**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 Bob Murray, Planning and Economic Development.

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

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

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

Mr. Curp said I think under resolutions, item e, the issue dealing with allowing signs to go into the right of way, should be removed from the agenda. He said I don’t believe this council no longer has the authority to address these and I believe this should be removed from the agenda. Deputy Mayor Denning said we haven’t changed our rules so why don’t we have the authority. Mr. Curp said because the Law Director told this council that the ordinance and its policies and procedures in this regard are in violation of federal laws and the federal constitution. He said there is a provision in the zoning regulation called severability that says those parts of the code that are deemed to be unlawful can be carved out of the codified ordinances without any affect on the rest of the ordinances. He said based on the direction from the Law Director, that what council is doing is ruled as unlawful by the courts, even though they haven’t addressed Riverside specifically, they have addressed this issue in other local governments and that is satisfactory that this council no longer has the authority to do this.

Deputy Mayor Denning said I would want that directly from the Law Director that that is exactly what it is supposed to be because right now our ordinance says that we have the right to approve or disapprove signs in the right of way and until we as a council make a decision whether we are going to let everybody or nobody do that, we need to keep moving forward with what rules we have on the books at this time. He said if we choose to change those rules, we need to change the rules but he disagreed.

Ms. Campbell said it wouldn’t hurt to wait and make sure; I understand what he is saying. Mayor Flaute said the event is coming up and I don’t think the Law Director said it was unlawful; she recommended we change the verbiage of that. Deputy Mayor Denning said one way or the other. Mayor Flaute said right and I think we need to send it back to the Planning Commission and have them look at it as a text amendment and get it back to council. He said we can’t leave it hanging as it is; I don’t feel comfortable with that but I too disagree that it is unlawful – she didn’t say it was unlawful; she said we are at risk if we say no.

Mr. Smith said I believe it puts us at a greater risk as a city by tabling the resolution or voting no on it all together, reason being is because we have approved other resolutions in the past for signs. He said recently this council declined three requests for signs and we are picking and choosing who we can have put up signs. He said I think that is a greater risk as opposed to having everybody having a sign until our ordinances change. Mayor Flaute said that’s true but the ordinance hasn’t changed so to not even give council an opportunity to vote I don’t think is the right thing to do. He said I didn’t hear unlawful, I heard the Law Director suggest they don’t do this and suggest they change the verbiage.

Ms. Campbell said I thought we were going to change it and limit everything; I thought that’s what we had last time. Mayor Flaute said we voted no against that; the majority said they didn’t like the version they gave us. Ms. Campbell said it needs to go back to change it. Mayor Flaute said it hasn’t yet but he thought it should go back to the Planning Commission and we should look at Resolution No. 12-R-1671 – send it back to the Planning Commission to look at and send back to us.

Mr. Fullenkamp asked why this needed to go back to the Planning Commission. Mayor Flaute said because this council voted no on the revision we received, so its time to vote again unless we just want to leave it as it is which Mr. Curp said and I agree, I don’t feel comfortable with the resolution we got so I would like to send it back to the Planning Commission and see if there’s a way they can come up with some verbiage that is acceptable to everybody. Mr. Fullenkamp said I’m not sure why the opinion of the Planning Commission was valued more than the opinion of the attorney. Mayor Flaute said our city attorney just suggested we change the verbiage and I agree its something that needs to be changed but I did not like the way it came back to us in the last meeting.

Mr. Curp said if we go back to the minutes from the May 3rd meeting, the Law Director didn’t suggest to us that we change the verbiage - she suggested that we change what we do; she even said that the mere fact that there is a procedure that requires evaluation of the content of the sign before we decide what to do with it she thinks is a clear violation of law. He said I don’t know if council wants her to put that in a formal legal opinion but she has already told us that what we are doing as far as determining who gets to put signs up and who doesn’t is a violation of the law. Mayor Flaute said I’m not sure of that.

Ms. Campbell said I thought we were going to specify certain things in changing the wording. Mayor Flaute said that’s what Resolution No. 12-R-1671 did. Ms. Campbell said no it didn’t. Deputy Mayor Denning said it would send it to the Planning Commission for discussion. Ms. Campbell said right.

Mr. Curp said we had it before us at the previous meeting to send it to the Planning Commission for them to address the issue and it was voted down by a majority of council; that is why I brought up the issue this evening. He said it probably doesn’t need to go back as suggested by another council member this evening. He said this council can take the action itself to change what it is doing or as I mentioned before, I don’t think we need to take any action, the Law Director has been crystal clear in her guidance to the council that the procedure is not content neutral and that it is in violation of the law.

Deputy Mayor Denning asked if we were going to let anyone put signs up; if we take the rule completely off the books and we say its not there, then what’s the rule. Mr. Curp said the current ordinance is that signs in the right of way are prohibited except for signs put in the right of way by the local governmental unit – directional signs, traffic control signs, and those kinds of things, except if other signs are approved by the council. He said it’s the last clause, other signs that are approved by the council, which is creating the problem in that part of the ordinance because the council picks and chooses which signs it is going to approve and has no rationale as to why it approves or why it disapproves. He said that is what the Law Director told us is illegal about the procedure; first of all it is not content neutral and the council has no guidelines on what it will allow and what it won’t allow.

Mr. Schock said by not approving the sign, we are violating their constitutional right of freedom of speech; by approving it we are allowing the constitutional right of freedom of speech. He said when this council turned down the request of three signs then they were in violation of the constitutional right of freedom of speech. Mr. Curp said you turned it 180 degrees and I don’t think that is the correct interpretation. Mr. Schock said it is because when you said no, you said no to their constitutional rights. He said as long as we keep saying yes to everything that comes in front of us by resolution, we are not violating nobody’s rights at this time.

Mayor Flaute said the council has always said it has to be a community type event and we did have some guidelines as to why we approved some and did not approve others. He said there was some basis as to why we did that – it was community events. Mr. Schock said unfortunately, I wasn’t here at the time when the three were voted down but until, as Councilman Denning and Councilman Smith mentioned, until we change that ordinance, we keep going forward approving the sign requests that are put in front of us by resolution. He said I’m not for striking resolution 12-R-1680; I would like to move forward with that on the agenda.

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

**ITEM 6: WORK SESSION ITEMS:**

Mayor Flaute said there might be people in the audience that are interested in having something to say about the revenue enhancements; I want to clarify that we will only accept those comments if you send up a written petition which are available in the back of the room.

1. Rebecca Benna, Executive Director, and Carrie Scarff, Deputy Director from Fiver Rivers Metro Parks

Mr. Chodkowski introduced Rebecca Benna and Carrie Scarff from Five Rivers Metro Parks and said they are here to brief council on some of the happenings going on in their organization which include projects close to home.

Ms. Becky Benna said I am the fairly new Executive Director of Fiver Rivers Metro Parks, just over one year. She said the first time I got to meet some of the representatives from Riverside was at the River Summit last March, listening about all the great things happening in the valley and the communities working together. She said of course we are part of this process too and we do have a couple projects I think you will be excited to hear about that will obviously impact your community. She said also we will give an overview of where we are focused now in terms of Fiver Rivers Metro Parks; just like everyone else, we are trying to make sure that we are financially viable for the future and as a new director for the organization; we are evaluating everything that we do. She said one of the areas of focus within our organization and in the community is partnerships we work with; we can’t do it alone and we are looking at opportunities to expand our partnerships throughout the area. She said if there are things down the road you are looking at and you want to have a conversation, we are definitely open to having those conversations as we are looking at how to leverage our resources with others in the community.

Ms. Benna said a couple of highlights with Eastwood; I’m sure we all go over there – we just drove by and there is a lot happening on the lake right now. She said we did replace a major valve there last year in trying to control the flow of water that goes into the main portion of the lake and I’m sure that has really helped us in terms of the flow of water. She said we also put in parking access in Eastwood to allow kayakers on the Mad River. She said I have done that and have had the experience of going into downtown from Eastwood. She said many of you may or may not participate in our Gear Fest event we have every year at Eastwood and it just keeps getting bigger and bigger. Mayor Flaute said a lot of our residents participate.

Ms. Benna said we are also removing our enemy – the honeysuckle that’s out there, it’s an ongoing battle especially along the Mad River and getting visibility to the river. She said battling the Ash tree challenges aren’t real exciting things but they really are in terms of our forests. She said in Eastwood we actually identified some of the larger trees that have not yet been infected and we vaccinated them in hopes of being able to protect them so we don’t lose those assets within the park.

Ms. Benna said we are continuing to evaluate what we do there, how we are doing it, and future planning for improvements. She said what I would really like to do tonight is talk about the two projects we are working on, one is the bikeway extension and the other is the Mad River Run improvements which is a partnership with the Rotary Club of Dayton. She said it is the Rotary’s legacy project, a centennial project that we have partnered with them to make that happen. She said I have Carrie Scarff with me tonight who is the Deputy Director for our organization and has been extensively involved in the river improvements as well as working on the bikeway project. She turned the podium over to Ms. Scarff.

Ms. Scarff set up a PowerPoint presentation and said I will talk in more detail about the Mad River Bikeway connection that is soon to be under construction and then the Mad River Run. She said we’ve been here before regarding the bikeway and we appreciate your partnership and support in helping us get this done. She said the slide says the planning started in 2003 but I came to Metro Parks in 1997 and there were people wrestling in the office then, trying to figure out how to get this bikeway through. She said this is a real milestone for us and for the community and we are very happy this is finally getting started.

Ms. Scarff said this is about a $3.0 M project and she displayed a slide showing the route. She said the bikeway comes through Eastwood, under the Harshman Road Bridge, then running parallel down along Springfield Street, it goes under the railroad bridge, ducks into the woods and comes up the side of the dam and hooks over to the tunnel that comes up to the Kauffman Avenue bikeway. She said that is going to be under construction; we are under contract right now and within the next month or two you will see work starting out there. She said it should be about an eleven month construction schedule so spring of next year, we are going to be riding that bikeway. She said we are really, really excited about that.

Ms. Scarff said a couple of things to highlight about the regional bikeway initiative; we have heard this rumor for a long time but we verified it recently – we are the largest connected off-road bikeway regional system in the country. She said Riverside is part of the largest bikeway system in the country and that is something to really be proud of. She said Dayton was just named the 45th Most Bicycle Friendly City in the country and we are all part of that bikeway system being linear elements; no one city or locale can take credit – we are all in this together and we are building an incredible system.

Ms. Scarff said a new regional bikeway website was just launched; [www.miamivalleytrails.org](http://www.miamivalleytrails.org) and I would encourage everyone to take a look at that. She said all the counties, park districts, and MVRPC got together and made this new website; it finally serves the community in terms of the entire bikeway system which is exciting.

Ms. Scarff said the second project she wants to talk about is the Mad River Run which is improvements to the Mad River itself to make it more attractive to recreation, a better river in terms of its environmental qualities, and better fishing. She said the original project is to do 2,100 feet of the Mad River starting right around that 84 inch water main that goes across then down below the old railroad trestle. She said our plans are to construct the first structure of that within the next year and as Ms. Benna mentioned, we received the $100,000 grant from the Dayton Rotary in celebration of their 100th Anniversary. She displayed a slide of the project and said what they are talking about is putting structures in the river that funnel the water, create drops that are safe, and that are attractive to recreational kayakers and canoeists; both those who want to travel downriver and those who want to get in the waves to play around - do flips, cartwheels, and rolls. She said we are increasing the vibrancy of the river and the attention given to the river. She displayed a slide from Golden, Colorado showing a similar project.

Mayor Flaute said so you would park in Eastwood Park and put your kayak in there. Ms. Scarff said yes, you can do one of two things; you can park by the Harshman Road Bridge at the new access we put there and paddle your way through or you can park right at the location and boaters in the small play boats will get in the water and do all sorts of flips and cartwheels right there. She said the cool thing about it is, it’s not just the talented kayakers this element is serving; for every kayaker in the water, there tends to be 15 people on the shore watching because it is a real spectator sport. She said again, it creates that vibrancy; it’s attractive to the young people who we are trying to keep in the area, who we are trying to convince to stay here to raise their families and keep their talent in the businesses that want to come to this area, especially being so close to the base. She said we see this as a real economic enhancement to the area and in fact this project is envisioned to be the start of a great river run, a 7 mile run that goes through downtown Dayton. She said starting at WPAFB, Wright State, and Riverside, going through Tech Town, downtown Dayton, Sinclair Community College, and University of Dayton; we are really linking the spine of the region’s new economy and focusing on the base is the backbone for that. She said the University of Dayton is doing so much on the Mad River in the Riverside area. She said that is the ultimate goal behind this project and we, as Five Rivers Metro Parks, are very excited about the environmental improvements it’s going to bring to the river and the way of getting people on the river; connecting them to the river and to nature in that incredible natural asset running right through Riverside and into Dayton. She displayed images of similar projects and said it will be a similar project in Dayton and our hope is with a 7 mile stretch starting at Eastwood, we are pretty confident that will be a viable stretch for a livery putting in at Eastwood and running down to the Carillon Park/University of Dayton area. She said our hope is a strong livery like they have on the Little Miami or upstream on the Great Miami in the Tipp City area and have that type of synergy on the river.

Mr. Curp said you mentioned taking out the low dams in the downtown area and it’s been in the news media for a period of time. He said the low dams were put in years ago to create pooling affects so there would be ample recreational water but when the low dams go out, how do you go about creating a situation where you have ample pooling for kayaking. Ms. Scarff said you are exactly right, the low dams were put in to create ample pooling for recreation; the recreation they were serving back then was power boats which needed the deeper water and that still occurs downstream on the Great Miami. She said kayaks can get by on very little draft; once the low dam is removed, there will be plenty of river for paddling canoes and kayaks. She said that’s the recreation that has been growing so much in popularity for 10 or more years now. She said it’s a different era and that’s the different type of recreation we are serving. She said the other important thing about taking the low dam out and you all probably know this; the low dams are deadly and nobody wants that in their community.

Mr. Smith asked if there had been any consideration to putting the street names on the bridges for reference as you are kayaking. Ms. Scarff said we hadn’t thought about that but it’s a good idea because if you are not familiar with the area, it’s a little disorienting and it’s helpful to get your bearings if you know what bridge you are passing.

Mayor Flaute asked what would happen if it doesn’t rain for a month, will it dry up. Ms. Scarff said the Mad River is spring fed so it doesn’t fluctuate as much as some of our other rivers. She said I am a kayaker and if I know it hasn’t rained in a long, long time, I’m less likely to take a trip down any of the rivers because I know I will spend some time pushing myself through. She said it is a little bit of a seasonal thing. Mayor Flaute asked if the white water park would still work. Ms. Scarff said yes, it will still be in place; the grade control structure funnels all the water to the center so that spot will be viable. She said the rest of the river may be low but that one spot will be viable and you will always be able to get through there.

Mayor Flaute said I went to a conference about 5 or 6 years ago in Reno and they had a white water park in their downtown. He said they were showing it off and it was absolutely phenomenal; I came back and said we are going to do that here. He said this is really a good thing and people are going to come to our city, do some kayaking, and spend some money in our restaurants. Ms. Scarff said depending on who you talk to in Reno, they will say that the white water feature generates between $1.0 M and $6.0 M every year, so that’s exciting.

Mayor Flaute thanked Ms. Benna and Ms Scarff for coming to the meeting.

b. Discussion: Revenue Enhancements

Mr. Chodkowski said the beginning piece of information about revenue enhancement is in the council packet for our work session item. He said some of you have been on council for an extended period of time and when I came as city manager back in 2007, we identified a potential budgetary deficit. He said since that time we have continually projected an operational deficit in every budget we have put together; some years smaller than others but typically we estimated the deficit would be about $980,000. He said for a variety of reasons that deficit has not materialized yet, we have been able to consistently establish positive returns to the city’s fund balance each year since 2008. He said that is the good news, unfortunately in that time we have entered into a recession. He said in addition to that in response, the state has begun to reduce its funding assistance to local jurisdictions. He said we have also worked to more accurately forecast both our revenues and our expenses; in the past we have been very conservative on our revenue numbers and very liberal on our expense numbers. He said we have focused in to make those projections more accurate and we have been able to target numbers better but in the interim, revenues have begun to decrease as a result of economic conditions that are beyond our control. He said when we assembled the budget for this year there was significant discussion amongst council and information provided by staff, that now would be a good time for the city to begin to review ways to generate the revenue necessary to offset the revenues that have been lost by economic conditions as well as create the additional revenues necessary to begin compiling an applicable and actionable capital improvement plan. He said we are just about out of roads that can be maintained with crack sealing and dura-patch; we have done our best to delay the repairs and replacement on very large expensive apparatus such as plow trucks and fire engines. He said the time is coming when we simply will not be able to delay their replacement any longer. He said with the culmination of all these factors, council advised staff they wanted to begin discussions about ways to address those revenue issues; to create the necessary funds for us to continue to operate at our current condition as well as provide funds for capital and infrastructure. He said looking over all the information we had available to us and putting it together, the budget, understanding and trying to identify what our financial needs are; we identified a deficit number of $980,000. He said we looked at ways we felt would be appropriate to increase the revenues to the city to offset the deficit and the information we tried to provided was to give you the options that are available on a significant scale. He said there is always the opportunity to raise permit fees but that doesn’t necessarily have the impact some of these other options have and it doesn’t cover the need we have developing. He said additionally, he also provided some rough calculations to give you an idea or concept of what the value of these items have. He said there can sometimes be a misconception of exactly how much a mill of property tax can bring in; there can sometimes be a misconception about outside taxes or inside taxes – those that are authorized by state statute and those that are outside of the limit authorized by state statute and how they affect one another. He said the purpose of this information is to just give you the information to allow you to begin discussing what the situation is that we know to be; that we are not suffering an expense control issue, we are suffering a revenue loss issue and how we can plan for and enact a plan to correct that issue; and we begin that process today. He said this is not for council to decide this evening; this is for council to look at the concepts and request more information or say this isn’t going to work. He said even those types of recommendations may not come out of tonight’s discussion but shortly we will begin preparing for the 2013 fiscal cycle so we want to have an idea of what your thoughts are as we move into that and we want you to have an idea of what our revenue and expenses situation is as we move into that. He said as we continue to monitor the financial situation of the city and the reserves that it holds, we can all be on the same page so no one can say they didn’t know that or they didn’t realize. He said this is so we can all orchestrate in identifying a solution together.

Mayor Flaute opened the floor to council members.

Mr. Smith said he wanted to talk about Option 5 regarding the adoption of a full collections policy for EMS Transport Billing; right now we are at a 50% collection rate which is $670,000 annually. He said our residents pay a fire levy; do we charge our residents for ambulance service. Mr. Chodkowski said we charge everyone we transport. Mr. Smith said isn’t that kind of like getting paid twice. Mr. Chodkowski said no; from the city’s operation perspective, the cost to provide service exceeds the revenue provided through taxes. Mr. Smith said it comes from the general fund and from the millage we collect from taxes. Mr. Chodkowski said the source of the revenue to fund the Fire Department comes from many different locations but again whether or not council chooses to allow the Fire Department to bill for EMS service through a hard billing policy or through a soft billing policy, that is a procedural question and a policy determination that council can make and has made previously. He said from the operational position of the city, the business component, the tax dollars that are assigned to cover the cost of the service of fire and EMS are not significant enough to cover the actual costs; so therefore it is our opinion, no, you are not paying twice. He said there is a payment every citizen makes to have that service available in a general capacity, when you have a specific need for that service you pay for that specific need as well. He said my need for service may be different than your need for service. Mr. Smith said we don’t charge for the fire trucks. Mr. Chodkowski said that’s true but there are communities that do.

Mayor Flaute asked if the Fire Department has suggested we do that. Mr. Chodkowski said that is an option; I will tell you that other communities that are initiating that type of policy have a policy specific for residents as opposed to non-residents; there are approaches that communities are taking to direct bill the resident and not bill the insurance company. He said this was a service we were looking at in Michigan and was one that had been in practice for quite some time while he was there and the vast majority of communities stopped the practice because what would happen is you would give it to the victim and the victim would give it to the insurance company and the insurance company said they weren’t paying, it wasn’t part of the insurance package. He said typically the victims didn’t have the ability to pay which is why they turned it over to their insurance company.

Mayor Flaute asked if we were experiencing that problem here. Mr. Chodkowski said we don’t have that policy as it relates to fire response. He said lets say you are involved in an accident, in some communities if there were 3 police cars there, 3 police officers, 2 engines, 4 firemen - they would say here is your bill for $9,000. He said we only bill for medical transport services. He said we bill at the applicable Medicare/Medicaid approved rate for the services we provide and based on council’s previous discussions and previous policy decisions we used the soft billing practice which is the most common practice used by all the departments in the area; they bill residents and nonresidents for EMS services. Mayor Flaute said we were told when we started that we had to have it that way; everybody had to be billed – you couldn’t distinguish between one and the other. He said I understood that would still be applicable as to why we want to do it this way now; he asked if the city manager was suggesting there was another possible way and that was what he was referring to in Option 5. Mr. Chodkowski said he just simply saying if council was interested in providing additional revenues to cover services, this is roughly the cost of service we incur without reimbursement annually.

Mr. Smith said we have a third party billing for our EMS service, correct? He said if we were to enforce that and bring that rate up from 50% to 75%, that would take our number up to somewhere around that $900,000 to just under $1.0 M mark. Mr. Chodkowski said the revenues we collect are based on the soft billing policies and practices of the city. Mr. Smith said I know but if we increased our efforts to collect on that. Mr. Chodkowski said that would be transferring to a hard billing policy.

Mr. Fullenkamp said I want to make sure I understand this soft billing policy – is it if we bill somebody and their insurance doesn’t pay, we are out the bill. Mr. Chodkowski said that’s correct.

Mr. Curp said when we talked about the 50% collection rate and the $670,000 – is that gross or net. Mr. Chodkowski said that is net; we looked at the total outstanding balance annually and we assumed we would have a 50% collection rate of that balance which is how we determined the $670,000. Mr. Smith asked if the 50% was close or was it lower or higher than that on the collection rate. He said for all the EMS runs – we run about 300 or so a month. Mr. Chodkowski said total amount billed for last year was $2.0 M and total net receipts were $780,000. Mr. Smith said that is less than 50%. Mr. Chodkowski said correct – of what we charge annually; of what we bill annually, we collect just over one third. Mr. Smith said so our 50% collection is incorrect. Mr. Chodkowski said no; when you take $2.0 M and subtract $780,000, it leaves $1.3 M; we took that number and said it was what we could hard bill. He said of that $1.3 M we could hard bill; assuming you have some people pay and assuming you send some people to collections, annually you would increase revenues about 50% of the $1.3 M balance. Mr. Smith said when you send debt to a collection agency don’t you lose a portion of the amount that is owed to you. Mr. Chodkowski said that is correct but our premise is that it is better to assume 50% of something rather than 100% of nothing.

Mr. Schock said everybody is picking on the easy ones; they want to work on the easy ones and they don’t want to come out and say Option 1, regarding an increase in the city income tax, sounds good with little modifications. He said I had discussed at one time about raising the income tax 1.5 but removing a couple mills off the property tax. He said I don’t see any figures on that in the presentation unless I looked over it or something is missing out of this. He asked if we ever thought about that.

Mr. Chodkowski said yes; a few years ago, in 2010, we prepared a community survey and there were a series of polling questions on taxes and one of those questions was in relation to increasing the income tax and one of the final questions in that series was would the resident be in favor of increasing the income tax in exchange for a reduction in property tax. He said we have some information available to you with respect to that; he did not include it in the packet but it can be provided. He said the overall affect is to put the city in a positive cash flow position so there are funds available not only for operating but also for capital. He said to increase the income tax by ½ percent would generate $1.1 M; to then reduce the collection of outside millages which include 2 fire millages from 1976, a fire millage from 1979, a fire millage from 1985, and a fire millage from 1992 – collectively takes over about $ 0.5 M; so we would be back to a negative cash flow in spite of increasing the income tax ½ percent. Mayor Flaute said if we remove all those we would be down $500,000. Mr. Chodkowski said yes. Mr. Smith said so we would only realize $600,000. Mr. Chodkowski said yes.

Mr. Schock said to me that is more favorable to work towards because we have a survey out there that says people are for that already; we just have to figure out what percentage we want to put out there on the ballot - .5% or .7% or even 1.5%. He said it all depends on the figures, which way the economy is going, how many jobs we project to lose or gain in the city in the next five years – all that would give us an idea of what we should put on the ballot in November or next March. He said that’s what I would like to look at – knocking off some of those old mills which would help to fix income, and then work on how much percentage we should ask for from the voters.

Mayor Flaute said that wouldn’t be too difficult to do as far as talking to the county and adjusting the property taxes; it would just simply be a matter of saying take them all off or the ones that we ask. Mr. Chodkowski said those are continual legislation so I believe you would have to ask for the voters consent to remove those. He said the concern you need to take into account is you don’t get the opportunity to ask very often and more importantly, you don’t often get a majority consensus on your ask. He said I would encourage council to consider a solution that has a long term benefit when you make the ask because it will take several asks whether or not you go small or you go large to address the need that we have.

Mr. Schock said as long as we can justify the percentage we are addressing for present and future and explain it clearly like we always have done in the past when we asked for increases; voters are very wise – they read it and do their research and they will say okay, this makes sense. He said they will vote for that 1.0% or .7% or .5% because it’s showing a long term plan for where their money is going to go. He said that’s why I think we should work on that type of solution, getting all facts together and seeing if we can get it on the ballot possibly this November.

Ms. Campbell said I was looking at Option 3, regarding a reduction in the income tax credit; she asked for a little more information on that. She asked if we could reduce it this year and bring it back next year. Mr. Chodkowski said to reduce the tax credit the short version is, you pay income tax where you work first and you pay a differential balance to where you live. He said if you live in Riverside where the income tax is l.5% but you work in Huber Heights where the income tax is 2.0%, you pay 2.0% to Huber Heights and you pay zero to the City of Riverside. He said the opposite is also true; if you work in Riverside and you live in Huber Heights, you pay 1.5% to Riverside and you pay 1/2 % to Huber Heights. He said commonly that is known as the tax credit. He said council has the ability to adjust and amend the credit legislatively; so you would vote to limit the credit to 1.0% for Riverside residents. He said if you work in Riverside and you live in Huber Heights, you will pay 1.5% to Riverside and you will pay ½% to Huber Heights. He said if you work in Huber Heights but live in Riverside, you will pay 2.0% to Huber Heights and you will pay 1/2% to Riverside because we will forgive only 1.0% of our 1.5% income tax. Ms. Campbell asked if it could be brought back the following year on the ballot. Mr. Chodkowski said no; it does not have to go to the ballot, it is only by council’s legislative action; it is not indefinite – you can say this year you will forgive 1.25% of our income tax and maybe next year the state takes more revenue from us so you could say we are only going to forgive 1.0% and the following year if things are going well you can forgive 1.5%. He said you don’t have to ask the voters to amend the tax credit.

Mr. Fullenkamp said I guess we really do need to look at Option 3; there’s a fairness issue here regarding residents who live in the City of Riverside and work outside the city, not supporting the city. He said I feel people need to pay taxes both where they work and where they live and what’s happening now is that residents working outside the city aren’t supporting the city as much as others. He said I think there is a fairness issue and I think it should be part of the discussion to look at a combination of income tax and income tax credit sort of thing. He said I think it is important to consider this; I know it’s not prominent in the county but I know it’s coming to some communities at some point and they are going to discuss this; if you live in the city, you need to support it. He said I am all for spreading the pain if we can do part with this and part with an income tax increase, I would consider that too. He said the fact that we have so many residents that work outside the city is killing us; it’s a full third of our economy. He said that’s his feeling about, he thinks we need to look at a range of things.

Deputy Mayor Denning said you won’t hear this out of me very often but I fully agree with Mr. Fullenkamp. He said I think it needs to be a combination of a couple of these and when our State Representatives were here, my suggestion to them was that they change the State Law so that where you live has the priority on your income tax instead of where you work. He said their statement to us was “good luck with that” and on top of that their other statement was that in the northern part of the state there are no agreements between cities to give credit for income tax, so a lot of people in the Cleveland area pay 2.0% to Cleveland where they work and 2.0% to Euclid or wherever they live. He said the answer is we need new revenue streams and we need a way to get more funding in to keep the services we got and to extend the services the residents of this city need – making our streets better and making our shorelines better, things like that. He said we have to do something and if it means we only give ½% credit and we increase our income tax by 1/4% then maybe that’s what we need to do. He said I know it’s not going to be a popular answer but we have to keep this city moving forward and we have to help make it happen. He said we’ve already cut everything we can cut.

Mayor Flaute said it’s not going to be popular and I would suspect if we do Option 3, forget about getting even .25% passed for Option 1. He said for Option 3, the problem is, everyone in the city who works also pays, regardless of where they work. He said when you have that issue and then you want to raise the income tax, then that, where everyone has to pay, is an issue. He said where you can get the same amount of money by raising the income tax by .5%, you are getting only those that are working outside the city or work at a place like the base that doesn’t charge. He said you are getting the same amount of money by raising it in Option 1 and you are only asking a small portion of our residents to pay. Mr. Fullenkamp said I actually don’t think that is true; I think you would be asking the majority of the residents to pay with Option 1. He said you would be asking 1/3 of the workers to bear an increase with Option 3. Mayor Flaute said I don’t think so; he asked the city manager to help him out. Mr. Chodkowski said we would have to run the statistics on those revenue streams. He said I think mathematically what Mr. Fullenkamp is saying, if you make certain assumptions is correct, but to what extent, I don’t know; we would have to get more detailed information. He said that is information we can provide but for the purposes of at least initiating the discussion, we just wanted to give you some broad based figures – basically what the amount would be from a specific numeric number.

Mr. Schock said let me take a minute to review the item I discussed and Option 3. He said I don’t care too much for Option 3 because we control it by ordinance, raising and lowering the taxes – council does that with no say from the voters unless it’s around November and they want to vote us out. He said Option 1, the voters have total say in what they want to do – 1.5% sounds good for the next decade and they get a couple mills knocked off their property tax so the retirees are going to love it too. He said lets go out and vote; let it be known through the voter’s box. He said Option 3, council can raise that another five and what are the residents going to do about it – vote us out? He said they’ll have to wait for four years; that’s not good, I’d rather do it the other way.

Mr. Fullenkamp said that’s one way to approach it but we could also have a conversation with the community about both of these approaches and see what they prefer. Mr. Schock said now you are throwing more money out there. Mr. Fullenkamp said no, we have a conversation. Mr. Schock said brief the four or five people that show up for the meeting. Mr. Fullenkamp said we can ask people what their opinions are, right? Mr. Schock said how are we going to do that. Mr. Fullenkamp said we have this going on or we can talk to people in the community. Mr. Schock said we can talk to them but how are they going to get back to us; everybody always talks about having conversations through the community but look how many are here. Mr. Fullenkamp said and how many are going to watch now. Mr. Schock said probably 30 more; for instance, one of the things I enjoy about this is it actually goes to the voters – we already did a survey, it cost us $5,000 plus the mailing and it will take $5,000 to put something on the ballot.

Mr. Fullenkamp said I sense enough political process that a lot of people who get elected decide that then is the time to quit listening to the voters. He said I think it’s more important than ever to actually go out there and listen to ideas about how we go forward and that is what I am after here. He said to include them in this decision making process I think has some merit. Mr. Schock said it’s how to include them into it; first of all, they elected you to make decisions for them and now you want to go back and say I’m not really sure I want to do this because I’m afraid you might not like me. Mr. Fullenkamp said no, it’s because I want their opinion. Mr. Schock said their opinions are very important, it’s the expense of going after it – everybody, not just a fine minority. Mr. Fullenkamp said we need opinions from the community I believe; they voted for me based on whatever I ran on but they don’t know my opinion on this topic specifically and I think they deserve to know that – and your opinion too. Mr. Schock said everybody knows mine, I don’t hide anything.

Mr. Fullenkamp said where I am coming from on this Mr. Schock is we have time, let’s draw the community into this decision making process; we want to avoid some of the things that have happened in the past. He said I understand some of your concern on the order of events and you are correct in that perspective but I want to give the residents some real choices; I don’t want to give them false choices, I want to know how they want to go for it. He said do you? Mr. Schock said according to the last survey we sent out in 2010….Mr. Fullenkamp said there was no discussion about this other part. Mr. Schock said they were all for that but I don’t think they are going to let us take control on the taxes but maybe part of the aspect is let’s see what they say. He said I’m assuming they don’t want us up here controlling their taxes up and down without even considering them. Mr. Fullenkamp said I agree but that’s why we want them involved in this conversation. Mr. Schock said that’s why they had the Boston Tea Party.

Mr. Smith said I don’t think we would get that big of an involvement from the public; we are looking at 10,000 to 12,000 voters in the community and the responses we’ve gotten in the past when we had open forums such as meet the candidates, the numbers were very low, maybe 60 people. He said if takes the opinion of 60 people to affect the lives of 20,000 plus – that’s not very good. Mr. Fullenkamp said as compared to 7 people. Mayor Flaute said 7 people that are elected. Mr. Schock said elected by a majority. Mr. Smith said I still think let the voters make the decision because they are the ones footing the bill. He said if it comes down to the fact that the increase in income tax is rejected and we have to make cuts in a year or two and those cuts directly affect our service to our citizens, then that’s something our citizens made the decision on; we’re just trying to get everybody covered as far as services go. Mr. Fullenkamp said I understand that but I don’t understand the objection to having a conversation and that’s what I’m sensing here. He asked if that was Mr. Smith’s historical perspective is that they never cared before. Mr. Smith said I don’t see 4,000 or 5,000 people coming out and talking to us. Mr. Fullenkamp said there’s no need for 4,000 or 5,000 people to come out. Mr. Smith said we do need a majority.

Mr. Chodkowski said I think that regardless of the opinion, it is important, not necessarily to the extent Mr. Fullenkamp has indicated but it is necessary in one capacity to meet and discuss with the residents what the situation is because it is easy for all of us, including staff, to sit and say let the voters speak and if they say no the service is cut. He said I don’t necessarily know whether or not the citizen is aware of the impact of that choice. He said it is not necessarily incumbent upon council to say it is this way or that way or this method or that method, I think it is incumbent upon the city to say hey look, this is the dollar amount we feel is appropriate to continue to administer the city’s services in the way you are accustomed to. He said there are methods for us to be able to generate this revenue if you are given the opportunity to vote and you choose not to support our request, this is the impact that will occur. He said he didn’t think they had a concept of the impact of our situation should revenues not increase; it’s not just a matter of being able to reduce staff to accommodate operating costs, we are coming to the point where not only do you have to reduce staff to cover operating costs, you would also have to reduce staff to reduce operating overhead to accommodate for capital improvements. He said it is not a whack once, it is a whack twice.

Mr. Schock said you were talking about educating the people and they are like a sponge, they absorb; the people that want to know exactly what’s going on in our local government, they’ll try a forum for that type of information. He said we have a very slow newsletter that comes out every quarter; we can’t use that – it will be too late; we just had one go out. He said we should have started that idea of educating the people a little sooner about these options; we should have had all this in the newsletter. He said they could have emailed us their opinions. Mayor Flaute said they still can; when does the next newsletter go out. Mr. Chodkowski said we can publish information whenever we choose to publish information and I’m not arguing that it can’t be incorporated with newsletters that go out. He said I understand Mr. Schock has a desire to address this issue more urgently than conditions necessitate; you referenced earlier that you were not opposed to try to put something on the ballot this November and we have time to do that but our financial situation doesn’t compel us to have a determination from the voters, if you select that it requires their participation, for at least, based on current figures, 24 months from now. He said we are having this discussion now where we can take the time to walk through it and have the discussion in the most appropriate manner rather than rush to make a decision. Mr. Schock said we aren’t rushing to make a decision by November but again, I don’t want to be sitting here looking at a zero balance checkbook and then running to the voters where we have been running more in the red than we ever have before. He said I don’t want to do that; I want to have a little positive before running to the voters and asking them what they want to do. He said what’s in the packet plus what I discussed about the income tax increase plus the reduction of millage, if we can also add that in – can we do a mail out of what’s in our packet right now and ask for their opinion by email or letters or phone calls.

Mayor Flaute said if we do your suggestion, we already have that information so we don’t need it again. He said his question is…..Mr. Schock said what information do we have. Mayor Flaute said you stated it was on the survey. Mr. Schock said that’s just for part one; we are talking about the whole general part. Mayor Flaute said right; that’s what I said if we just do one, we won’t need to have the rest. Mayor Flaute asked if we just took off the 1976 fire levy – how much do we get from that, $200,000. Mr. Schock said there’s a bunch of them. Mayor Flaute said we don’t have to take them all off. Mr. Schock said yes we do. Mr. Chodkowski said you have to understand how these are multiplied and how they corresponded to the revenue at the time of their enactment; you are limited to brining in the revenue today that this tax was bringing in 30 years ago. He said for example just one of the 1976 fire millages was ½ mill; today the effective value of that same .5 mill is .14 or $45,000. Mayor Flaute said Mr. Schock stated that we have to take them all off; is that true. Mr. Chodkowski said no. Mayor Flaute asked if we could take one or two off. Mr. Chodkowski said you can choose. Mr. Schock said take them all off so people can have a little extra coin in their pocket.

Mr. Smith said as far as the effective rate; in 1976 a fire truck was $80,000, in 2012 a fire truck is $400,000. Mr. Chodkowski said right; think of it this way, we are trying to accommodate expenses in 2012 on the same check we were receiving in 1976. He said that’s the short version, we are trying to pay today’s bills on 1976 money. Mr. Schock said a lot of us are doing that.

Mr. Chodkowski said on the survey we asked four questions about the taxes; the first question we asked is “would you support or oppose a ½% increase in general income tax if you knew other cities with higher income tax rates and where Riverside residents work would give Riverside more money and that those Riverside residents would not see their income taxes increase because they are already paying the higher rate, basically we have one of the lower rates and if we raise the rates to match our competitor and simply deposited those funds in the general fund, would you be in support of that”. He said 44% supported it; 26% were neither for nor against; and 31% were opposed. He said we asked the same question but said instead of depositing it in the general fund, what if we designated it for a specific purpose – police, fire, EMS, or service. He said 51% supported it; 21% were neither for nor against; and 28% were opposed. He said we then asked if we increased ½% income tax and repealed 2 mills, which is the combination of fire levies from 1976, 1979, 1985, and 1992, and the revenue from the new income tax went to the general fund, would you be in favor. He said 55% supported it; 23% were neither for nor against; and 21% were opposed. He said same question – increase in income tax, decrease in millage, but this time the revenue went specifically to police, fire, or service. He said this time 58% supported it; 21% were neither for nor against; and 22% were opposed. He said we saw what I would consider more substantial increases in support, based on those responses, when we designated the revenues for a specific cause. He said in this same survey, keep in mind and this is why he says interaction with the public is important on this issue, the question that was asked of the citizens was “comparing the City of Riverside’s income tax rate with the rates in other surrounding cities which of the following statements best represents your belief about municipal income tax rates”. He said Riverside’s income tax rate is below all other Dayton Metro area cities income tax rates – 7% of the people felt that statement was true. He said Riverside’s rates are below most others – 33%; about the same – 51%, above – 7%, above all others – 2%. He said most people think over all that we are in the target area with most other communities and most of those are 2% so we are already off ½% from what most people assume is our rate. Mayor Flaute said that’s just a matter of educating because we are the lowest, right? Mr. Chodkowski said excluding Beavercreek and Bellbrook. He said the other question was “what happens to municipal income taxes paid by Riverside residents who work in other cities”. He said the two cities split the income tax with the city having the higher tax rate keeping the greater share – 33%; the two cities split the income tax equally – 16%; the employer’s city keeps all the income tax paid by Riverside residents -34%; the City of Riverside keeps all the income taxes paid by Riverside residents – 18%. He said so there is some education needed to explain to our residents and to our voters exactly how the income tax works but specifically there is education needed based on this information to explain how our income tax and our past structure overall lines up and is comparable to other communities in the area. He said it’s not just as simple as saying do you want to vote for this or do you want to vote for that, there are other components that have to go into our approach to address the situation.

Deputy Mayor Denning said so what I heard from that is we need to: a) if we decide to increase our taxes we are also going to have to say where we are going to spend it – that gave us the highest percentage of people. Mr. Chodkowski said I think you would have to have an educational approach, so a part of the discussion with the community is going to have to be Tax 101 and then once we have that we will add Service 201 which is: here is where your money will go and here is why its important that the money goes there. He said to this day people still say we give all this money to the city – how can you not have money. He said the city receives 12 cents out of every tax dollar and the rest goes to the schools, the county, and a little bit goes to the library. He said people say they pay their speeding tickets and clearly the city got all that money but the court gets most of it; for every dollar you pay on a speeding ticket the city gets 30 cents. He said a lot of people need to understand that and they assume because Mr. Smith is a good upstanding citizen and he pays his taxes, they assume everyone pays their taxes; they don’t understand things like Mr. Smith pays both his inside and outside taxes and millages and maybe I only pay a part of my inside taxes; well the county takes Mr. Smith’s outside millage payment and they apply it against the outstanding balance of my inside millage. He said people don’t understand that – Mr. Smith might have paid all his taxes but because I didn’t pay all of mine, his money got shifted to cover mine. He said that’s why when we passed our police levy we projected it would bring in $1.8 M per year but it’s actually bringing in about $1.3 M because there are so many people who are unemployed or so many vacant properties now where the inside millage rates aren’t getting paid. He said those of us who sit here today that pay inside and outside, our outside millage is getting pulled to cover the inside rates. Mayor Flaute asked when the renewal came. Mr. Chodkowski said 2013. Mayor Flaute said so we ask this year for that and then we do all that next year. Mr. Chodkowski said the tax year is always one year behind.

Mayor Flaute asked about Option 4 regarding the assessment of 10 cents per square foot of roof area which would generate $1.3 M annually as a storm water utility; would we have to use that money for storm water stuff such as Ingleside or Lily Creek – the money would have to go to help those kinds of issues, correct? Mr. Chodkowski said yes but not as specific as you make it to be; in creating a utility, you have to use utility revenues on related utility expenses, for instance, you can use the monies in the very direct way you indicated such as to pay a contractor to fix the flooding issue at Marianne/Ingleside or to address the Lily Creek issue. He said additionally we have to clean out storm sewers and you could use that money to pay wages or to buy equipment necessary. He said there are communities that use the money to give out grants to put in pervious surfaces like brick pavers for driveways and walks or for residents to put in rain gardens to help keep water out of the system. He said we can use those dollars to offset construction expenses. Mayor Flaute asked if we could do street repair. Mr. Chodkowski said only limited sections; currently when we have done construction in residential areas the city’s practice has been to assess curb, gutter, and sidewalk to the homeowners; you could use this money to cover the expense of the gutter pans. He said you can use this money to cover the installation of storm sewers and the repair of storm sewers and storm drains. He said there would be money that is paid for that purpose and it would reduce the amount of assessments. He said the limitation and the benefit as well is that you can, through legislative action, adjust the assessment rate. He said if you are doing a very large project like Lily Creek, based on the known construction cost, you can escalate the assessment for a short period to cover the cost, and then you can bring it back down when you know there is minimal need. He said so you can do a couple of different things with that type of utility and you have the ability to adjust that based on whatever project you are working with. He said again the limitation is that you can’t just say that everybody in service today is a storm water employee and we’re going to pay all of their salaries; you have to be able to explain and justify that to the auditor – this person is a storm water employee and these are his daily duties related to storm water. Mayor Flaute said so if we would do 10 cents on every square foot of roof area, the average home in Riverside is about 1,200 square feet – is that about average. Mr. Chodkowski said he doesn’t have an answer for that, we just ran a total of coverage area from the GIS information at the county database. Mayor Flaute said let’s just say its 1,200 square feet per house and you’re saying its 10 cents per square foot, we’re talking $120. Mr. Fullenkamp said $12. Mayor Flaute said $12; a $12 increase to potentially solve our problem – he’s not sure that’s not a bad idea. Mr. Curp said that’s not for the square footage of living area. Mayor Flaute said well the roof extends over the house. Mr. Curp said the roof’s footprint isn’t 1,200 square feet. Mayor Flaute said 1,400 square feet maybe. Mr. Chodkowski said keep in mind, it’s not just houses; everybody has to pay the assessment – churches, schools, shopping centers – everyone has to pay so you can’t limit it to just one group of property owners. He said there are other things you can do and that was just a simplistic formula. He said you can rate the value to 5 cents or 10 cents or one dollar; you can make it 10 square feet or 2 square feet or 100 square feet; we just did roof space but there are impervious surfaces such as patios, driveways, parking lots and that can have another value. Mayor Flaute said this says roof area. Mr. Chodkowski said he was just giving them an idea, you have great flexibility but you also have great limitations.

Mr. Fullenkamp said while this may be a revenue enhancer, it cannot necessarily be directed to the areas we need revenue. Mr. Chodkowski said basically. Mr. Fullenkamp said unless we can use this; if the people that go to clean the sewers out are truly worth $1.3 M a year then sure it’s a direct injection but if we have to do special things in addition to what we are currently doing, we won’t see a good portion of this money going to the general fund. Mr. Chodkowski said operationally, you would see a transfer because a lot of the work the service department does is storm water related, so probably 25% of the service department’s current budget would be accommodated by that. He said I would argue proportionately 25% of the operating expense that’s personnel related could also be transferred to that. He said capital is an area where you might see more of a benefit through this program. Mr. Fullenkamp said in terms of bridges or what. Mr. Chodkowski said for instance there is a great deal of storm sewer and curb work related to the Harshman/Valley project; of that $3.0 M project, $2.0 M is coming directly out of our pocket. He said you could whittle down that number another $200,000 or $300,000. Mr. Fullenkamp said what I was looking for in general is of this $1.3 M add on, how much could we expect to pull off the general revenue dollars. Mr. Chodkowski said I would probably say, related to the service department and other things we would be able to tie in, $200,000 in labor and $200,000 in operational expense and the rest you could use for a variety of needs such as capital items. He said it also gives you the latitude to expand programs in a couple of different ways. Mr. Fullenkamp said I understand that part but we are studying the status quo right now. Mr. Chodkowski said approximately we could substitute $400,000 currently.

Mr. Curp said you can’t supplant salaries and operating expenses for the police department and you can’t supplant salaries and operating expenses for the fire department because they are not storm water utility related. He said you can’t supplant the large expense for salaries and operating expenses for administrative functions; so you might be collecting this money and it may not address the key areas of service delivery from fire and police that is a concern. He said the concern I have is that this particular approach when it’s learned in the community that it could be used for some projects such as Lily Creek or other projects like that it probably won’t get much support from the community.

Mayor Flaute said I’m afraid when you look at the rooftop of Airway Shopping Center it could be a business killer too. Mr. Chodkowski said there are other things you can do and you can take into account related to some of those items. He said for instance, in almost all situations, commercial development in our city is required to have onsite storm management and that’s not true of residential property; so there are ways. He said there are some communities that have differential rates because there is expenditure up front by businesses because they have to put in retention and detention systems or collection mechanisms that a homeowner isn’t required to do. He said you can move around with some of this.

Mr. Chodkowski said regarding Mr. Curp’s comment about supplanting; he is right to a great degree and the reason you would see a marginally operational benefit at least in the short term is, in 2011 we transferred $660,000 from the general fund to cover service department operating expenses. He said this year we are transferring approximately $716,000; so if you were able to utilize the storm water utility, that would reduce the transfer down to about $300,000 and the $400,000 savings could then be used to offset other expenses. Deputy Mayor Denning said the trickle down theory.

Mr. Smith said you mentioned $400,000 could be offset and put into the service department of the $1.3 M collected; where would the other $900,000 go. Mr. Chodkowski said you wouldn’t necessarily have a rate that high but again, you could use that money to put in curbs and gutter or to rehabilitate failing infrastructure or to purchase equipment relative to maintenance of the system – we do have that equipment which is in need of replacement and/or maintenance. He said again, based on how the revenue streams come in, because this is an assessment district and under legislative control of council, if payrolls are being met, if operational expenses are being met, and you want to dial down the rate from 5 cents per 10 square feet to 2 cents, you can do that. He said if you want to change it from 5 cents per 10 square feet to 5 cents per 100 square feet, you can do that; so again, you can fluctuate the revenue based on need and that’s a benefit to the city and a benefit to the resident or property owner.

Mayor Flaute said so right now we have zero because we don’t have a citywide storm water utility. Mr. Chodkowski said that is correct and that is the other issue a storm water utility would create is we do not have a unified, uniform citywide public storm water utility. He said there are pocket public systems that are tied into private pocket systems which are tied back to public pocket systems. He said so one of the things, understanding that if you want to entertain a storm water utility, one of the things council should be conscientious of is in so doing, we will in essence begin walking down the path to plan and construct retroactively a public storm water improvement system and that is a great deal of some of the larger complaints this council has been asked to deal with in his time here – Mayapple, Barksdale, Marianne/Ingleside, Lily Creek, and several of the infrastructure issues with the roads in the Avondale area. He said those are storm water related which are caused by storm water and lack of sewer systems. He said there are long term benefits from this particular avenue but they are not immediate in their nature nor will all our issues be solved by the inclusion of a storm water utility. Mr. Smith asked if bridges would be included in this – it’s kind of a stretch but you have the storm water that flows under the bridges; for example the bridge in Floral Park. Mr. Chodkowski said having had utility systems in previous communities, how you cut the pie can be creative and it’s possible to do. He said for instance, the bridge span itself might not be able to be included as an expense but you might be able to write off the abutments and support structures because they have to be engineered and constructed in relation to the water flow in the creek which is all storm driven. He said you can get creative but you can’t always get inclusive. He said in a previous community we had a sanitary sewer utility and we always designed the sanitary sewers to go down the middle of the road, so if we had to replace the sewer, we could replace the road using sewer money since we had to cut through it. He said you can get creative in how you do it but you have to be able to clearly establish why.

Mayor Flaute said I think there has been a lot of good discussion so the next action item as to what to do next would be what. Mr. Chodkowski said based on tonight’s discussion, it sounds like council would want another opportunity in a work session to hone down and say this is what we are interested in seeing more of and this is what we are not interested in seeing or is council prepared to give some general guidance in that direction tonight so staff can go and put in a little more research in what you are interested in.

Mr. Schock said well there’s the one I mentioned and the one Mr. Fullenkamp mentioned. He said I think they should do a little more background work on those. Ms. Campbell said I think council needs a little more work on all of it. Mr. Schock said it’s a lot of work. Mayor Flaute said I would like to see what it would be if we just take off two of them and that would be part of the discussion. Mr. Schock said that would be a start; the more we sit and think about it, go home and sleep on it, talk to a few constituents out there – we might come back to the next discussion with something else too. He said but for starters, I think it is the two avenues we need to explore and see what it yields. Mayor Flaute asked if anybody wanted any of the others.

Mr. Curp said as part of the discussion, one of the things council needs to look at is just what our financial picture looks like as far as revenues and expenditures; and from a little tighter forecast than the way the budget has been done over the last several years. He said I want my comments to address procedure and not individuals or individual’s performance; we are talking about procedure. He said I don’t think there is anyone on this council or council as a whole that knows what the city’s true financial picture is; what our revenue stream looks like or what our actual expenditure rate looks like. He said what this council has been seeing over the years has been a revenue forecast that has been over conservative and an expenditure forecast, or budget if you will, that has been ultra-liberal, and at the end of the year when the actual numbers come in, and it’s in our document tonight, the city instead of operating in the red is actually operating in the positive, sometimes with a million dollar excess added to the surplus. He said the surplus has been building up over the years until it reached $6.0 M or $8.0 M last year. He said tonight we talked about approaches to raise money but we’re not talking about how much money we actually have and how much money do we actually need. He said I think in concert with the discussion on how much money to raise we need to take a look at how much money we need going forward.

Mayor Flaute said this council tried to address this in the last year, maybe two years. Mr. Schock said actually two years. Mayor Flaute said we were discussing that and you are right; I think we were much more conservative in the last two years than we have been previously but you’re right, we still end up with a surplus. Mr. Schock said it’s not really a surplus; we still end up taking money out of the savings account at times but not as much.

Mr. Chodkowski said Mr. Curp is right to a great extent and I acknowledged the fact at the start of tonight’s conversation that I have always been very conservative in my revenue estimates and very liberal in my expense estimates so that you always have the worst case scenario rather than the best case scenario. He said I can say that partially because of those estimates, we have always done better in his time here. He said I can also say that there were a few years with very large deposits that included capital projects that went unfunded from the grant component. He said so there is a little mixed bag but to address Mr. Curp’s concern we will be more than happy to bring that information. He said we can make that a presentation as a follow up to tonight’s discussion and prior to honing in on some of these examples. He said they will cover it in obviously greater detail. He said he and Mr. Garrett had a discussion earlier today and we are on projection right now for expenses, so we are fairly, Johnny-on-the-spot and with five months collection on the books we are just a shade over our estimated revenue. He said at council’s request we dial in that forecast just a little bit better appears to be written true but obviously there is still seven more months of the year to go so we’ll see what that looks like. He said I will get with the clerk and we will take a look at what the council’s calendar looks like coming up. He said next meeting I will be out of town on vacation and Ms. Christian will be sitting in; she is spearheading the waste collection discussion so that will be your conversation then. He said we will look at the calendar and see what we can put together for July to continue the discussion, at least moving forward and that might be a nice springboard to the 2013 budget process as well.

Mr. Smith said I think we should mention too, out of the $7.0 M or $8.0 M we have in the bank, $6.0 M or so is going to be spent on the roads. Mr. Chodkowski said the total draw will be just over $2.0 M; based on all of the numbers available at the time we prepared the 2012 budget approximately the last week of October. He said the estimated general fund balance at the start of 2012 was $6.5 M; through the course of 2012 we have projected an operating deficit of about $980,000 which increased as a result of the reduction of state shared revenue so our estimated operating shortfall is just over $1.0 M and we are taking out funds for the purposes of the Harshman/ Needmore Road reconstruction project later this year. He said the total draw against the general fund alone will be $4.3 M; so at the end of this year if our projections are correct and estimated expenses are correct, we will have started this year with $6.5 M in the bank and on December 31st we will have $2.1 M in the bank. Mr. Smith asked what we were going to do about Burkhardt. Mr. Chodkowski said that will be a discussion you will be having shortly; Issue II applications are being accepted in August and we have scheduled the discussion in July. Mr. Smith asked if it will be done this year. Mr. Chodkowski said Burkhardt Road? Mr. Smith said yes. Mr. Chodkowski said council will have the discussion and we will have to make application if that’s the project that council wants. He said the project done this year will be the Harshman Improvement project. Mayor Flaute asked when they were starting that. Mr. Chodkowski said it won’t be until after July 1st because that’s when the state releases the money. He said we have preauthorized the engineering so Lockwood, Jones, and Beal is in the process of engineering the project, both the Issue II scope which is the Harshman/Valley intersection and the city’s scope which is the resurfacing from Transportation Drive north and from Valley south to Rt. 4. He said all of that is currently being engineered so we are hoping right around the time the money is released, we will be able to advertise for bids and we will be able to award a contract in early August or mid August with construction going in September. He said I know that is not convenient for the schools but I can’t control when the state releases the funds. Mr. Smith said so the state is only participating with $200,000. Mr. Chodkowski said the city received a grant in the amount of $780,000 and then we also received an additional $200,000 in a no low interest loan. He said he’s not quite sure what the no low interest means yet – it is either a no interest or low interest loan determined by the assets available to OPWC at the time.

**ITEM 7: RECESS:** The Council took a recess at 7:52 p.m.

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

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

**ITEM 10: MINUTES: Consider approval of the minutes of the May 17, 2012 council meeting.** A motion was made by Mr. Curp to approve the minutes as written. Deputy Mayor Denning seconded the motion.

Mr. Schock said there is a correction on the absenteeism of Mike Smith; it was noted later on through the discussion of the minutes but there is nothing on where he was during the excuse absent members. He said I would like to have that corrected and amended where he was at; Mr. Smith was at the summer conference for the NLC First Tiers Steering Committee in California. Mr. Curp said I don’t think it is appropriate; you can’t go back and change things that didn’t occur. He said if no comments were made at that time you can’t go back and put it in. Mr. Schock said I think the Mayor mentioned it. He asked the clerk if she heard it. Mrs. Brane said she couldn’t say if she heard it or not but she thought it did occur in the minutes when Mr. Byington was talking. Mayor Flaute said I did mention that Mr. Smith wasn’t here. Mr. Schock said right, because he was at a conference. Mayor Flaute said I usually do that when there is an absence. Mr. Schock said the Mayor usually references that, did Mr. Curp recall that. Mr. Curp said I know that but I also know the clerk is very accurate in putting together the minutes and we already have it covered elsewhere in the minutes so I’m not sure it’s necessary.

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

Mayor Flaute said before we go to the rest of the agenda I would like to introduce a guest we have here. He said our guest is a Council Member from the City of Kettering and he came to our work session to listen to our discussion on raising revenues. He introduced Mr. Ashley Webb from the City of Kettering and thanked him for coming.

**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: BID PROTEST:** Mr. Chodkowski said the City of Riverside received bids for Brantwood, Section 1 back in April of this year which is for the installation of the public infrastructure in support of the Brantwood Subdivision, the city’s former business park. He said after bids were received and evaluated with references provided by the bidders, the lowest responsive bid submitted by Leo B. Schroeder was determined based on an initial reference check from the references they provided as being the lowest, responsive but not best qualified bidder. He said as such they were notified of their prerogative to file a formal protest to that determination. He said that protest was actually filed on time but it happened to be a time when the clerk was also on vacation and so the protest which was received on time was not made aware to him until the following week. He said in response thereto, we did schedule tonight a formal opportunity for representatives from Leo B. Schroeder to make a presentation before council but prior to doing so, council all received an email from staff yesterday where we requested representatives from Leo B. Schroeder provide some additional information - why the references they provided did have issues with their particular project, what methods they had undertaken to address the issues that did appear on this project, as well as provide some additional references for city staff to investigate. He said to that end, City Engineer Dave Hoyne has been working on that throughout the day today and he does have some additional information that is relevant for council to hear prior to any further comments from myself. He turned the floor over to Mr. Hoyne.

Mr. Hoyne said throughout the day today I have been checking the additional five references provided yesterday evening by Leo B. Schroeder and found that most of the information provided was representative of favorable work. He said to give some examples: for the Weisenborn Middle School in Huber Heights, where Leo B. Schroeder is the subcontractor in this case, everything has been going according to schedule and coordination has not been an issue there; most notably two projects, which by contract arrangement Leo B. Schroeder holds the contract and M & R is a significant subcontractor, were found at the City of Springfield and Clark State Community College – the scope of works are similar and in both cases the projects were completed on time or with reasonable weather delays and the contractor has made every effort to keep the project on schedule; coordination of projects through various stakeholders has not been an issue and both reports came back very favorable.

Mr. Hoyne said in summary I would like to revise the recommendation we had made on April 25, 2012 considering the new information we collected today. He said in considering the favorable feedback from those additional references, the differences in bid amounts between the two, and the plan that has been verbally communicated at least by M & R and Leo B. Schroeder for this Brantwood Project; while the decision is ultimately yours, we would alter our recommendation to award the contract to Leo B. Schroeder at this point. He said he would be happy to answer any questions now or as the discussion progresses.

Mr. Chodkowski said if you would like, Mr. Schroeder is also here tonight to offer comments or answer any questions council may have. He said based on a culmination of several pieces of legislation and several outstanding timelines, I would ask that council tonight, based on information Mr. Hoyne was able to determine, that council uphold in a formal motion Mr. Schroeder’s protest and based on this information we have been able to obtain they are in fact the lowest responsive, best qualified bidder; so subject to verification of financing, that the project be awarded to them, and that previous legislation indicating D & M as best qualified be rescinded.

Deputy Mayor Denning said so moved. Mr. Fullenkamp seconded the motion.

Ms. Campbell said I kind of lost track on this, D & M was voted to take the job. Mr. Chodkowski said 2 meeting ago, council voted that Leo B. Schroeder, while lowest responsive bid was not the best qualified and they had the right to protest. He said we, due to an internal issue, did not dispute their protest; even though they had submitted a protest on time, he did not know it had arrived. He said as such, the following night, council passed a resolution naming D & M Excavating as lowest, best qualified bidder and authorizing me to enter into the contract with D & M. He said when we became aware of the bid protest and its timely filing, city ordinance requires that no contract may be entered until the protest is heard and the determination is made by council. He said in this instance, you have now heard the protest, staff has recommended, and council has now moved to acknowledge Leo B. Schroeder as lowest responsive, best qualified and therefore authorizing the city manager to enter into a contract with them on behalf of the city and rescinding the legislation naming D & M the lowest responsive, best qualified.

Mr. Schock asked if the motion on the floor is to have legislation drawn up. Mr. Chodkowski said the motion will have to be sufficient at the present time based on other schedule requirements and timetables that are already in motion. He said the issues are the bids presented on April 11th; their validity expires on June 11th, so after June 11th no contractor that submitted a bid is required to honor that bid.

Mr. Smith asked what happens with D & M; are we obligated to them in any way. Mr. Chodkowski said no. Deputy Mayor Denning said that’s pretty easy because they weren’t the lowest bid.

Mr. Chodkowski asked Mr. Hoyne if D & M was aware of this situation. Mr. Hoyne said yes; they were made aware upon notice of the receipt of the protest that the protest was to be heard tonight.

Mayor Flaute asked for the motion to be read. Mrs. Brane read the motion: to uphold the bid protest submitted by Leo B. Schroeder, award the contract to Leo B. Schroeder, and rescind the award to D & M Excavating. Mr. Schock said should we have in the motion rescinding the resolution we passed, 12-R-1666. Mr. Chodkowski said he would simply rescind naming D & M Excavating as lowest, best qualified; and it should be noted that I clearly heard Mr. Denning indicate that upon financing. Deputy Mayor Denning said financing background check or whatever it is. Mayor Flaute asked if the clerk got that. Mrs. Brane said upon financing background check. Mr. Chodkowski said he would just put upon financing.

With no further discussion on the motion to uphold the bid protest submitted by Leo B. Schroeder, award the contract for the Brantwood, Section 1 project to Leo B. Schroeder, rescind legislation naming D & M Excavating as lowest, best qualified, and upon financing: All were in favor; none were opposed. **Motion passed.**

**ITEM 13: 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. Letter from Pastor Scott Goodman of the Spinning Road Baptist Church offering their services on future projects.

Mr. Chodkowski said you have my report and I would be happy to answer any questions.

Mr. Schock said the item on the Airway Shopping Center to relocate the traffic light, I need a little refresher – how far is the light going back and why are we moving it; just a real brief history. Mr. Chodkowski said the traffic signal currently located in front of Goodyear on Woodman will be relocated at the expense of Mid America Management, the owner/operator of Airway Shopping Center, north towards Airway Road. Mr. Schock said for what reason. Mr. Chodkowski said it is being relocated to create what is typically known in economic development as an out lot for the relocation of what is the Retro-McDonalds on the southwest corner. He said that will be demolished and a full service McDonalds with interior dining will be constructed on this out lot location. He said that is the principal purpose for the relocation of the traffic light by Mid America is to allow the opportunity to create more developable retail out front on the road as opposed to the space that exists there today. He said we estimate on current zoning and configuration of that property that this light can create a maximum of 8 out lots which could account for, based on current construction costs, $8.5 M to $9.0 M in new construction just in the Airway Shopping Center area alone. Mr. Schock said what about the other side of the road, are we going to put an avenue in so it will make it easier for people to go to the bank, go to Goodyear, go to InfoCision, etc. Mr. Chodkowski said the traffic signal will be reconfigured to a 4 way stop which will include an approved entrance to InfoCision. He said as a condition to allow the traffic lights to be relocated, the city has stipulated to the owners of InfoCision that they must allow an ingress/egress easement to Goodyear, who will lose the ability for a left turn out, so their traffic has the ability to use the light. He said he can’t say that we as a city have discussed with any of those property owners a service road or a business drive away from the public thoroughfare but the funds generated by the Airway TIF could be used to create such a plan and construct such a drive in the event council were to approve that long term. He said some of the traffic issues that may need to be addressed long term as that area grows - that is what the TIF funds are being set aside for in part. Mr. Schock said so are the businesses along there going to suffer in the short term because they don’t have access road in front of them – Goodyear, the bank, etc. Mr. Chodkowski said they will have ingress/egress ability from Goodyear as will Airway Shopping Center patrons leaving by the AutoZone. He said there will be restricted turn conditions but several of the restricted turn conditions exist for other businesses already in that area. He said for the bank you can right turn in and you can left turn in but there is no left turn exit. He said currently the same is true for InfoCision. He said all we are doing is flip flopping and currently there is no legal agreement between Goodyear and InfoCision to allow InfoCision traffic to cut across Goodyear’s property and utilize that light. He said while we are swapping those conditions and allowing the light to be moved, we have compelled a legal requirement for InfoCision to allow Goodyear access to their property until such time as Goodyear will be restored left hand turn egress rights.

Mr. Smith said what about the motorcycle shop. Mr. Chodkowski said they are unaffected by this project. Mayor Flaute said the light will be right there. Mr. Chodkowski said the light will be where the current InfoCision sign is today; so InfoCision is impacted and the Celtic Academy is also impacted but not in any way that they are not already limited; they have some very unique ingress/egress issues to begin with how their lot is cut. He said nobody is negatively impacted by the relocation of this light and as a matter of fact, it is to both Goodyear’s benefit and to InfoCision’s benefit that the light will be located on a public ingress/egress easement.

Mr. Schock asked if there was going to be directional signs on the west side of the road letting people know that’s the new way to get into InfoCision, Goodyear and the bank. Mr. Chodkowski said they’ll be required to properly flag new signal locations and there will be additional paint markings and signs that will be installed; how many I can’t recall because I haven’t looked at the plans recently. Mr. Schock said I haven’t seen the plans in a very long time so maybe we can do a refresh on the print and take a look at it. Mr. Chodkowski said I believe I have a copy of the plans I can scan and provide as part of my manager’s report tomorrow. Mr. Schock said he would appreciate that and he thanked the manager.

Mr. Smith asked when the construction would take place. Mr. Chodkowski said I believe it is scheduled to begin next week. Mr. Miller said the only thing they are waiting on right now is an answer from DP&L pertaining to relocation of the service. He said the gentlemen said he would get back with us shortly.

Mr. Schock said I just caught something; you say they are going to start construction on that soon. Mr. Chodkowski said yes. Mayor Flaute said we’ve been talking about it for a while. Mr. Schock said off and on for six months, a little here and a little there.

Mr. Fullenkamp said the manager stated something I want to make sure I understand; did you mention a 4 way stop. Mr. Chodkowski said it’s a 4 way stop light.

Mayor Flaute said the vision I have is similar to what happened to Town & Country; the out lots aren’t going to be like the olds ones where they sat right on the street, it’s going to be back and we will utilize that whole parking area a lot better on these out lots. He said it will be more of a Town & Country or Dayton Mall type look rather than the 1950s look we have right now. Mr. Chodkowski said right; the basic premise is that large sea of asphalt which exists today – the parking requirements then are not the same parking requirements today, so basically the belief is that these out lots will all share this communal parking and because they can share this existing parking space they are able to develop out by the road. He said I can’t say with whom but I can say that in light of McDonalds commitment to relocate to this out lot and transgress this light, Airway Shopping Center is already having discussions with other retail entities that are not currently in that area about building new structures and providing stores at that location.

Mr. Fullenkamp asked if Airway Shopping Center will have to do something about storm water abatement. Mr. Chodkowski said with each individual site plan that comes in depending upon how Airway Shopping Center develops – whether or not they are subleasing space or selling outright, each application will have to meet the storm water requirements.

Mayor Flaute said I just had a few comments on the manager’s report: the ED/GE Grant for Mullins Rubber congratulations on that, it’s very good news that we can help out one of our own with ED/GE Grant money – its money we pay in to with our sales tax and its good news for Riverside. He said I also want to comment on the Spinning Road Baptist Church letter asking how they can help support us as a city and one of the things we might ask is for them to make sure their folks know that there are boards and commissions they can apply for. He said we always need good candidates for that and maybe that’s a way we can ask them to get involved. He said hopefully the rest of council will be thinking of ideas on ways we can utilize the services of our churches, especially when they come forth asking us.

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

**ITEM 15: UNFINISHED BUSINESS:**

**a. Ordinance No. 12-O-490 declaring improvements to certain parcels of real property located in the City of Riverside, Ohio to be a public purpose under Section 5709.40 (B) of the Ohio Revised Code, exempting such improvements from real property taxation, requiring owners of such parcels to make service payments in lieu of taxes and establishing a Municipal Public Improvement Tax Increment Equivalent Fund. (SECOND READING AND CONSIDERATION OF ADOPTION)**

Mr. Chodkowski said this ordinance is before council tonight for its second reading and consideration of adoption related to the Airway TIF.

A motion was made by Deputy Mayor Denning to read Ordinance No. 12-O-490 for the second time by title only and to approve its adoption. Mr. Schock seconded the motion.

The Clerk of Council read Ordinance No. 12-O-490 for the second time by title only and Mayor Flaute asked if there were any questions or comments from members of council.

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

**b. Ordinance No. 12-O-491 authorizing the City Manager to execute a sales agreement with the owner of land located at 2713 Troy Pike in Dayton, Montgomery County, Ohio and being Parcel R72 17002 0037 for the amount of Twenty-Two Thousand Dollars ($22,000.00) in furtherance of the Eintracht Recreational Project. (SECOND READING AND CONSIDERATION OF ADOPTION)**

Mr. Chodkowski said this ordinance is brought forth for a second reading related to the Eintracht Recreational Project and authorizes the purchase of 2713 Troy Pike. He said as a note this legislation tonight is for second reading and consideration of adoption; the owner of this parcel is in failing health and we would ask tonight that you adopt this by emergency measure so that we may execute the purchase of this property with the owner while he is still in good health.

A motion was made by Deputy Mayor Denning to read Ordinance No. 12-O-491 for the second time by title only, to approve its adoption, and declaring an emergency. Mr. Smith seconded the motion.

The Clerk of Council read Ordinance No. 12-O-491 for the second time by title only and Mayor Flaute asked if there were any questions or comments from members of council.

Mr. Smith asked exactly where this property was located in reference to the lane going back to the parking area. Mr. Chodkowski said this property is located on the right hand side of the lane and is actually in Dayton located in the canal bed. Mr. Smith said the one that is further in towards the parking lot. Mr. Chodkowski said that’s correct; the one on the left is the next piece of legislation. Mr. Smith said as you go back the lane there are two houses on the right so this is the last house on the right. Mr. Chodkowski said he didn’t know if it was the last house on the right but it’s the house on the right that sits away from the road.

Mr. Fullenkamp said help me understand the need for the emergency since this is the second reading. Mr. Chodkowski said he would defer to Mr. Murray but technically the emergency provision waives the 30 day referendum period in which we would not execute any documents. Mr. Fullenkamp said okay, I just wanted to make sure I understood.

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

**c. Ordinance No. 12-O-492 authorizing the City Manager to execute a sales agreement with the owner of land located at 2703 Old Troy Pike in Riverside, Montgomery County, Ohio and being Parcels I39 100525 0031 and R72 17002 0045 in the City of Dayton for the amount of Twenty-Five Thousand Dollars ($25,000.00) in furtherance of the Eintracht Recreational Project. (SECOND READING AND CONSIDERATION OF ADOPTION)**

Mr. Chodkowski said this ordinance is before council tonight for a second reading and is again related to the Eintracht Recreational Project and authorizes the purchase of 2703 Old Troy Pike. He asked Mr. Murray if this was another second reading emergency measure. Mr. Murray said we are trying to hold this deal together and it’s gone longer than we’d like. He said this is Mr. Szonnell’s property so we are coming up against contractual deadlines and we can’t go much further without complications. He said the sooner the better to get it resolved. He said usually in an ordinance of this nature, one clause will be to enter into a sales agreement and the next one will be to execute the purchase; that wasn’t done to these so what we are trying to do is to both at the same time to cut down the timeframe because of contractual obligations we have with Mr. Szonnell. Mayor Flaute asked if we discussed this with Mr. Szonnell and is he okay with this. Mr. Murray said absolutely. Deputy Mayor Denning asked if we were making this an emergency also. Mr. Chodkowski said that is what staff is asking you to do. Mr. Smith said this speeds up the closing. Mr. Chodkowski said yes and Mr. Murray added by 30 days.

A motion was made by Deputy Mayor Denning to read Ordinance No. 12-O-492 for the second time by title only, to approve its adoption, and declaring an emergency. Mr. Smith seconded the motion.

The Clerk of Council read Ordinance No. 12-O-492 for the second time by title only and Mayor Flaute asked if there were any questions or comments from members of council.

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

**ITEM 16: NEW BUSINESS:**

 **I. ORDINANCES**

**a. Ordinance No. 12-O-493 amending Ordinance 11-O-474 authorizing the City Manager to proceed with the purchase of 2707 Old Troy Pike in Riverside, Montgomery County, Ohio for the amount of $189,000.00 in furtherance of the Eintracht Recreational Project, and declaring an emergency. (FIRST AND SECOND READINGS AND CONSIDERATION OF ADOPTION)**

Mr. Chodkowski said this ordinance is before council tonight for the first reading regarding the Eintracht Recreational Project and authorizes the purchase of 2707 Old Troy Pike. He said pursuant to discussion with Mr. Murray, staff is recommending this for a second reading by emergency. He said this is in combination with both the 2713 and 2703 purchases

A motion was made by Deputy Mayor Denning to read Ordinance No. 12-O-493 for the first time in its entirety and approve its first reading. Mr. Schock seconded the motion.

The Clerk of Council read Ordinance No. 12-O-493 for the first time in its entirety and Mayor Flaute asked if there were any questions or comments from members of council.

Mr. Smith said didn’t we already agree to purchase this property some time back. Mr. Chodkowski said the council did pass legislation authorizing the city to negotiate a contract and that legislation was via resolution. He said you also enacted a resolution authorizing the city to enter into that agreement, however, based on conversations on other matters in which the city has transacted the sale of property, the Law Director made a formal determination that all legislation related to the sale or purchase of property should be done by ordinance as opposed to by resolution and because of that this ordinance was drafted and presented to council.

Mr. Smith said an ordinance is a law. Mr. Chodkowski said an ordinance is a permanent legislative act that defines council’s intent or want. He said this is an issue we’ve had discussions about between myself, the Law Director, and the Deputy Law Director because there are several instances where the courts have found municipalities may sell or purchase property utilizing resolutions as opposed to ordinances and visa versa and further case law regarding whether or not property needs to be declared surplus via resolution or via ordinance. He said there is no definitive rule of thumb as to what should be used and what shouldn’t and that is why the Law Director after our last discussion about the Brantwood property made the determination that in her opinion all transactions related to property would be by ordinance, the permanent legislative act.

Mayor Flaute said that’s the difference between resolutions and ordinances; ordinances are permanent and resolutions are things that happen and may happen again in the future. Mr. Chodkowski said it’s the difference between using a period and an exclamation point in a sentence. Mayor Flaute said only that minor. Mr. Schock said no. Mr. Chodkowski said that’s the easiest way to explain; one is to express an opinion or position and the other is do so more emphatically. Mayor Flaute said interesting to know that. Mr. Smith said interesting concept.

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

A motion was made by Mr. Schock to suspend the rules that dictate the number of days between consecutive readings of ordinances. Deputy Mayor Denning seconded the motion. All were in favor; none were opposed. **Motion passed.**

A motion was made by Mr. Schock to read Ordinance No. 12-O-493 for the second time by title only and approve its final adoption. Deputy Mayor Denning seconded the motion.

The clerk read Ordinance No. 12-O-493 for the second time by title only and Mayor Flaute asked if there were any questions or comments by members of council.

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

**b. Ordinance No. 12-O-494 to make supplemental appropriations for current expenses and other expenditures of the City of Riverside, State of Ohio, for the period January 1 through December 31, 2012, and declaring an emergency. (FIRST AND SECOND READINGS AND CONSIDERATION OF ADOPTION)**

Mr. Chodkowski said this ordinance is brought forth for council’s consideration tonight; it’s a first and second reading of a supplemental appropriation to the current 2012 budget. He said the purpose of this request is related to the purchase of radios by the fire department through a reimbursable grant from the federal government. He said the first and second reading request is so that Chief Turner has the availability to purchase the radios on a discount which expires first of next week. Chief Turner said June 21st. Mr. Chodkowski said just prior to our next meeting which is the reason for our request.

A motion was made by Mr. Schock to read Ordinance No. 12-O-494 for the first time in its entirety and approve its first reading. Deputy Mayor Denning seconded the motion.

Mayor Flaute asked the manager to explain the rest of the transfers. Mr. Chodkowski said the $10,000 increase in general government is to account for the necessary expense to provide for the first class mailing to every property owner in the City of Riverside related to the proposed UDO at council’s request. He said the $107,000 transfer out will be distributed to funds 201 which is to cover the radios until such time the city is reimbursed $96,000 from the federal government; fund 215 the ED/GE fund will receive a transfer of $6,500 to cover the matching contributions on the Greater Dayton RTA Community Grant Funds for projects from last year and from this year. He said this is the city’s required contribution but there are also dollars that will be transferred to loan, so there will be legislation at the next meeting loaning the reimbursable amount to the ED/GE fund until such time as the grant is complete and RTA makes it payment. He said finally, the State of Ohio requires that those persons claiming to be indigent that reside here, it is the city’s responsibility to cover their burial costs. He said unfortunately based on past trends, we did not pledge sufficient funds to cover those expenses. He said we are asking council to pay for those and we are out of dollars.

Mr. Fullenkamp asked if the amount accounts for 1 or 2 burials. Mr. Garrett said that is 6 burials and we have had 4 so far this year. Mr. Chodkowski said $700 each; Mr. Garrett said $750. Mr. Smith asked if we are burying these people. Mr. Chodkowski said that’s for cremation. Mayor Flaute asked if we were putting them in the Harshman Cemetery. Mr. Chodkowski said we are just required to pay for their interment in whatever capacity is deemed to be best by the Coroner’s office. Mr. Garrett said in our case we are paying for the cremation services with the next of kin who don’t have resources actually accepting the ashes, otherwise we have to pay an additional amount to bury those somewhere. Mayor Flaute said so we cremate them, they accept the ashes, and it’s their responsibility.

Mr. Fullenkamp said this is for current residents. Mr. Chodkowski said yes.

Mr. Smith said they don’t keep the ashes until the family comes forward and pays the money owed on those or do they release the ashes to the family. Mayor Flaute said what if they have no family. Mr. Chodkowski said I don’t have the ability to answer that question; it’s a procedural issue addressed by the county. He said I don’t know if Mr. Garrett has an answer but that’s outside the scope of our service.

Mr. Schock said it’s by law that we have to do this. Mr. Chodkowski said it is an Ohio Revised Code provision. Mr. Schock asked if it was because we have graveyards. Mr. Chodkowski said I believe it is the requirement that is applied to all incorporated jurisdictions. Mr. Schock said all incorporated. Mr. Chodkowski said I believe that is correct; I am not highly familiar with that provision of the ORC. Mr. Schock said I’m not either; I know when we had our graveyard we were in the business of doing that but he’s never heard of a provision where we have to pay for the cremation or burial of a person who passed away in our city. He said this really has him in an oddball spot; now even the cities are taking care of people from cradle to grave. He said he expects to hear that from the federal government. Mayor Flaute said I know we have had this legislation in the past and it does bring interesting debate.

The Clerk of Council read Ordinance No. 12-O-494 in its entirety and Mayor Flaute asked if there were any questions or comments from members of council.

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

A motion was made by Mr. Schock to suspend the rules that dictate the number of days between consecutive readings of ordinances. Deputy Mayor Denning seconded the motion. All were in favor; none were opposed. **Motion passed.**

A motion was made by Mr. Schock to read Ordinance No. 12-O-494 for the second time by title only and approve its final adoption. Deputy Mayor Denning seconded the motion.

The clerk read Ordinance No. 12-O-494 for the second time by title only and Mayor Flaute asked if there were any questions or comments by members of council.

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

 **II. RESOLUTIONS**

* + 1. **Resolution No. 12-R-1676 appointing the City of Riverside’s Representative to the Regional Income Tax Authority (RITA).**

Mr. Chodkowski said as a result of former Finance Director Gillian’s retirement, our city is required to update its representative for the Regional Income Tax Authority.

A motion was made by Deputy Mayor Denning to approve Resolution No. 12-R-1676. Mr. Schock seconded the motion.

Mr. Schock asked if the manager was going to get Mr. Garrett a nameplate now instead of just the one that says Finance. Mr. Chodkowski said we are working through that; we’ve got a couple other things we have to get there but we’re talking.

Mayor Flaute asked if there could be any council members on this as an alternate. Mr. Chodkowski said I don’t believe there is any inclusion for the elected officials. Mayor Flaute said Mr. Chodkowski is the alternate – he asked if anyone on council would rather be the alternate.

Mr. Curp said I think it is beneficial to have the Finance Director or someone on staff because they have full time access to the agency. He said he thought that was beneficial to the city.

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

 **b. Resolution No. 12-R-1677 authorizing the City Manager to submit a grant application for funding under the Victims of Crime Act (VOCA-SVAA) and authorizing the expenditure of matching funds.**

Mr. Chodkowski said this resolution authorizes the city to submit an application for the Victims of Crime Act Advocate Position which is currently staffed by Ms. Bricker. He said the legislation is annual and ongoing and Ms. Bricker is here tonight to answer any questions council may have regarding her time in this position and the services she performs. Mayor Flaute welcomed Ms. Bricker.

Ms. Lori Bricker said this year the VOCA Grant was cut 12% federally but we were not impacted by the full 12 %. She said the City of Riverside Victim Services was recognized for upholding the three pillars of the VOCA Grant so the decrease that will impact the city should be less than $1,000. She said I think that is pretty significant considering the 12% decrease overall and I think it is nice that the City of Riverside is being recognized for their ability to uphold the three pillars of the Victim Advocate Program. She said if council has any questions, she will be happy to answer.

Ms. Campbell said I am glad to see the program back and someone to take over. Mayor Flaute thanked Ms. Bricker for all her work and said he knew it wasn’t easy sometimes.

A motion was made by Deputy Mayor Denning to approve Resolution No. 12-R-1677. Mr. Schock seconded the motion. All were in favor; none were opposed. **Motion passed.**

**c. Resolution No. 12-R-1678 to adopt the Solid Waste Management Plan for the Montgomery County Solid Waste Management District.**

Mr. Chodkowski said this resolution is to approve recommendation of the Solid Waste Management Plan for the Montgomery County Solid Waste District.

A motion was made by Mr. Schock to approve Resolution No. 12-R-1678. Mr. Fullenkamp seconded the motion.

Ms. Campbell asked what changes were made. Mr. Chodkowski said this is just basic information that’s in the plan; city populations change, city demographics change, rules of how the district operates are required to be updated from time to time by both the federal and state EPA; he won’t say these are regular changes but the plan is required to be updated from time to time. Deputy Mayor Denning said this is pretty much our stamp of approval on the county’s plan and we don’t have a whole lot of say. Mr. Chodkowski said we are part of the consortium. Ms. Campbell asked if there was a price change. Mr. Schock said about 1%. Mr. Chodkowski said the price does fluctuate from time to time but that is not solely incumbent within the plan.

Mayor Flaute asked what would happen if we didn’t approve. Mr. Schock said nothing. Mr. Chodkowski said all of the other members will approve it; it requires a 2/3 majority.

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

**d. Resolution No. 12-R-1679 authorizing the City Manager to submit an application to Montgomery County for a Community Development Block Grant for the City of Riverside’s Neighborhood Stabilization Program.**

Mr. Chodkowski said this resolution is to authorize the city to submit an application to Montgomery County for a Community Development Block Grant specific to the Riverside Neighborhood Stabilization Program, Phase IV.

A motion was made by Mr. Schock to approve Resolution No. 12-R-1679. Deputy Mayor Denning seconded the motion.

Mr. Chodkowski said just as a point of clarification the grant application if for $100,000 and the city is pledging to add an additional $20,000. He said the total project will be for $120,000. Mayor Flaute asked what the project was. Mr. Chodkowski said for demolitions; Neighborhood Stabilization.

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

**e. Resolution No. 12-R-1680 authorizing the East Dayton Baptist Church to place temporary promotional signs in the public right of way under certain terms and conditions.**

Mr. Chodkowski said this resolution is to authorize East Dayton Baptist Church to place temporary signs in the right of way under certain terms and conditions.

A motion was made by Mr. Schock to approve Resolution No. 12-R-1680. Deputy Mayor Denning seconded the motion.

Mr. Curp said as I commented in the past, I would like to see everybody have their signs but since the council has a policy that doesn’t provide for everybody to automatically be allowed to place their signs in the right of way as some others are allowed to do and since the Law Director has communicated to the council there’s a policy in the ordinance that is not legal and since the federal courts have ruled that ordinances and policies like these are in violation of people’s constitutional rights to free speech, I am not going to vote on these or any others like these until the council fixes its ordinances and policies.

Mr. Schock said by not voting on it, it’s a nay vote and you voting against someone is violating the constitution. He said I would ask Mr. Curp to go ahead and vote until we can reconcile the ordinance according to the current court rulings.

Mr. Curp said I am going to make the same comment I made earlier, I want everybody to be able to put a sign out there, so I am not violating anybody’s free speech rights. He said I want everybody to be able to put out signs. He said the issue of the city modifying the ordinance has already come before this council; it came before this council at the last meeting and the council majority voted it down, so those words about giving the council time to adjust its ordinance are just falling on deaf ears. He said my position is still the same, I want everybody to have their signs; the city’s ordinances and policies prohibit that from happening so I am not voting on any more of these until the ordinance gets fixed.

Mr. Schock said we aren’t prohibiting; all they have to do is come forward with a request; it doesn’t matter who they are or what they are and that way we can pass proper legislation for them to put out signs in the locations they desire and go on exercising their right to free speech. He said if you are for the constitution and free speech, you have to give a yes vote; if you are against the constitution and free speech it’s a no vote and by not voting it’s a no vote.

Mr. Curp said you are trying to put words in my mouth and I’m not going to let you. Mr. Schock said you are doing it automatically; I don’t have to put it in your mouth. Mr. Curp said I will refer you back to the minutes of the May 3rd meeting where the Law Director said “the very fact that there is an approval process that’s required is a violation of the law”. Mr. Schock said the approval process is not. Mr. Curp said that’s the opinion that was given from the Law Director when we asked the Law Director to come here and talk to us about this ordinance and the policies and procedures. He said you can take it up with the Law Director and I have stated my position; I am not voting on any more of these.

Mr. Fullenkamp asked Mr. Schock if he could envision a request he would vote against. Mr. Schock said he won’t vote against it; if the Ku Klux Klan wants to come out here and put up signs, I will allow that because it’s freedom of speech. Mr. Fullenkamp said you saved your position.

Mayor Flaute asked if the opposing side of the legislation that wasn’t passed be willing to bring back the discussion. Mr. Schock said we already have a motion and second on the floor; you are throwing something else out we can’t do right now Mr. Mayor.

Ms. Campbell asked if we could put this off until the next time the Law Director is here again. Mayor Flaute said right now we have a motion to approve the signs and we can’t wait on that because it happens next week. Ms. Campbell said the way the Law Director stated it was if you have one, you are going to have another, and so on. Mr. Schock said if you allow them all, nobody will sue.

Mr. Curp said if you are taking a position that you are going to approve all of them that come here then you don’t need the ordinance; you don’t need to have a requirement that they come here. Mayor Flaute said right and that’s why he wants to talk about bringing it back. Ms. Campbell said right now everything is the way it was before and we are going through a whole lot of stuff we don’t need to go through. Mayor Flaute said let’s do this resolution then have a discussion on bringing back the legislation.

Mr. Smith said we have to abolish that part of our zoning ordinance that relates to placement of signs in the right of way.

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

Mr. Curp said I don’t believe my name was called. Mrs. Brane said she didn’t call Mr. Curp because he said he’s not voting. Mr. Curp said if it’s a roll call vote he still has to have his name called. Mrs. Brane said I’m sorry and called Mr. Curp: Mr. Curp, not voting. **Motion passed.**

 **f. Resolution No. 12-R-1681 authorizing the City Manager to submit an application to Montgomery County for a Community Development Block Grant for the Harshman Road Reconstruction Project.**

Mr. Chodkowski said this resolution authorizes the city to submit an application to Montgomery County for Community Development Block Grant funds in support of the Harshman Road Reconstruction Project.

A motion was made by Deputy Mayor Denning to approve Resolution No. 12-R-1681. Mr. Schock seconded the motion. All were in favor; none were opposed. **Motion passed.**

**g. Resolution No. 12-R-1682 authorizing the City Manager to enter into a contract with Motorola Solutions, Inc. for the purchase of radio communications equipment for use by the Fire Department under the State of Ohio Cooperative Bid Program.**

Mr. Chodkowski said this resolution is to authorize the city to enter into a contract with Motorola Solutions to purchase communications equipment under the State Cooperative Bid.

A motion was made by Deputy Mayor Denning to approve Resolution No. 12-R-1682. Mr. Schock seconded the motion.

Mr. Fullenkamp said in looking at the 10% requirement, you are suggesting there are about $8,000 worth of accessories. Mr. Chodkowski said yes.

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

**ITEM 17: PUBLIC COMMENT ON NON-AGENDA ITEMS:**  Ms. Samantha Kunzelman of Elverne Avenue said I understand it is only June but Halloween is around the corner for her and every year Halloween seems to be on a different date and this year it was on a weekday. She said she has objections on two points: one as a mother trying to get kids off the bus, get ready, get dinner, get them out the door and then get them in bed in enough time so they are not crazy for the teachers the next morning; and the second part as a military member – her family lives in New York and they want to come visit for Halloween and they can’t do it when it’s on a weekday, it’s easier when it’s on the last Saturday on October. She said so I am pleading that we move Halloween to the last Saturday in October and if need be I would even petition the City of Riverside members to sign a petition to have the last Saturday in October.

Mayor Flaute said that would be on Saturday, October 27th, instead of Wednesday October 31st. Mr. Schock said the Mayors and Managers Association makes that decision. Ms. Kunzelman said I think it should be every year the last Saturday of October, not just this coming year.

Mr. Fullenkamp asked if that could be part of the discussion with the Mayors and City Managers. Mr. Schock said we as a body don’t make that decision, the Mayor does at their formal meeting; they have the Mayors and Managers of all the cities in Montgomery County and they discuss when the date is set, so he will carry your message to the meeting and so will the city manager. He said they will express your concerns.

Mayor Flaute said between now and then he would like council’s input though. Mr. Schock said he thought it was a great idea.

Mr. Chodkowski said Halloween has been set for Tuesday, October 30th.

Mayor Flaute said thank you very much, we will take that into consideration. Mr. Schock said she wants it done this year. Deputy Mayor Denning said it’s already been decided.

Mr. Chodkowski said the city can set its own date for beggar’s night; the reason it is done the way it is done is because in previous years what would happen is Riverside would do it on its night and Dayton residents would come and trick or treat in Riverside and then they would do their night on a different night and Riverside would go to Dayton. He said to address that situation, the Mayors and Managers group adopted a policy that beggar’s night will always fall on Halloween Day except for Friday which is football night and Wednesday which is a night of religious observation for several worship groups. He said in those instances it will always fall on the 30th.

Mr. Fullenkamp asked Ms. Kunzelman if she felt this was more of an Air Force wide sort of issue. Ms. Kunzelman said I have talked with other parents who do live in Page Manor and some other military people and they have discussed the same concern. She said I have even discussed it with parents who aren’t military – it’s just getting their kids and hurrying up to get them dressed and then trying to un-sugar them to put them to bed. She said I see it from both a military problem and non-military people I am friends with in Riverside and they are having the same issues I am having. She said that’s why I came in the month of June, hoping to do something before October comes.

Mr. Chodkowski said I would actually recommend that perhaps you talk with the management at Page Manor to regulate internally, there are 3,000 residents of Page Manor alone, and you actually advertise and communicate internally so that way you as an organization and you as a group of citizens with a particular need might be able to address and accommodate that need in the way that best suits you but doesn’t create issues for…...Ms. Kunzelman said she doesn’t live in Page Manor; she lives in the City of Riverside.

**ITEM 18: COUNCILMEMBER COMMENTS:** Mr. Fullenkamp said I heard a conversation the other day and our resident Connie Cole at a June 5th luncheon was one of seven ladies selected for the honor of Leading Ladies for Montgomery County. He said Mr. Jeff Jacobson presented a brief history of her life-long dedication to many years of service to Mad River Township, to the region, and to the City of Riverside. He said Mrs. Cole received a Lion Head Lapel Pin and proclamations from John Husted and from the Republican Party Chairman to her years of service. He said Mrs. Cole has been a member of the Republican Club for 38 years. He said I think we owe a lot to people like her and her years of service is quite impressive, so when you see her – pat her on the back and say “Good Job”.

Mayor Flaute said first I want to talk about bringing back the discussion on the sign ordinance and from what the city manager tells me and from what I understand of this, the discussion would go back to the Planning Commission. He asked why that step is important because there were some questions. Mr. Chodkowski said the reason the request will go before the Planning Commission is because the code mandates text amendments first be heard at the Planning Commission level then be recommended to City Council. He said while City Council can initiate and direct the Planning Commission to amend a particular section of the Zoning Code Ordinance, the Planning Commission will review, evaluate, and make a recommendation back. He said that is all spelled out within the existing code and that is why that step is there.

Mayor Flaute said I don’t want this to be hanging out there; I didn’t like what the last ordinance looked like so I obviously voted no and we have to have some give and take on this thing. He said I would like to have it brought forth to the Planning Commission.

Deputy Mayor Denning said my issue with the resolution the last time, the way I read it was it was directing them to specifically cut out that we approve all signs but it was going to stay the same and there were going to be no signs allowed. He said if we are going to send it back to them, I want it to be open so that they can run their whatever and come back to us with an open regulation. He said I would prefer that we could permit signs or however we are going to do it but that we allow signs in the right of way. He said I would like for the Planning Commission to look at that in a more open manner than us telling them this is what we want and to send it back to us. He said that’s the way he understood the resolution we were passing the last time.

Mr. Schock distributed a sheet of paper to council and said here is a little idea that I talked about with the city manager that we can send to the Planning Commission to have them look at. He asked the Mr. Chodkowski if he remembered what they talked about. Mr. Chodkowski said I wrote this. Mr. Schock said it’s an idea; it’s not cluttering up our right of ways but allows all our groups to put signs in prime areas on private property. He said this is something I would like to see sent to the Planning Commission, have them review it, tweak it, and send it back to see what we think about their tweaks. He said then we can approve it or send it back to them again. He said we can bounce this back and forth to the Planning Commission a couple times if you so desire; we have the Mayor who is the Ex-Officio on that and we pretty much know what we want so that can eliminate the back and forth which can happen when you have two governmental groups working. He said since I was on the no vote side, I would like to make a motion to start the process with the letter that’s in front of you.

Mr. Fullenkamp asked Deputy Mayor Denning that if we turn this over to the Planning Commission, should we inform them of the potential legal liability that we are in with the current situation. Deputy Mayor Denning said I think they should be informed and I’m sure most of them will do homework or staff will inform them; my understanding is that where we could run into our legal situation is by making a decision who and who cannot put signs up. He said rather than just saying no to everybody, we limit what the Law Director said we could limit which are size, duration, and number. He said if we limit the size to a maximum of 16 square feet and limit the total number of square feet to 160 square feet. Mr. Fullenkamp said all the signs combined. Deputy Mayor Denning said all the signs combined and that would give them the maximum of 10 signs; you could even limit that they couldn’t be within 200 feet of each other – it doesn’t matter to him, but that way folks are allowed to put signs up; and duration. Mr. Fullenkamp said so if I wanted to put a sign up for my birthday, I’m going to come before you guys for permission. Deputy Mayor Denning said you don’t come before us; it’s a permit. Mayor Flaute said like a garage sale permit. Mr. Schock said did you read this.

Mr. Fullenkamp said yes but this doesn’t address the right of way. Mr. Schock said no; we don’t want them in the right of way. Deputy Mayor Denning said I still say they should be in the right of way. Mr. Schock said there are enough private property owners out there on the main thoroughfare that you can utilize them. Mr. Fullenkamp said that was the heart of our discussion before is that we know that’s allowed; we know we can place signs outside of the right of way. Mr. Schock said this gives you more size and it can’t be there forever. Mr. Fullenkamp said so you want the ability to put larger signs up on private property.

Mayor Flaute said I am like Deputy Mayor Denning; I’d like to see this but I’d like to see it in the right of way. Mr. Schock said I am more than willing to send this piece forward and see what they come up with; just get the ball rolling. Deputy Mayor Denning said I think we should give them……Mr. Schock said no, he doesn’t want to give them any guidance – there’s enough guidance right there to let them take it on their own; I don’t want to be micromanaging. Deputy Mayor Denning said exactly; all we are saying is this ordinance needs to be changed, here are the legalities we are trying to overcome, and what is your answer – that’s it. Ms. Campbell agreed and said give enough time. Mr. Schock said did you read it. Ms. Campbell said I skimmed through it real quick – it said two weeks; what about when political time comes up, they put those out a month ahead of time.

Mr. Chodkowski said the way this language was drafted, I believe it was after the last council meeting; Mr. Schock came to me and said hey, could you propose a solution to this problem where these community and civic organizations could have signage but not within the right of way. Ms. Campbell said that’s the way it is now. Mr. Chodkowski said no it’s not; the code is very muddled in this way and not everyone and not everything is entitled signage or to a size or to a time frame. He said the short version is that in a few minutes, this was what I was able to put together based on the guidelines the Law Director previously provided understanding that while the primary focus of this is that sign content regulation now falls on the private property owner and not on the city. He said assuming that language similar to this or resembling this is recommended by the Planning Commission and adopted by council, there are several caveats that have to go in this because political signage is exempt and there’s holiday decorations, there’s all kinds of stuff that has to be built into this language in the event the Planning Commission recommends and the council adopts. He said garage sales are going to be exempt – there’s a special section for that; real estate signs, commercial signs as opposed to temporary commercial signs as opposed to promotional signs for community and civic organizations which is what this language is about; so there are a lot of things that need to be worked out and this is just basic framework.

Mr. Smith said looking at number 4 on this sheet of paper you have on here that signs can be no more that 12 square feet each; that’s 3 by 4 in a residential yard and no more than 24 square feet so that’s 2 signs 3 feet by 4 feet or 6 feet by 2 feet. Mr. Chodkowski said that’s sign area so basically you could have a double sided sign; if it has a message on both sides, that’s two signs. Mr. Smith said that’s 1 sign.

Mayor Flaute said so if we agree to this, we would get a resolution that we want to send it to the Planning Commission. Mr. Schock said we don’t even have to do a resolution. Mr. Chodkowski said you don’t agree to anything; what you would do is ask the Planning Commission to examine and recommend a textual amendment to the zoning code that would either: a) allow all temporary signage to be placed in the right of way or; b) prohibit all temporary signage placed in the right of way but that they offer other language to accommodate civic and community signage. Mr. Schock said I don’t want to give them an “a” or a “b”; I want them to be creative and come up with…….Deputy Mayor Denning said that’s the true answer; it’s either “a” allow all or “b” allow none and we are going to have a caveat the other way. Mr. Fullenkamp said then you don’t want to give them this paper either, right. Mr. Schock said I do want to give them this; I don’t want the word “none” out there; I don’t want to give them the all or none thing. Deputy Mayor Denning said Mr. Schock, as you said before, the Mayor is an Ex-Officio member of the Planning Commission so he can have some input and I don’t necessarily think we need that letter.

Mr. Smith said I think when you have this discussion with the Planning Commission that you have the Law Director present so she can explain any questions they may have. Mayor Flaute said that would be fine; we can do that. Mr. Chodkowski said we can see but we do have several opinions and rather lengthy minutes. Mr. Schock said yea but sometimes there can be questions pop up. Ms. Campbell said well we can all go to the Planning meeting. Deputy Mayor Denning said no we can’t. Mayor Flaute said so if you can make that happen Mr. Manager, I think council is in favor of that.

Mayor Flaute said I did 15 weddings in the last three weeks - $750 – and I’m having fun with that. He said I represented the city in attending the Community Action Partnership award breakfast, the First Suburbs meeting, and a Mayor’s Prayer breakfast in Xenia. He said I went to the Change of Command ceremony at WPAFB where Gen. Hoffman gave up command and Gen. Wolfenbarger, a Beavercreek graduate, came in. He said she is the first female ever to be a Four Star General; it was a great event and I’ve never seen so many Four Star Generals in one place before – it was truly amazing and I was proud to be part of that history. He said I attended the farewell event for County Commissioner Debbie Feldman; many might know her, she is moving on as CEO of the Children’s Medical Center. He said it was a very nice event and I represented you there. He said the Bike Rodeo is coming up June 9th at Beverly Gardens Elementary so please come out and help – they can use the help. He said we got a thank you letter from the AFA saying they are pleased we are members again.

Deputy Mayor Denning said I would like to thank everyone who came out to the Relay for Life. Mayor Flaute said I didn’t get a pie in the face. Deputy Mayor Denning said I know; we sold 300 and some but it was a well attended event for the community and it turned out very well for everyone. He said the manager didn’t have to take a pie, the deputy chief didn’t have to take a pie, I don’t know whether that’s good or if they threatened people but the manager has said if the administrative staff and/or the fire staff come up with their $200 fundraiser, he was willing to take a pie out here in the fire bay. He said we’ll get pictures and put them up on the website if and when that happens. He said I would like to say thank you to the fire department; they were out there running around in their pink shirts and on Saturday, they were all the way around the edge of the track and they got a call; they had put on their bunker gear to make it a positive thing and lo and behold the farthest away they could be from their equipment and the tones drop and they came running across the field. He said it was a really neat sight with air packs on and those guys were out of breath. He said also on Sunday morning the next crew came in and we had our beat-the-car-up out there with different names of cancer on it; we offered them the opportunity for training and they took it and it brought all our folks that were there together that morning because they got to see the fire department do a demonstration on the jaws-of-life which was a really neat thing to see. He said they had a brand new guy who got trained; it was a lot of fun for everybody and it was very positive for everyone involved. He said the final total was in the neighborhood of $21,000; the goal is $40,000 and we still have until mid August to reach that. He said we are still reaching for the stars and I want to thank everybody – the Mayor, Mr. Smith, Mr. Schock came out, the manager was there, Mr. Miller came out and deputy chief was there, so it was well attended.

**ITEM 19: ADJOURNMENT:**  A motion was made by Ms. Campbell to adjourn. Mr. Schock seconded the motion. All were in favor; none were opposed. The meeting was adjourned at 9:43 p.m.

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William R. Flaute, Mayor Clerk of Council