax bills, water bills, etc. are figured in when he determines the amount of rent he is going to charge for the unit.

Mr. Bush said that’s an individual contract; we are talking about a contract with the citizens. He said he would like to see council commit to determining how they would go forward with this. He said in that same respect, if he owns property in Montgomery County he is registered to vote and he also owns property in another county, right now, he is not entitled to vote in the other county on any issue. He said he would like to see legislation made where he would have the opportunity or anyone in that situation to vote on property tax levies.

Mayor Flaute said that is way beyond the scope of this council. Mr. Bush said he was told it had to start here. Mr. Fullenkamp asked by whom. Mr. Bush said by the State Reps.

Representative Butler said he believed on the second issue that has been ruled by the US Supreme Court to be unconstitutional. He said other states have had that in place and it was in violation of the one man, one vote concept. Mr. Bush asked why that person should be taxed in each area. Representative Butler said he agreed but that’s a US Supreme Court rule and it’s the law of the land for many different areas. Mr. Bush asked if there was any opportunity to address something like that. Representative Butler said not other than through the US Supreme Court or a US Constitutional amendment.

Mayor Flaute said he believed the first issue was probably the same. Representative Butler said he wasn’t sure on that one.

Mr. Bush asked for an itemized list of the salaries, wages, and benefit costs for each of our city administrators, operation personnel, and staff. Mayor Flaute said see the city manager after the meeting for that information. Mr. Chodkowski said we are required to provide the information in the formats we have available; we are not required to create documents to provide you the information you request. He said that is the state law as it relates to public records disclosure. He said we will be more than happy to provide to you wage sheets, summary of benefits, etc. Mr. Bush said can it just be made available to the general population of our city. Mayor Flaute said it is available. Mr. Chodkowski said anybody that would like to ask for it can be provided it. Mr. Bush said if he sends 10,000 people over here tomorrow, they can get a copy of this. Mr. Chodkowski said they can request the information and we will provide the information in the format in which it is available. Mr. Bush said that doesn’t give him a direct answer but we’ll work on that.

Mr. Bush asked what it cost for our legal representation in 2011. Mayor Flaute said again, you can get that information from the city manager after the meeting. Mr. Bush asked why does our city need, budget for or advertise for an Assistant City Manager, an Assistant Police Chief, or more Police Officers at this time. Mayor Flaute said you can get that information from the city manager after the meeting.

Mr. Bush asked why plans for another engineering project at Lily Creek are being authorized. Mayor Flaute said we are seeking a grant from the USEPA – that’s all that has been authorized. Mr. Bush said we’ve already had several engineers. Mayor Flaute said as we heard tonight when we talked about Lily Creek for an extensive time why we are doing what we are doing and he didn’t think they could answer anymore than what we’ve already talked about tonight.

Mr. Bush said our money is being taken to increase personnel, capital equipment, benefits, wages, and salaries; what plans are in store to replace these funds. Mr. Chodkowski said in the best interest of time; he would encourage Mr. Bush to read his questions into the record and they could get together at another time outside this meeting, so he can assemble all the information Mr. Bush is requesting. Mr. Bush said these are things that are important to each of our city residents and he asked that our city leaders address that to the population.

Mayor Flaute said when we do a budget, we spend at least a half a dozen meetings discussing the budget and how we are going to do it. He said we do that every year and we are going to do it again this year. He said if you need that information, please come to our budget hearings which are open to the public.

Mr. Bush said he understands Riverside is purchasing residential properties. Mayor Flaute said that is true. Mr. Bush asked how many they had at this time. Mayor Flaute said you can get that information from the city manager after the meeting. An audience member asked why he couldn’t tell us now. Mayor Flaute said we’ve had all those discussions in previous meetings. Mr. Bush said that’s part of the problem with our city; you are in charge of making these important decisions but you are not being transparent to the citizenry that supports the programs and operations of our city. Mayor Flaute said we do have open meetings and we discuss everything.

Mr. Schock said he disagrees with Mr. Bush; our minutes are posted and everything is correct, read them, they are detailed minutes. He said he fought last year to keep detailed minutes because we have the option to summarize everything. He said he didn’t want that; the majority did not want that. He said we want full disclosure and we have that if you want to spend the time to read it. Mr. Bush said it’s not that accessible to me. Mr. Schock said yes it is; it’s on the internet. Mayor Flaute said it’s also available from the office. Mr. Schock said the council agenda packet he receives is also posted on the internet or you can get it from the office.

Mr. Bush said thank you for the opportunity to let me speak tonight but he feels very badly that the answers are not available to the people that have gathered here tonight. Mr. Schock said the answers are available but you want us to give you a history lesson on all that’s happened. He said we will be happy to do it. Mayor Flaute said it will take several meetings to do that.

Mr. Tim Wimmett deferred his time to Jan Pitzer.

Mr. Larry Kopa of Marblehead Drive said the first resolution in new business was declaring certain property surplus and a comment was made about equipment. He asked if the surplus property included land. Mayor Flaute said in this particular resolution it was strictly equipment. Mr. Schock gave Mr. Kopa his copy of the resolution and exhibit “a” listing the equipment.

Mr. Kim Howell of Harlou Drive said he would like to see the minutes in digital form. He said he has to request them when he wants them and they get sent to him in doc form but it would be sweet if they were in that form on the website. Mr. Fullenkamp asked if he would be okay with an OCR PDF file. Mr. Howell asked if that would be searchable; right now it’s pictures of the document. Mr. Fullenkamp asked if we had the software to do that. Mr. Chodkowski said he believed there was a license to do that in Pro.

Mr. Howell said the second thing he would like to bring up is the fact that Soil & Water created a fraudulent watershed boundary and he would like to make it clear that is the case. He said he and Stephan of Soil & Water actually walked the boundary area and he agreed with me that the area of the watershed was incorrect. He said we walked the entire area visiting Beavercreek, the area he lives in, and the area of the actual creek and it was very clear. He said he has video footage of the watershed at his spot and you can actually see through common sense observation that there is no way the watershed for his area can be correct.

Mr. Howell said the problem is they used a topographical map and they didn’t delineate it. He said you are supposed to create contoured lines in the area of the watershed, delineate the map, and then you do a common sense observation after that. He said he lives behind a ridge on a plateau and when you go behind a ridge, it says right in the documentation on how to delineate a watershed, that once you go to the top of the elevation and across the ridge, you enter a new watershed. He said its total common sense and everybody that lives on his street and around our area below me and south knows that is fact.

Mr. Howell said that is just one of the things Soil & Water did that was wrong and that’s what he wanted to point out for tonight. Mayor Flaute thanked him and said we will check that out.

Mr. Eddie Holt deferred his minutes to Thelma Howell. Pastor Timothy Hume deferred his minutes to Thelma Howell. Ms. Mary Ann Mull deferred her minutes to Thelma Howell. Mr. Dennis Johnson deferred his minutes to Jan Pitzer. Mr. Daryl Johnson deferred his minutes to Jan Pitzer.

Ms. Thelma Howell of Harlou Drive said several people have brought up questions about the EPA grant to her. She asked if the EPA grant was to study the water quality and sediment in Lily Creek. Mayor Flaute said it is only part of it. Ms. Howell said water quality. Mayor Flaute said yes because it is a large pollutant to the Great Miami River. Ms. Howell said the EPA does not fix erosion problems; the grant only covers education and study of the Lily Creek problem and doesn’t include any money to fix the erosion problem. Mr. Fullenkamp said it’s for the study and engineering. Ms. Howell asked if the $60,000 went for the study and engineering and who gets the money. Mayor Flaute said the money comes to the city to administer the grant.

Ms. Howell said a lot of people were confused when you stated you were going to involve Green County, Beavercreek, Dayton, and Montgomery County; they thought you meant those people would be contributing money – their part to the watershed project and possibly their taxes being assessed. She asked if with the project we have going, is Greene County or Dayton going to give us any money to fix the problem. Mayor Flaute said that’s to be determined. Ms. Howell said she has spoken with David Beach the Public Works Director of Beavercreek and he doesn’t believe Beavercreek will be contributing any money. She said when she was talking to Ken Middleton about getting this grant, he stated he believed the Greene County citizens would have to go through the same petition process we did and there probably wasn’t enough interest in that. She said he was not real hopeful. She said Janet Blye of the Miami Conservancy district stated it was just money for the study and she didn’t have anything to say about the clean up money or who would pay. She said Bob Murray also specified to me that this $60,000 was just for clean up.

Ms. Howell asked what watershed map they would be using. Mr. Fullenkamp said he would assume the engineers would determine the definition of the watershed. Ms. Howell said so we don’t really know if that map is going to be the same little one as before or the big one. Mr. Fullenkamp said we don’t know.

Ms. Howell said it’s her understanding that if we get grant money, $60,000 for the study, then it’s possible we could get some funding to fix the erosion. Mayor Flaute said the climate in Washington and in the state of Ohio is not very predictable these days; we can hope. He said as the city manager indicated earlier we are seeking grants all over the place; more so than the Soil & Water did. Ms. Howell said if we don’t get all the funds needed, who decides where the rest of the money comes from. She asked if it would be assessed and if that would be determined by whatever watershed map is drawn. Mr. Fullenkamp said he didn’t think we had an answer for that.

Ms. Howell said if the EPA decides that our water quality is bad an that we need to do something about our erosion issue; once they make that determination, is it mandatory the city do that work or can the citizens and the city say we aren’t going to do that work, it’s too expensive. Mr. Fullenkamp said he didn’t think that the fact that we applied for the grant would obligate us to anything beyond the original study. Mr. Chodkowski said he wasn’t aware of any conditions in the grant that we would be mandated to address any deficiencies found.

Ms. Howell said she was told by Miami Conservancy District that there is money for Greene County to take care of their water flow coming into our area. She said if they got that money through all this, would they be able to donate that money to Riverside. Mayor Flaute said one of the things that is happening is ODOT is going to be very much involved because if it is proven a percentage of the water is coming off I-675 then ODOT will be the ones responsible for paying for that portion. He said whatever Greene County has will be minimized by the chunk ODOT has to pay. Ms. Howell said so they would have to create their own retention/detention pond on their side. Mayor Flaute said that’s not what he said, perhaps – we don’t know. Deputy Mayor Denning said that’s what the study is going to tell us hopefully, if we are able to get the grant.

Mr. Schock said if there is a lot of oil found in the water that tells you it’s coming from I-675. He said he could be 100% wrong but that could open the door for us to say hey ODOT, look what you are doing to our creek. Someone commented I-675 is a federal highway. Mr. Schock said then we go to federal transportation and say look what you are doing. He said to him it looks like it could evolve to that. Mr. Smith said he’s seen a couple of his neighbors in the past change the oil in their cars and dump the oil. He said he called it in but he didn’t think anything ever happened. Mayor Flaute said well it is one of the most polluted streams and it’s coming from somewhere.

Ms. Howell said so it isn’t mandatory from the EPA for the citizens to clean that up. Mr. Schock said no.

Ms. Howell said a comment that Mr. Chodkowski stated struck her odd; he stated he didn’t know if at the end of the day the overall solution that will come out of this EPA Urban Water project will be significantly different. She said she didn’t have to read that because there are so many unknowns; we just hope it is significantly different. Mayor Flaute said we do too.

Ms. Jan Pitzer said on January 5th she asked some specific questions that were never addressed by the Council, the Mayor, or the City Manager. She said the first was being the deed to Shellabarger Park; no one ever acknowledged what they knew about the reversion clause or whether you were willing to hand over Lily Creek. Mayor Flaute said see the city manager after the meeting. Mr. Schock asked what her question was. Ms. Pitzer said the deed to Shellabarger Park has a reversion clause that states it must remain as a public park green space; wetlands is not a green space, so basically she’s asking if the city was aware of the deed and the reversion clause and was willing to sacrifice the park for the wetlands. Mr. Schock said first of all the Montgomery County Commission wouldn’t take it back because they can’t afford the upkeep on what they have.

Mayor Flaute said when we first started the project we were told it was going to be a lake similar to the one at Delco Park where you would have green space. Ms. Pitzer said no; Mr. Chodkowski was at the October 4th meeting. Mayor Flaute said at the June meeting it was told to us it was going to be a pond; at the October meeting, if he remembered right, Mr. Chodkowski got up and still said it was going to be a pond. He said then, somehow it got changed to wetlands; we don’t know where that happened. Ms. Pitzer said it was at the October 4th meeting, which she has the minutes, where someone in the audience asked if this was going to be a pond like Carriage Hill and they said no, this not a pond, it will be a wetlands. Mayor Flaute said we were told it was going to be a pond. Mr. Schock said in our minutes it was a pond.

Ms. Pitzer said lets go back to the deed; were you aware and were you will to give up the park. Mayor Flaute said we were willing to give 1.9 acres to put in a pond for recreational purposes. Deputy Mayor Denning said that’s all we agreed to; when they presented it to us it was going to be a 1.9 acre pond. Ms. Pitzer said when you found out on October 4th that it wasn’t going to be a pond, why wasn’t this whole thing stopped, why did it proceed to go on.

Mr. Schock said you guys were out there fighting for us and it was out of our hands; we could have tried to pull back but you guys were doing such a good job out there. Ms. Pitzer said we didn’t start fighting until December 2nd. Mr. Schock said we weren’t aware of it until they started having the public meetings. Ms. Pitzer said thanks for not pulling back and making us do all your dirty work. Mr. Schock said we couldn’t. Mayor Flaute said that is not correct and that is not being kind to council. Mr. Schock said it was out of our hands by then. Ms. Pitzer said you were in a partnership. Mr. Schock said it was no partnership, we started it and had them take over, correct. Ms. Pitzer said she didn’t know; it says a partnership was formed. Mr. Schock said it would have never gone that way if it was our project; what Soil & Water did to us – you know they backed a bus over us and parked it until it was over with.

Ms. Pitzer said during that January 5th meeting, the city manager gave a presentation and stated the $1,500 was paid by the residents in order to file the petition which was false; there is no money to file a petition. She said the money was not paid by the residents, it was paid by the City of Riverside and there has not been any filing of a petition with the recorder’s office and the $1,500 was used for administrative purposes in order to use Soil & Water’s letterhead to send out the legal notices and follow up letters according to Soil & Water. She asked why you would pay $1,500 to have Soil & Water send out the letters on their letterhead when this is pertaining to Riverside residents. She said even if they did the work why would you not provide Riverside letterhead. Mr. Schock said because that’s the way they wanted it done.

Ms. Pitzer said she understands that the City of Beavercreek pays the City of Riverside for watershed. Mayor Flaute asked the city manager if that was true. Mr. Chodkowski said he is not aware of that. Ms. Pitzer said they are not paying you anything for watershed. Mr. Schock said no.

Ms. Pitzer said she has a 1955 news article where the homebuilder, Edward Rose, left an open ditch. She said she would like to know how the original flow of Lily Creek, which is at the northwest corner coming in from Greene County, got diverted at a 90 degree angle coming up almost 200 feet and ties into what was originally a ditch not completed by the builder – who did that. She said she is trying to contact Montgomery County Engineers to find this out but she has been told everything has been transferred to the City of Riverside when we became a city. She said she contacted Bob Murray on Tuesday and asked to see the original plat because she has microfiche that has been recorded and at no time is there a mention of a creek or even a ditch or anything in the housing area that was approved by Montgomery County. She said so who diverted the natural flow of the creek 200 feet and tied it into an unfinished drainage ditch by the homebuilder that was meant for natural run off of the properties on Bayside. She said evidentially Montgomery County has at sometime come in and because of all the complaints about this ditch; they have turned what was a ditch into manmade creek.

Ms. Pitzer said she has talked with Montgomery County Engineers and they say everything is transferred. She said she called Mr. Bob Murray and he tells me he doesn’t have anything and to check with Mitch Miller. She said she called Mr. Miller on Tuesday morning, left a message, and she has yet to receive a phone call back. She asked do you or do you not have the original engineering plans. Mr. Schock said what puzzles him is the county always kept copies. Ms. Pitzer said according to the archives everything was turned over to the city of Riverside. Mr. Schock said they didn’t hand their files over to us. Ms. Pitzer said she has a call in to the engineer for Montgomery County and she has yet to receive a phone call back from him. She said she is going down there tomorrow; she wants answers.

Ms. Pitzer said she’s not against the people who live on the creek even though it is their responsibility and over the course of years, no one has taken the responsibility for their property. Mayor Flaute said that’s not true, people have tried very hard. Ms. Pitzer said some people have succeeded and that’s where the City of Riverside failed; you fine and request people to do other things but you didn’t request those people fix their property. She said if she was living on the creek and invested in putting up a retaining wall with a three-foot footer in order to stabilize it and my neighbor didn’t do it, I would be ticked off. She said so obviously Riverside or Mad River Township, whoever we were at that time – this is a 57 year old problem. She asked Mr. Miller if we had the plans, drawings, maps, and approvals from Montgomery County.

Mr. Chodkowski said to the best of his knowledge, we do not have any boxes in storage titled that would indicate we have those documents in our possession. He said he knew Mr. Miller had items in his possession that are not listed on the storage catalog at Cintas. He said whether or not those files are in his possession, he defers to him. Mr. Miller said if we have any of those files it would be offsite; our database is incomplete. He said we get similar answers when we talk to ODOT. He said we have a lot of historical data, extensive files, extensive plans, but none that he saw that specifically stated Lily Creek. Ms. Pitzer said what about Beverly Gardens, plats 1 and 2. Mr. Miller said even for those plats the plans that we have aren’t topographical and they don’t have the streams even defined on them. He said they will have the plot map that will have where the yards end and it might be in the bottom of the creek or it may not be but it doesn’t have a definition that you are looking for.

Ms. Pitzer said she can tell you there is an aerial view from 1949 before any houses were built and you can see the creek coming in from Greene County, going across what is now Shellabarger Park, then winding through open land. She said the next map was in 1961. Mr. Miller said your explicit question was whether we had plans defining and showing the creek. Ms. Pitzer said she wants the original plans. Mr. Miller said the plans we have do not have a definition on where the water flow is; it wasn’t required at the time. Ms. Pitzer said in 1955 one of the residents stated, according to Montgomery County Commissioner Clark, the responsibility for the ditch should be outlined in the plans filed with the plan board; the developer posts bond for the completion of the project and all items must be done before the bond is released. She read more of the article: the resident indicated a study of the plan filed with the county plan board did not refer to any ditch – so how can you sign off. Mayor Flaute said we didn’t sign off so what is your point. Ms. Pitzer said her thing is this was an unfinished ditch and she wants to find out who turned it into a manmade creek. Mr. Miller said at this point, how would that help this situation.

Mr. Chodkowski said the answer to the question will lie at the county and it will lie in their planning department, not their engineer. He said he didn’t know if Mr. McGruder was ultimately the authority for that but even in the event the detailed plans you requested have been turned over to the city and are in our possession, the minutes were still of a meeting held by the County Planning Board and by law they are required to hold on to those minutes and those documents. Ms. Pitzer said where she is going with this is someone diverted the natural flow of the creek and made it into a manmade creek; can we not hold that party responsible. Mr. Schock said they are probably dead. Ms. Pitzer said if it was Montgomery County, can we not get Montgomery County to be involved in paying to fix what they have caused. Mayor Flaute said we will look into that.

Ms. Pitzer said we need to get a bigger venue if you want more people. She said she has people asking her questions and she asked Mitch about this at the last meeting; there is a school speed zone sign on Spinning Road and on Eastman and it states – School, Speed Limit 20 MPH during restricted hours 7:00 a.m. to 3:00 p.m. – so for 8 hours a day are we supposed to be going 20 MPH. Mr. Chodkowski said that’s a policy question for council; we previously had signage there that indicated that the speed limit was 20 MPH during restricted hours and at that time there were no hours on the sign. He said the city received complaints and council members received complaints that the signs did not provide the appropriate hours. He said he would also note there are other areas in the city that have that same signage with hours not provided. He said pursuant to council’s request, we posted the appropriate sign with the appropriate times. He said following the posting of that sign, East Dayton Christian School exercising its authority changed its times, thereby invalidating the times that were on the signs. He said we put back up the signs with no times and the citizens complained again that the hours were not posted. He said to him, the sign has validity whether or not the hours are up or the hours are down; the issue is to council whether or not they want to make it a practice to provide for the hours listed on every sign or not at all. Ms. Pitzer said her question is the eight hour a day because Chief Reiss could sit up their and meet a quota because nobody does this. She said she just objects; if you are going to put from 7:00 a.m. to 3:00 p.m. that’s fine but you can’t have during restricted hours – what are the restricted hours.

**ITEM 16: COUNCILMEMBER COMMENTS:** Mr. Schock thanked everyone for coming and said sometimes you don’t get the answers you want but he enjoys the interaction. He said he hasn’t seen this many people in here for a long time and he would like to see more regular people show up to discern their complaints and watch how it’s done up here. He said everything at the city level is more transparent than any other government there is out there.

Ms. Campbell said just bear with us and let us take one step at a time to see what we can come up with. She said stay in touch with the city manager. Mr. Schock said stay in touch with us. Deputy Mayor Denning said and understand before there’s a solution it may take 3 to 5 years before we get anywhere with this. He said if we have to go through the grant process and then we don’t even know what those answers could be or there may be no answer at all but it may take a while before we are able to solve anything. He said there’s not an instantaneous answer here.

Pastor Hume said he was unaware the school had changed the times on their signs and he will get those restricted hours to the city. He said he apologized and he was unaware of that himself, however, he would request that they stop the school buses that are going through there at 7:15 a.m. at 40 MPH.

Mayor Flaute said Victoria Theater is introducing their new lineup and anyone who is interested please come up to see that. He said there is also a magazine from the Air Force and information from the Miami Valley Fire Alliance. He said he has done a lot of weddings in the last few weeks which he is very pleased about. He said the other item is do we want to talk about health insurance for the council; we all got a letter from the Law Director about that. Mr. Fullenkamp asked if council needed any legislation. Mr. Chodkowski said no; you wouldn’t need any legislation if you want the ability to purchase insurance at your expense. He said if anyone is interested let him know in the next week so we can petition Anthem to make the amendment.

Mrs. Lommatzsch reminded council about Stebbins Spaghetti Dinner. Mayor Flaute said the Chamber IN Crowd is on the 27th at the American Legion, please join us.

**ITEM 17: 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 8:52 p.m.

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William R. Flaute, Mayor Clerk of Council