**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, absent; and Mayor Flaute, present.

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

**ITEM 3: EXCUSE ABSENT MEMBERS:**  Mr. Smith arrived at 6:04 p.m. There were no absent members.

**ITEM 4: ADDITIONS OR CORRECTIONS TO AGENDA:** The agenda was revised prior to the meeting to add pending litigation for discussion in Executive Session, Item 18. Mr. Chodkowski asked that personnel also be added to the Executive Session discussion. Mr. Smith asked that Item 6 c be added to the work session to discuss a zip code for the city.

**ITEM 5: APPROVAL OF AGENDA:** A motion was made by Deputy Mayor Denning to approve the agenda as revised and amended. Mr. Schock seconded the motion. All were in favor; none were opposed. **Motion passed.**

**ITEM 6: WORK SESSION ITEMS:**

1. DPL Energy Group

Mr. Chodkowski introduced Mr. Bob Stallman.

Mr. Bob Stallman, Director of Community Development for DPL Energy thanked council for the opportunity to talk today and he introduced other members of his team; Dan Sholler, Kim Human, and Sharon Schroeder. He said we are all with the DPL Energy Group and he wanted to have them all come out and talk to council about and address something that’s pretty important and has been changing quite a bit over the last few years. He said we thought this would be a good opportunity to give you an update on that.

Mr. Stallman said first item is who are we which is confusing to some of our customers. He said essentially there is DPL Main which is the holding company of the organization and that is split into 2 different types of structures; first is Dayton Power & Light, they’ve been around for 100 years and it is a regulated utility overseen by the Public Utilities Commission of Ohio; they have about 500,000 customer within a 24 county, 6,000 square mile area of west central Ohio. He said DPL Energy is on the unregulated side; formed essentially to provide unregulated services and evolved around the year 2000. He said we do have another unregulated business you might be familiar with called Miami Valley Lighting which provides street lighting and outdoor lighting services for many of the communities in the DP&L service territory.

Mr. Stallman said there was legislation passed in 2000 deregulating the utility industry and restructuring the utility industry in the State of Ohio that stated from that point going forward customers now had the option to select an alternative generation supplier if they wanted to do so. He said generation supply is a small part of the overall business but it’s very significant. He said when we talk about supply, we are talking about the power plants and in Ohio, most of that is coal based plants but in other areas it can be generation produced by natural gas or renewables. He said the generation or power plant aspect is the unregulated part but as you get a little farther along as to how that type of service is provided to the customer, it goes through a transformer, transmission, a distribution sub station, and into the residence and the DP&L regulated side is all the poles and wires and transformers.

Mr. Stallman said what’s really taken place over the last 2 or 3 years is more of a dramatic change as the market has changed – not only the market but also the economy. He said under the change in regulatory environment you have a process that has moved more towards a competitive power market. He said actions that have taken place at the federal level and at the state level are encouraging and promoting the competitive generation market so it maintains as a fully functioning market for customers to have ample choices and opportunities to make selections and that there is a pricing mechanism for them to be able to compare. He said things you would typically see in a market type of a structure. He said in addition to that some recent changes we are keeping an eye on with other utilities such as American Electric Power and Duke Energy is applying two different plans – one is a plan you can provide for a standard tariff type of structure and what most people are used to; or you can provide a market option in which the generation supply is a market rate type of structure rather than the old regulated type of structure. He said there has been a lot of that type of activity going forward on how the PUCO wants the utilities to proceed in that fashion and based on that, it’s created a little confusion that’s still moving forward towards a market environment.

Mr. Stallman said how that impacts what’s going on in this service area is that DP&L is under an existing plan right now and you can go out on the web to find the different types of rate structures associated with it for your generation and your distribution but that plan is going to expire by the end of this year. He said DP&L has to file a new plan by the end of March with the PUCO that will determine what the rate structure is beginning January 1, 2013. He said there are a lot of different changes the PUCO and the utilities are looking at going forward as the market starts and continues to evolve over the next several years. He said DPL Energy is on the unregulated side which means we provide generation services and other services at prices that are different than DP&L because they are regulated. He said we are more of a market based type of service. He said as an affiliate of DP&L we have existing relationships with many more government customers in a number of other capacities. He displayed a slide showing the area in which they are looking to do business

Mr. Stallman said DP&L Energy was incorporated in 2000 to provide generation service on the market based rate and we are currently one of the largest unregulated providers in Ohio serving electricity supply to over 50,000 customers. He said we’ve done things in various avenues, one is buying group; we’ve worked with different entities that want to look at things from a buying group perspective to try to take advantage of some things. He said we’ve also done some things on the mass market; we have an offer out there that a number of residents are taking advantage of right now. He said we also have some aggregation experience; we entered into an agreement with a community to do an aggregation program based on their desires and it was something they wanted to provide for their residents which consisted of a generation supply/street lighting structure.

Mr. Stallman said we’ve also been a big part of the community: the DP&L Organization itself; we have individuals that are volunteers in the communities we serve; and we are the generation for the existing supply of street lighting for many governments right now at market based prices and for their operational facilities like the police stations, fire stations, water plants, recreational centers, all those types of things.

Mr. Stallman said one of the main drivers as it relates to the pricing of generation is really the fuel aspect of it. He said fuel is the largest variable cost and it takes a lot of fuel to produce the power necessary for residences. He said one of the reasons we’ve seen, and you’ve probably seen at your homes a number of different types of things about being able to take advantage of other options as it relates to purchasing generation, is the movement of the wholesale power market in the last 5 years especially as it relates to natural gas. He displayed a graph showing that beginning in 2007 gas prices dipped down and continue to be depressed because of the natural gas supplies available. He said as long as the fuel aspect of natural gas continues to be at those levels, our expectation is the market price of generation will continue to be correlated with that and very competitive as compared to regulated rates.

Mr. Stallman said there are a number of different choices for residents to select from; you are probably receiving information at your residence, it’s a full fledged market with a number of suppliers available for customers to choose. He said our choice for residential customers is at 6.9 cents per Kilo Watt Hour and you have probably seen information at your home and other avenues in which we are promoting it. He said that particular option allows residents to save over $200 annually on their bill and it allows customers to make a choice to fit their needs. He said there are a couple other options uniquely for local governments in our community which we refer to as government negotiated programs. He said the local government acts as the purchasing agent for the generation supply for residential and small business customers within the community. He said a couple things we think are smart for the local government to consider: is this something the residents want us to provide and secondly, is it a service that you want to provide.

Mayor Flaute asked if that was the aggregation part talked about earlier. Mr. Stallman said it is but there are two different types. He said the first is called opt in aggregation where essentially the community says they want to provide an opportunity and we want to negotiate a rate structure with DPL Energy on the supply of generation for the residents and small businesses in the City of Riverside. He said the customer in that case would be the resident; we would put something out and they would say if they want to participate in that program and they could opt in. He said the resident has a choice if they want to be in that program or select from all the other offers they may be getting information on. He said that provides savings immediately to the residents; the program is easy to structure and the marketing/education of the program would be with us. He said we would work with you to determine what the appropriate message is to send out to residents.

Mr. Stallman said another type of aggregation program is called opt out which requires the resident to take an action to not be part of the program; the residents will have to say they don’t want to be involved. He said since this is a more inclusive program, there are additional steps that local governments have to take, one of which is putting it on the ballot. He said the residents actually have to vote on that particular type of program and say they want the City of Riverside to provide that type of service for them. He said it is inclusive and you are automatically in the program unless you take an action not to be by opting out. He said you also need to file a plan of governance as well as many other steps and processes to go through because of its inclusive nature.

Mr. Stallman displayed a list of things they thought should be considered as local governments go through this process. He said one is that competition currently exists; if it’s something you want to provide for your residents, it’s not like they don’t have other options – they have several other options. He said there is a little uncertainty in the regulatory arena; what will the new DP&L rates look like beginning January 1, 2013. He said PUCO is sort of moving utilities traditionally towards a more competitive market and DP&L’s rates could be lower or could be higher, we don’t know but the ability to compare isn’t available at this particular point in time. He said also to consider is the time to implement different programs; obviously the opt out program has a lot of steps that the Council, the City Manager, and other Staff would have to be involved in which may be okay, it’s just something you need to think about on where you want to spend your time and resources. He said other things to consider are the voter requirements, the opt out voter requirements, all those different things to make sure you are tracking okay who opted out and making sure that they are not in the specific program. He said there are additional tracking mechanisms you have to do for that opt out requirement. Mayor Flaute said you guys wouldn’t do that if we aggregated and you were our choice. Mr. Stallman said we would do that but those are additional steps that we and the City of Riverside would go down the path hand in hand because if residents opt out, you want to make sure that there is not any errors. He said there is nothing worse than if a resident says they don’t want to be part of something and a mistake is made. He said there are other voter requirements associated with that, obviously the biggest one is putting it on the ballot but there are other requirements you have to go through for the opt out program. He said another thing to consider is your level of involvement; do you want to provide that as a service. He said he thinks this is a discussion council would want to have to be able to look at the risks, benefits, pros, and cons of all those different kinds of things.

Mr. Stallman said the last part if this is regardless of where you want to go or what action you want to take, we want to be able to help you in whatever way we can. He said we believe as an entity that’s here in the DP&L service area already, we have a pretty good understanding of working with our local governments and how they may want to move forward on this. He said we may be able to do a couple different things as it relates to creative solutions and as he indicated before there is already an existing business relationship with us now based on street lighting, generation and supply of your operational facilities, and those are obviously things we can look at as we move forward if that is something you want to do. He said we can also help on the energy efficiency side; one of the things the residents and businesses tell us is that they really like the opportunity of being able to select or make a choice on the generation side but on the energy efficiency side they don’t have some of that expertise, so that’s something we may be able to bring to the table. He said finally it kind of continues with the long standing relationship/partnership we currently have with the City of Riverside. He said there’s a lot of little different things he thinks are unique that they can bring to the table if it’s something you want to move forward with.

Deputy Mayor Denning asked if there was a difference in price to the customer for the opt in program vs. the opt out program. Mr. Stallman said there could be; under the opt out, because you have a little larger buying group you would have a little bit different price. He said the flexibility you may have on an opt in program would be here’s a price but you might want to negotiate something in addition to that such as street lighting, generation supply services for operational facilities, those types of things could be included in that which ultimately lowers the cost of those operations you are responsible for and lowers that for the taxpayers. He said it just depends on how you want to do it. Deputy Mayor Denning asked if the difference would be significant. Mr. Stallman said the other part would be, at the opportunity where you want to think about doing that, what is the market at that particular point in time; this is a commodity and commodities are based on market pricing, what may be the price today could be vastly different in 6 months. He said we work very closely with businesses on this and as we sign customers, as we do things to generation supplies for them, we base a lot of the arrangements on what’s it going to be today vs. two days later because the market does move. He said a lot of that would be dependent on when you want to do what type of program and what the market pricing would be at that particular time.

Mr. Fullenkamp asked what DP&L’s basic generation fuel was - mostly coal. Mr. Stallman said DPL Energy is unregulated and we have the ability to purchase generation from a couple different places. Mr. Fullenkamp said you are not a generator. Mr. Stallman said correct; we are what’s referred to as a competitive retail electric supplier that provides generation pricing at market based competitive rates. He said we don’t actually own generation but we can buy generation from coal at DP&L’s power plant and we can also buy generation from renewable sources such as wind or solar or those types of things. He said it just kind of depends on the individual community; if you’re just looking for the lowest price, then you would leave it up to us to do that; if you want low cost but also want 50% from a renewable source then we would obviously look at doing that also. Mr. Fullenkamp said he always prefers opt in programs because it leaves it up to the individual but going back to Deputy Mayor Denning’s question; an opt in program wouldn’t remove the opportunity for us to talk about rates, that could be part of the package. Mr. Stallman said correct and the opt in has a little more flexibility; the opt out is more of a residential-specific type of program. Mr. Fullenkamp asked if the rates would be based on participation in the program. Mr. Stallman said he thought the resident would want to know the rate before they made a decision to opt in or opt out. Mr. Fullenkamp asked if they had done any opt in programs. Mr. Stallman said no; we have an opt out program which included street lighting services so the prices included things other than just the residential service.

Mr. Smith said you mentioned something about the voters; would this be something we would have to put on the ballot. Mr. Stallman said yes; on the opt out program. He said by law and based on the legislation you have to place that issue on the ballot because it is more of an inclusive program; if it’s passed by the residents and they say they want Riverside to provide that service, everyone is automatically in; their only choice is to opt out of the program. He said you could put it on the ballot at the next general election. Mr. Smith asked if there were other communities that have put it on the ballot. Mr. Stallman said yes; back in 2003 we had 14 place it on the ballot and some were approved, some were disapproved. He said we had some local communities that placed it on the ballot in November of last year and again some were approved and 4 or 5 decided that was not a service they wanted their local government to provide. Mr. Smith asked how much it would cost to put it on the ballot. Mr. Stallman said typically that’s a city cost and he doesn’t know what that would be.

Mayor Flaute said if we place it on the ballot, do we have to say who we want; for example, we had a group in here called Energy Alliances prior to this. He said if we place it on the ballot do we have to say we want Energy Alliances as our aggregator. Mr. Stallman said 2 answers; first, your legal people would probably interject what the ballot language is going to be but most of the language he has seen doesn’t indicate that – it simply asks do you want the city to be a purchasing agent for the generation supply in order to provide opportunities for electricity savings to the residents – or something like that. He said it doesn’t actually list who the supplier would be. Mr. Chodkowski said his understanding was that once a community votes for an aggregation program, then it becomes the city’s responsibility to request RFPs or RFQs and then city council determines who the supplier is.

Deputy Mayor Denning said then if you aggregate, it’s a 2 or 3 year contract; it’s not permanent so we, as council, could change the supplier every few years. He said it’s like saying okay, everybody’s going to be on Sprint and you don’t have a choice, unless you decide to go to Verizon, but you have that 2 year contract. Mayor Flaute said the assumption is you are saving money. Deputy Mayor Denning said it is an assumption you are saving.

Ms. Schroeder said it is a requirement that at least every three years you can opt out without any type of penalty but in terms of the actual agreement, if you decide to do an opt out aggregation program with DPL Energy, we can negotiate that as long as you want. She said we can have a 10 year term because we know we want to have a relationship with you for the long term. She said every 3 years we need to make sure folks are notified again and give them the opportunity to opt out with no penalty. Mr. Stallman said there is flexibility in how you can do that.

Mr. Schock said so if we go through this scenario so we can start deciding who we want to supply our energy then all of a sudden there’s all this transition going on and 60% of the people decide they don’t want it. He said we could negotiate a 3 year contract and the residents change their mind. Mr. Stallman said he would put that under things to be considered; that is a possibility. He said it’s the risk you take; it is a market environment for a commodity. He said he was happy Mr. Schock was looking out for them.

Mr. Curp said it sounds like from all the questions that are coming up, maybe we should have DPL Energy come back and give us a full bore presentation on the program instead of piece meal. Mr. Stallman said we would be happy to do that at your convenience and if there is some general direction you desire as a council to pursue more information from us, we would be very happy to do that. Mr. Curp said secondly, one of the economic development consultants the city has retained for working with us on the development of the property across from the Air Force Museum has suggested the city do a comprehensive review of the street lighting infrastructure throughout the city to improve the aesthetics. He said they’ve identified that some places we have wooden poles and other places we have metal poles, some places have one style of light fixture and other places there is another style. He said we need some kind of comprehensive overview whether it be DPL Energy or DP&L. Mr. Stallman said that would be with us, DPL Energy; it’s a service we provide currently on those facilities in the City of Riverside. He said we can discuss with council the different types of things you want to look at and we could certainly evaluate that and go through an analysis with you on that.

Deputy Mayor Denning said the thing he would be more interested in is the opt in program but he would like to know if we get to one level of participation, the price drops then if we get to a higher level of participation, the price would drop again. He said to him that would put community pressure on folks to opt in and then we don’t have to put it on the ballot. Mr. Stallman said a tiered structure or something like that. Deputy Mayor Denning said so the more you get your neighbors to opt in the better price it is for everybody.

Mayor Flaute said maybe; what he got from the last presentation and he’s trying to get from this one is if you get an opt out program; you are probably going to get a better rate because you put the whole city with one aggregator. He said you should get a better price so people wouldn’t want to opt out. He said the last group stated they would be doing all the advertising. Deputy Mayor Denning said he did a little more homework and you need to read some more stuff; it’s if they approve you to get in. He said if there are 800 of our residences that aren’t approved by the aggregator, they don’t get that company. Ms. Campbell asked why they wouldn’t get approved. Deputy Mayor Denning said he didn’t know – it could be credit issues or it could be anything. He said if you read through the material it says you have to be approved by the company; even if we do the opt out program, the voters approve, and we make a decision to go with Energy Alliance, then they have to approve of each resident, the ones that aren’t approved have to go somewhere else and won’t get the great rate. He said he didn’t think it was everything it was cracked up to be and we have to be careful of what we do.

Mr. Stallman said if you want to discuss it internally; we would be happy to come back and talk about this at your earliest convenience on a number of different issues depending on the kind of direction you want to take. He said it is a very big decision as all of you understand and he’s sure as elected officials for your community, you want to make sure you make the right decision for them. He said hopefully we can provide the necessary information to help you make that decision.

Mayor Flaute said what bothers him is the Energy Alliance folks are out there; they went out to all the communities in Ohio and they are trying to get everybody to consider aggregating and he doesn’t get that sense from DPL Energy; that you guys are really that excited or even interested. Mr. Stallman said we want you to select; it’s not our decision to tell you what to do and how you want to do it. Mayor Flaute asked if they were out there trying to get folks to aggregate. Mr. Stallman said we have an opt out community we are doing now; this is something that has just sort of evolved. Mr. Schock asked which community. Mr. Stallman said New Paris. He said this is something that is relatively new in the DP&L service territory; we are moving forward with it but I’m not going to come in here and say you need to do this; that’s your decision as a council member and he would think you would want to determine what’s the most appropriate path for your community. He said there may be another community that says they don’t want to do that. Mayor Flaute said he understands that; it’s your perception he can’t quite wrap his arms around.

Mr. Schock said you know what you are missing Mr. Mayor; the first group was a high pressure sales group. He said these guys are laid back and saying here it is. Mr. Stallman said there are 3 choices; one, residents have multiple choices. Mayor Flaute said one of the reasons we would want to aggregate is so that maybe they wouldn’t be burdened with all those choices. Mr. Stallman said that’s one choice, then there’s a couple of different options you have as a local government either through an opt in or an opt out. He said we are just trying to present information on what those 3 are so you can evaluate which one is the best for the City of Riverside.

Deputy Mayor Denning said to help us make that decision, if we have you come back, he would need to see numbers based on the day you come back. He said not necessarily what’s going to happen, just numbers on an opt in vs. an opt out, that kind of thing, and if you need more information to help you get those numbers, we can get it to you ahead of time. Mr. Stallman said if you could determine what kinds of information you want us to come back with and forward that to the city manager, and then we can get the list and address all those things – we would be happy to do that. Deputy Mayor Denning said that’s going to help us make a decision on whether or not aggregating is a good thing or not because we are all getting our DP&L bills but we need more information to see whether it’s a decision that’s worthwhile for us to force people to buy electric at a certain price.

Ms. Campbell said there is a group going around called Border for DP&L. Mr. Stallman said he didn’t think there was an entity named Border that’s associated with DP&L. He said in this environment, there are a number of competitive retail electric suppliers, and there’s also marketers, brokers, etc. Ms. Campbell said they did have several listed; like Vectren Source or Vectren Energy – same thing they are doing. She asked why we have to aggregate; we are getting choices without having to do any of that. Mr. Stallman said you are absolutely right, you don’t have to at all; customers have multiple choices. Ms. Campbell said then why do it. Mayor Flaute said the only reason he thought they would do it was because like Deputy Mayor Denning stated, it’s going to save the residents money. Ms. Campbell said how. Deputy Mayor Denning said that’s what somebody has to prove to me – that it’s really going to do what we think it’s going to do. Mayor Flaute said according to these Energy Alliance folks it’s going to save all the residents a whole bunch of money.

Mr. Stallman asked if that sounded reasonable, what he suggested, that they will follow up with the city manager and come back at your convenience to address the items you want more details and information on to help you make a decision that’s best for the City of Riverside.

Mr. Smith asked if the city can opt in without the residents and could they give us a price on the cost to operate our buildings. Mr. Chodkowski said we already did that; it included all meters that were registered to the city and all of our public right of way service connections. Mr. Smith asked where we were with the spotlights over in Community Park, those are pretty expensive. He said where does that come in and are we saving any money. Mr. Chodkowski said he didn’t know but he didn’t think those have been actively on since we opted into the DPL Energy program. Mr. Smith said we can look at the KWH and figure out what kind of savings we are going to have. Mr. Chodkowski said that is correct. Mr. Smith said when Mr. Rieves was handling the city’s affairs; he said it was $5,000/month just to have power to those spotlights. Mr. Chodkowski said that is not correct; he will pull the numbers and update the information from a few years back.

Ms. Schroeder said to address a couple of the earlier questions about the price and the difference and why some are pushing opt out aggregation and it doesn’t seem like we are – those types of questions. She said the design of any of these programs like a mass market campaign like you are getting at home from all the suppliers or an opt in program or an opt out program; those are all designed to save you money. She said as Mr. Stallman mentioned, not knowing what DPL’s end tariff is going to be next year, nobody knows if they will be better or worse but they are all designed to save you money regardless of which one. She said the question regarding the difference in price, again they are all designed to save you money and maybe one rate is slightly different than another. She said the folks that came in to talk to you earlier have only one program they are offering which is an opt out aggregation program; we are offering you a number of options to see what it is you really want to do. She said they are offering you one option and as a broker, they only make money on that one program.

Ms. Schroeder said something to consider that we talked about; can we bring a rate comparison of opt in vs. opt out. She said she didn’t think this had been on the ballot here so if we were to give you a price today for an opt in program it’s something we could sign today and in a week we would have marketing materials with a price. She said the opt out price can be ball parked but it is a wholesale market that changes hourly and the price wouldn’t be available until after December because of the ballot issue. She said we would be talking about a price in April compared to a price we could give you in December. Deputy Mayor Denning said he understood that but he just wanted to see the 2 prices compared for that day – that’s an apples to apples comparison for him. He said he understood by the time all that happens it may be a different price but it gives him information to make an educated guess if opt out is only going to save us .7 cents per KWH vs. an opt in, why would we want to jump through all the hoops to do an opt out program and should the government be in the business of telling people who their supplier should be for .7 cents per KWH. He said that’s the only reason he needed that comparison, so he can make an educated decision whether it was the right direction for us, as a council, to go and if it isn’t, we can move forward with the opt in program and be done. Ms. Schroder said that’s exactly correct; as the Mayor mentioned a larger group will get a lower price and the logic is, that’s true; but is it enough lower to counteract that you have to wait until December to get a lower price plus pay for the cost to put it on the ballot and go through the process. She said you have to weigh the differential, either one is going to save you money.

Mayor Flaute said the high pressure guys came in here and said we wouldn’t have to do anything; they would notify all the residents and all we have to do is put it on the ballot. Mr. Curp said they were talking about the ballot campaign itself. He said Deputy Mayor Denning is talking about dollar comparisons to determine whether or not we want to put it on the ballot; not who is going to do the campaign whether it is us or DPL Energy or Energy Alliance. Deputy Mayor Denning said exactly; if we choose opt out let the other company campaign – it doesn’t mean we have to pick them. Mayor Flaute said the only reason he said that was because you said jump through hoops and according to those guys, we wouldn’t have to. Deputy Mayor Denning said you still have to educate the voters to make sure they understand what they are voting on. Mayor Flaute said we have to know what we are voting on too. Deputy Mayor Denning said exactly and he didn’t think council had a clear picture of what this means.

Mr. Curp said the other organization didn’t say they were going to pay the cost for the ballot; they were going to pay for the campaign. Deputy Mayor Denning said it costs us $10,000 to put it on the ballot. Mayor Flaute said no it won’t, we asked that question. Mr. Schock said its $8,000. Mayor Flaute said if it’s on a regular voting cycle, it’s not that much; $12,000 is a special election. Mr. Curp said but they weren’t paying it. Mayor Flaute said no, we were going to have to pay that. Deputy Mayor Denning said even $5,000 of city money to put something on the ballot for .7 cents per KWH savings – that’s his question.

Mr. Stallman said so we know how to proceed, the next step is that you are going to talk, then have us come back to address specific questions. He said in the meantime; if any questions come up, please don’t hesitate to call us if there are other things you think about as it relates to this decision and you didn’t discuss it.

Mrs. Lori Luckner asked if she could ask a question on this. She said she heard them say that every 3 years they would send out a notice to be able to opt out; would a resident be able to opt out at any other time or are we locked in for 3 years. Ms. Schroeder said if you didn’t opt out at the beginning of an opt out program; you can’t opt out again until the third year unless you pay some termination fees.

Mayor Flaute thanked them for coming in.

b. Towing Contract Bids

Mr. Chodkowski said pursuant to council’s request, you were provided a packet of the full bid submittals from each of the 3 vendors. He said additionally we provided you with a follow up communication from the Law Director addressing concerns that Mr. Smith provided at the last meeting. He said he or Chief Reiss would be happy to answer any additional questions you might have. He said on a final note, we did ask each one of the vendors that submitted a bid to be here tonight to answer any questions council might have. He said he didn’t see a representative from Sid’s Towing.

Mayor Flaute said we did get a lot of information from our Law Director but it says confidential on it; what are we allowed to do with this and not get in trouble. Mr. Chodkowski said this particular document has been noted as attorney work product and is confidential in nature that it has been provided to you to help address the questions and concerns that you had. He said if council chooses to waive that confidentiality, then it is waived and it becomes a public document and any citizen can ask to see the document. He said if you choose to maintain the confidentiality you may provide general reference to the document but may not specifically cite the document. Mayor Flaute said does everyone understand that and are there any questions.

Mr. Schock said there is a part where questions were asked in a public forum and the Law Director has answered them; he thinks it should be read into the record. Mr. Chodkowski said you can’t waive the confidentiality on certain portions. Mr. Schock said it is separate. Mayor Flaute said well it is going to be your choice. Mr. Schock said our choice and it’s his feeling because the questions were asked in open session.

Ms. Campbell said she would like an executive session to discuss it and then bring it out.

Mr. Curp said he didn’t see any need for an executive session and he didn’t see a need for continuing with the discussion on the bids. He said it appears from all the documentation we have that the Chief made the proper determination; it was reviewed by the City Manager who made a proper determination; and we should just move on. Deputy Mayor Denning said he agreed. Mr. Fullenkamp said he agreed. Other council members agreed.

Mr. Smith said he just had an odd question. Mayor Flaute said the majority of Council says we should just move on. Mr. Smith said Sandy’s Towing mentions that if the City of Riverside calls to have one of their vehicles towed, it will be at no charge to the city; isn’t that a kick back and isn’t that illegal. Mr. Chodkowski said he wouldn’t classify that as illegal. Mr. Smith said we are being rendered services we are not being charged for. Mr. Chodkowski said we did not solicit that component of the contract and we did not caveat that service at no cost. He said a kick back would be they pay us money to do service work for us and in this case that’s not occurring. Mr. Smith said you have 2 bids that are willing to charge you to do it and Sandy’s is not; that’s rendering services. Mr. Chodkowski said that is their choice and we did not contingent the bid or make the award on that. He said the answer to your question is no, that is not considered a kick back and the Law Director was provided the full compliment of documents that you were provided and if there was an issue the Law Director would have brought that to our attention.

Mr. Curp said he would interpret the bid the same way; he interpreted the basic bid for coming out and hooking and towing. He said then if there are ancillary services that need to be added, there was an additional fee to be added to the basic service – things like traffic accidents, towing from driveways, etc. but if we can’t get our police car unlocked and they want to do it for free, fine, but they don’t charge $120 then add an extra fee. He said that’s where the fee was wrong before; they don’t do that for a standard citizen. He said that’s a separate service altogether aside from this towing contract we have. He said it has nothing to do with the city’s towing contract; a citizen can call any of the 3 companies to come out and unlock the door and they will pay a fee for that.

Mr. Smith said he understands but Mr. Chodkowski mentioned that he believed Sandy’s bid was in the best interest of city and for those persons who will be subject to the services. He said to tow a car from a crash scene, Sandy’s is $120; whereas Hollis will do it for $95 and Sid’s will do it for $100. He asked how that was in the best interest of the city; city residents will pay more when we have the opportunity for them to pay less. Chief Reiss said when you look at traffic crashes; most typically there is some ancillary service required, more often than not, to tow the cars whether it’s separation of the vehicles or flat-bedding them or winching them; an additional wrecker is required to accomplish that tow. He said Hollis Towing charges an additional fee for those ancillary services, Sid’s Towing charges an additional fee for those ancillary services, in the case of Sandy’s Towing, they do not. He said so more often than not Sandy’s fee will ultimately be less because typically other services are needed than just the standard drive up to a vehicle, hook up to a wrecker, and pull it away.

Chief Reiss said with respect to Deputy Mayor Denning’s question a few weeks ago, we did compile some statistics on how many vehicles we had towed last year. He said we towed approximately 665 cars whether it be through accidents or zoning issues and out of the 665 towed, 62% of the time additional ancillary services were required to tow the vehicles. He said you incur a lot of unusual problems when you tow cars because of zoning issues; it is a contentious issue with people when cars are towed off their property and often times those vehicles are towed from back yards which require winching fees or it’s something other than a vehicle such as a motor home or a travel trailer and sometimes we have to move multiple cars to get to the one we are going to tow. He said in those cases, the tows ultimately end up costing those people far more than the additional fee and in the case of Sandy’s bid, they said no matter what they had to do it was still going to be $120 so by the time he went through all that, at least 62% of the time for the people we are forcing to use that service, Sandy’s Towing was going to be the most cost effective – not always, but at least 62% of the time.

Mr. Schock said if you are involved in an accident and your car is inoperative, do you get the choice if you want it towed by someone else. Chief Reiss said most of the time if a person involved in a traffic accident has a preference they will tell us that. He said typically the officers ask prior to requesting a wrecker and most people do not have a preference but we would call the wrecker of their choice if they specify. He said often times people will say they have AAA and they need a AAA wrecker.

c. Discussion: Zip Code for the City of Riverside

Mr. Smith said this week he was in Washington D.C. for the National League of Cities Conference and he had an opportunity to meet with our elected officials there. He said he stopped at Senator Portman’s office and they weren’t too excited about helping us with a zip code. He said he explained our situation as to why we felt we needed one and they weren’t excited about it. He said he got over to Congressman Turner’s office and they were willing to help, they did ask though that we send them a letter asking for their support to look into this and they would do what they could to get us our own zip code. He said he is asking council to give him the authority to write the letter. Mr. Schock said yes. Deputy Mayor Denning said yes and additionally the Multimodal Transportation Commission is working on that also as one of their projects. Mr. Smith said does that have to do with transportation. Deputy Mayor Denning said they do lots of stuff and that was on their list of things to make the community more of a community. He said he was sure they would be more than willing to help you with anything you may need. Mr. Smith said okay.

Ms. Campbell asked if that would include, for example her zip code of 45404 comes up Dayton. Mr. Smith said that’s what we are working on. Ms. Campbell said would that be one zip code. Mr. Smith said maybe one, maybe two, one for the south and one for the north; right now we have five.

Mayor Flaute said good; get with Multimodal and see how they want to help. Mr. Curp said the city manager or staff might have a file on that because we’ve been down this road many times with the Postmaster, Congressman Turner’s office, and other offices. He said there might be something there that you can use to write your letter. He said good luck to you.

Mayor Flaute asked if there was anything else Mr. Smith wanted to talk about regarding his trip and if he talked with the EPA about our grant. Mr. Smith said no; he couldn’t find anybody available. He said he also didn’t speak with Senator Portman or Congressman Turner; he spoke to their office.

**ITEM 7: RECESS:** The Council took a recess at 7:23 p.m.

**ITEM 8: RECONVENE:** The meeting was reconvened at 7:38 p.m.

**ITEM 9: PLEDGE OF ALLEGIANCE:** Councilwoman Beverly Campbell led all those in attendance in the pledge of allegiance.

**ITEM 10: MINUTES: Consider approval of the minutes the March 1, 2012 council meeting.** A motion was made by Mr. Schock to approve the minutes as written. Deputy Mayor Denning seconded the motion. All were in favor; none were opposed. **Motion passed.**

**ITEM 11: PRESENTATIONS:**

1. Tom Fodor, National Red Cross Month Proclamation

Mayor Flaute welcomed Mr. Tom Fodor and said we are pleased that the Red Cross is working hard in our area.

Mr. Fodor thanked the Mayor and Council for having him to give the annual update about the Dayton Chapter of the American Red Cross. He said last year we started working within the Greater Cincinnati and Dayton area as a region; Red Cross took another step towards regionalization. He said we blended what we did and we’ve really become efficient and very capable in our core services that we provide to the community.

Mr. Fodor said the best example of that was the tornado that hit just south of Cincinnati. He said the former Dayton Chief Executive Officer, Fran O’Shannessy, had been hired as the Regional Disaster Director out of Cincinnati and working with us in Dayton, it was a seamless operation. He said instead of having to communicate with 2 or 3 folks out of Dayton as would have occurred under the old structure, Fran was able to deploy the resources of 10 chapters and 36 counties almost immediately to the stricken area. He said we are very proud of what we contributed to that response and that recovery is still continuing. He said he thought that was a good sign of future cooperation between the Cincinnati and Dayton chapters.

Mr. Fodor said you are going to hear some impressive numbers if the proclamation is read but one number he wants to talk about is the 900 volunteers – that’s what makes the Red Cross go. He said imagine if you had to pay somebody to assist a fireman after they had done their wonderful job – it’s really volunteers that make that program go. He said its volunteers that reach out to our military and help facilitate communications. He said volunteers help support our housing program right here in Montgomery County and in Greene County and on any given night, there are 52 families safely housed because of Red Cross services, the commitment of the communities, and the commitment of volunteers.

Mr. Fodor said we also educate our communities and in a typical year 24,000 people receive that education. He left some flyers for the audience members and said get a kit, make a plan, and be informed; those are the 3 actions steps by the Red Cross and please keep that in mind. He said tonight as you go home take one of the action steps, next week take another one, and finish it off the next week. He said we are in some tenuous weather times this time of year and it’s really up to all of us to band together to take some preparation, some steps to be prepared in case bad weather strikes or a disaster strikes in our area.

Mr. Fodor thanked everyone for having him here and for honoring Red Cross Month.

Mayor Flaute read a proclamation which declared March 2012 as American Red Cross Month and he presented the proclamation to Mr. Fodor. He thanked Mr. Fodor for his leadership and for keeping us all safe.

b. Dr. Mark Gebhart, Appreciation of Service

Acting Fire Chief Bob Turner introduced Dr. Mark Gebhart and said Dr. Gebhart is presently the Staff Physician at the Atrium Medical Center in Middletown. He said there are many volunteers that serve our community and serve us well; we ask they do things without anything in return. He said their motivation is simply for service and to provide skill, help, or expertise to those that need it. He said many work behind the scenes and many do not even know they are fulfilling this role.

Chief Turner said the Riverside Fire Department provides EMS services to our community and most the time you will see the ambulances run out of our stations because 83% of the time it is ambulance service that runs the department. He said it takes the vehicles and it takes trained personnel which you can see in the back of the room, but that one key person that a lot of people just don’t know about is our Medical Director. He said the Medical Director is a physician that takes the responsibility to ensure the EMS department is running with the proper training, standing orders, and standard operating procedures. He said each EMT or Paramedic is certified with the State of Ohio but they serve under the license of a physician which is our Medical Director. He said there is an awesome trust that they place in us as EMS providers.

Chief Turner said in 1997, Dr. Gebhart was asked to become our Medical Director; he doesn’t know if Dr. Gebhart knew what he was getting himself into but he took on the role willingly. He said Dr. Gebhart was always willing to give his input and direction as to how to make this department better. He said the EMS services of this department developed positively over the years and today our EMS personnel are known as some of the best in this area. He said we attract those who want to be a part of our organization to gain experience and we typically have students going through their certification riding with us because they have heard Riverside is the place to come to get experience. He said this is in part due to the leadership and direction Dr. Gebhart has given us over the years.

Chief Turner said up until last year Dr. Gebhart was the Staff Physician at Good Samaritan Hospital in the Emergency Department and the Director of the National Center for Medical Readiness which is a division of Wright State University’s Boonshoft School of Medicine. He said Dr. Gebhart also continues to be an Associate Professor at Wright State University. He said Dr. Gebhart is accompanied this evening by his wife, Jodie, and his children and he wanted to thank them for joining us this evening and sharing Dr. Gebhart with us over the last years.

Chief Turner said last year he got that unfortunate phone call; Dr. Gebhart called and said “Bob, I’m moving on to something new and it’s my time to step down”. He said Dr. Gebhart graciously agreed to stay on while we did our search and guess what – it’s actually taken 2 physicians to take his place.

Chief Turner said we have 2 things to present Dr. Gebhart this evening: from our Fire Department, what better thing to give him than a Firefighter’s Helmet which says Medical Director. He said secondly, from the Fire Department, City Council, and the Citizens of Riverside he would like to present him an Award of Appreciation – a crystal plaque that reads “Presented to Dr. Mark Gebhart in appreciation of 15 years of voluntary service as Medical Director for the City of Riverside Fire Department presented March 2012”.

Dr. Gebhart said Mayor, Members of Council, and Chief - thank you very much. He said we had a nice opportunity tonight and he wanted to thank the Fire Department; we sat down and talked about some of the times we had here at the City of Riverside. He said it does go back to 1997 and his daughter would sit on the podium in her pumpkin seat when we would do the EMS training so the time has been punctuated as a period with a lot of fond memories. He said there were good times and there were some very tough times; the tragic death of Firefighter Arrell years ago was a really hard thing for the department to go through. He said it was a period of time in his life to build a lot of relationships, meet a lot of people, and you truly do have one of the most progressive fire departments in this county. He said just as the Chief says there is one thing a Medical Director does – they place a lot of trust in these men and women in blue and he always knew what Riverside did was the best, there were next to zero problems, and this is an outstanding group of men and women who protect the citizens of your community.

Dr. Gebhart thanked everyone for his time here and said he learned a lot from you guys. He wished them all the best and said stay safe out there.

Mayor Flaute thanked Dr. Gebhart and his family for coming and he asked for one more round of applause for the men and the women in blue. He said thank you for your service to our great city. He wished Dr. Gebhart good luck in all his future endeavors.

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

Mayor Flaute said we did receive a written petition from the Spaulding Road residents. Mr. Chodkowski said there are some proposed improvements set to occur as a result of the upgrade to the Dayton Public School. He said those residents had been in communication with his office several weeks ago and at the last council meeting, his contact Ms. Sherry McConnell, who is here tonight, did present a petition to me after the meeting asking council to review and evaluate some of the concerns of the residents. He said that petition was provided to you as part of this packet. He said he apologizes for the fact that he does not have responses yet; he just finished those today and the grammatical spell checker will be in tomorrow at 8:00 a.m. but he did want to make council aware of the petition submitted regarding certain concerns.

Mayor Flaute said so where are we in the process. Mr. Chodkowski said his responses to the residents will be signed and sent out tomorrow. He said as far as the actual improvements, Dayton Public Schools is ready to begin April 1st. He said there are 3 residents who are affected through the need of additional right of way for easements and 2 of those 3 have signed all the necessary paperwork. He said last Friday he met with Dayton Public Schools and it appears they have been able to work out all the issues so the third person will be signing off on those documents shortly. He said he will provide council with an update as soon as he hears back from John Carr, Executive Director of Construction for Dayton Public Schools.

**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. Minutes of the January 24, 2012 BZA meeting.

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

Mr. Chodkowski said you have my report as well as supplements from staff as well as the annual reports from all the major departments. He said he or the department heads would be happy to answer any questions council might have; questions specific to the Planning and Economic Development report he will be happy to answer as Mr. Murray is traveling on the city’s behalf in Washington D.C.

Mr. Schock asked what the starting date will be for the Assistant City Manager. Mr. Chodkowski said the new Assistant City Manager, Emily Christian, will be starting on Monday, April 2nd and she will be introduced formally to council Thursday, April 5th.

Mayor Flaute said we are sure happy to see the overtime down, the service department especially, the weather has been good and we are very pleased about that. He said hopefully there won’t be any more snowfall.

**ITEM 14: PUBLIC COMMENT ON AGENDA ITEMS:**  Mrs. Lori Sue Luckner of Waneta Ave. said she wanted to talk to council about the New Freedom Grant which is one of the resolutions you have on your agenda. She said since Mr. Murray is not here she is speaking partially on his behalf as well as for the Multimodal Transportation Commission. She said the New Freedom Grant is to provide additional tools that overcome existing barriers facing Americans with disabilities seeking integration into the workforce and full participation into society through transportation services.

Mrs. Luckner said what we are wanting to do is beyond the requirements of the ADA. She said public transportation is increasing in usage; for cities our size over the last year it has increased by 5.39%. She said there is growth in public transportation because of gas prices, people trying to go green, and things like that. She said there are 3 projects we would like to have permission to apply for: first, north and south bound bus stops on Harshman Road and the project will be integrated into the current Harshman project so there will be no extra cost to the city. She said the grants are 80/20 grants and the 20% local match for the bus stops can be covered by integrating them into the current project. She said the second project is construction of sidewalks on Spinning Road in front of Hanks Hideaway and the VFW which would complete the sidewalks to the new bus stops that are being put in there. She said again there would be no cost because it would be integrated into the current project. She said the third project is for enhancements to the design of the project to put in a stop light on Woodman Drive at the Airway Shopping Center which will help with the accessibility and safety of people utilizing the shopping center and to also cross over Woodman there. She said again there would be no cost because it would be included in the existing project.

Mrs. Luckner said we are asking for your help in supporting these grants and as stated earlier, Multimodal is definitely keeping busy and doing a lot of things. She said the biggest thing is making it safe for our citizens to get to where they need to go.

Mayor Flaute said congratulations, you guys are doing wonderful. He asked Mrs. Luckner to stay for the resolution in case there are any questions.

Mr. Schock said you can count on my support for all 3 projects; they are all needed. He said he would bet everyone else will be right along with him.

Ms. Sherry McConnell of Spaulding Road said just to add to what the city manager said about Spaulding Road, she wanted everyone to know as citizens on Spaulding Road we are still very concerned about the widening of the road for the issues she submitted 2 weeks ago. She said she was at the meeting Mr. Chodkowski mentioned last Friday and one thing we were all under the assumption of was the widening of the road, particularly the 3 residents whose land is being obtained, was for the right hand turn. She said we were told last week it has to do with north bound traffic turning left and we were all surprised by this.

Ms. McConnell said it was stated that when any vehicles turning left onto the Carroll High School driveway that traffic would pass and drive in our yards and that does happen however, we feel we could have curbs and that would solve the problem and it would probably be cheaper than widening the road even though Dayton Public Schools is paying for it. She said apparently we will be paying for the maintenance and that is one of our concerns. She said we are still in agreement that we don’t understand how Dayton Public Schools can have eminent domain on Riverside property. She said the resident that Mr. Chodkowski referred to that hasn’t signed yet, couldn’t be here tonight but she still does not want this to happen. She said the second resident doesn’t want her property taken and the first property is in an estate that is being handled by the children. She said most people don’t want their land taken and we don’t think it’s for good reasons. She said Dayton Public Schools and Mr. John Carr admitted last Friday that they had not planned well in building this school. She said they have a lot of acreage. She said looking at the traffic studies from early 2009, they recommend rerouting bus traffic for Eastmont Park School to Spaulding Road but how is that the best choice if you have to widen the road. She said it’s not even technically stated; it’s in a diagram but it’s not in writing. She said this doesn’t make sense to us and we don’t think its good stewardship of tax dollars. She said the eminent domain; it was stated this could have already been done by the Dayton Public Schools attorney and they were just being patient; that outraged her. Mr. Schock said there are lawyers in Cincinnati that would love to fight that case. Ms. McConnell said Mr. Carr stated to Mr. Chodkowski that he knew Riverside wasn’t going to make them wait any longer and she was outraged by that as well; that just sounded terrible. Mr. Schock said arrogant. Ms. McConnell said yes it was.

Ms. McConnell said you have my letter with our list of concerns; there are problems on Spaulding Road but your biggest problem on Spaulding Road is the traffic coming out of Carroll High School – look at your traffic reports. She said if any vehicle is going to pass another vehicle because it’s turning left, that’s a traffic situation; get us some curbs. She said the traffic back up cited in the traffic report happens for 20 to 30 minutes a day in the mornings for 8 to 9 months out of the year because it’s a Carroll High School issue. She said doesn’t it matter when it’s Carroll High School people turning in there. She said she’s been in a worse traffic back up at Woodman and Rt. 35 but this is only 2 or 3 houses from 7:30 a.m. to 8:00 a.m. – that’s it. She said it was also stated that some of the money was coming from Ohio; well she pays Ohio taxes. She said we’re still concerned and we’re hoping something else can be done. She said she respects separating the buses from the walkers and drop off traffic but why couldn’t they have kept the buses on the Dayton side and used the Carroll High School access driveway for parents and then nobody would have to spend money. She said there’s always a reason why Dayton can’t do that. She said she still doesn’t understand why Dayton can dictate to us to the point where they can take people’s land that don’t want their land taken.

Mayor Flaute thanked Ms. McConnell and said they would take her words under advisement.

Mr. Smith asked if Dayton Public Schools was compensating the owners for the land they are taking. Ms. McConnell said yes, but very little. She asked if Beavercreek schools could use eminent domain on us. Mr. Schock said he doesn’t like those words. Ms. McConnell said neither does she but she understands why it is needed just not unless it’s a good reason and we don’t think this is a good reason. She said we have people losing land because of poor planning.

Mr. Smith asked if the city manager could explain why Dayton Public Schools can take our land through eminent domain. Mr. Chodkowski said the shortest version is that the city as part of the planning process required that Dayton Public Schools perform a traffic impact study; as a consequence and result of the first study in January 2009, there was a follow up meeting between Dayton Public Schools and city staff and there were several questions on both sides regarding the data from the first study. He said there was a second study in February 2009 and it is within this more defined study that there was a recommendation for a northbound turn lane into the westbound driveway. He said because of that study Dayton Public Schools was compelled to address the concerns that were related to the study. He said because the traffic impact study dictates the need for the left turn lane it has resulted in this situation. He said because the traffic study compels Dayton Public Schools to make the improvement for the safe and efficient flow of traffic that is what would enable an eminent domain claim to be made by Dayton Public Schools because we are compelling the improvement be made for the general public’s benefit based on the study. He said they are not taking the property for them; they are acquiring it on our behalf to construct a public roadway infrastructure.

Mayor Flaute said so there won’t be any legislation come before us. Mr. Chodkowski said no. Mayor Flaute said it’s all just because of safety. Mr. Chodkowski said correct; a product of our current codified ordinances as they relate to planning and zoning. Mr. Smith said this is at the bend in the road. Mr. Chodkowski said yes.

**ITEM 15: NEW BUSINESS**

**I. ORDINANCES**

**a. Ordinance No. 12-O-487 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 to make supplemental appropriations to the 2012 budget and is recommended by the Finance Director.

A motion was made by Deputy Mayor Denning to read Ordinance No. 12-O-487 for the first time in its entirety and to approve its first reading. Mr. Schock seconded the motion.

The clerk read Ordinance No. 12-O-487 for the first time in its entirety and Mayor Flaute asked if there were any questions or comments.

Deputy Mayor Denning asked what the reason was for the emergency; he went to the Ohio Municipal League seminar and they said we need to be very careful with that stuff. Mr. Chodkowski said the emergency relates to other pieces of legislation forthcoming tonight related to the purchase of property on Huberville. Deputy Mayor Denning said there is a timeline concern. Mr. Chodkowski said yes.

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

A motion was made by Deputy Mayor Denning to suspend the rule that dictates the number of days between consecutive readings of ordinances. Mr. Schock 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-487 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-487 for the second time by title only and Mayor Flaute asked if there were any questions or comments.

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

# RESOLUTIONS

* + 1. **Resolution No. 12-R-1644 authorizing the City Manager to disburse funds to the Stebbins High School Air Force Junior Reserve Officer Training Corps on behalf of the City of Riverside.**

Mr. Chodkowski said this resolution is to authorize disbursement of fund to Stebbins Air Force Junior ROTC program on behalf of the city per their request.

A motion was made by Deputy Mayor Denning to approve Resolution No. 12-R-1644. Mr. Fullenkamp seconded the motion.

Deputy Mayor Denning asked if there was a reason it was only $100. Mayor Flaute said that’s what they requested.

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

**b. Resolution No. 12-R-1645 setting forth appointment of Harold Nielsen E.A. to the Board of Tax Appeals for a two year term beginning April 19, 2012 through April 18, 2014.**

A motion was made by Deputy Mayor Denning to approve Resolution No. 12-R-1645. Mr. Schock seconded the motion. All were in favor; none were opposed. **Motion passed.**

**c. Resolution No. 12-R-1646 setting forth appointment of Chuck Evanhoe to the Board of Tax Appeals for a two year term beginning April 19, 2012 through April 18, 2014.**

A motion was made by Mr. Schock to approve Resolution No. 12-R-1646. Deputy Mayor Denning seconded the motion. All were in favor; none were opposed. **Motion passed.**

**d. Resolution No. 12-R-1647 authorizing the City Manager to submit an application for ED/GE funding on behalf of the Mullins Rubber Products, Inc.**

Mr. Chodkowski said pursuant to the request of the Planning and Economic Development Director Bob Murray this resolution is brought forth to submit an ED/GE grant application on behalf of Mullins Rubber products.

A motion was made by Mr. Schock to approve Resolution No. 12-R-1647. Deputy Mayor Denning seconded the motion.

Ms. Campbell asked what this was for. Mr. Chodkowski said currently Mullins pulls water directly from the lower aquifer, uses it to cool it’s dye machines as well as to fill it’s heating boilers, and then discharges the water into the outer aquifer. He said the Ohio EPA has asked them to discontinue that practice and therefore they are going to construct a completely enclosed, looped system that feeds off the public water system. He said this grant is to pay for 1/3 of the cost of that enclosed system.

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

**e. Resolution No. 12-R-1648 by the Council of the City of Riverside, Ohio, authorizing the City Manager to accept a forgivable loan for the purpose of purchasing 5601 Huberville Avenue, Riverside, Ohio 45431.**

Mr. Chodkowski said pursuant to the terms and conditions of the forgivable loan from the Well Field Protection program, this is to authorize the city manager to accept such terms and conditions.

A motion was made by Deputy Mayor Denning to approve Resolution No. 12-R-1648. Mr. Smith seconded the motion. Six were in favor; one opposed – Mr. Curp. **Motion passed.**

* 1. **Resolution No. 12-R-1649 authorizing the City Manager to purchase real estate located within the City of Riverside, Ohio, for a purchase price not to exceed $99,000.00.**

Mr. Chodkowski said this resolution is to authorize the purchase of real estate on Huberville Avenue, more commonly known as the Fair Building in an amount not to exceed $99,000.00.

A motion was made by Mr. Schock to approve Resolution No. 12-R-1649. Deputy Mayor Denning seconded the motion. A roll call vote was as follows: Mr. Schock, yes; Deputy Mayor Denning, yes; Ms. Campbell, abstain; Mr. Curp, no; Mr. Fullenkamp, yes; Mr. Smith, yes; and Mayor Flaute, yes. **Motion passed.**

* 1. **Resolution No. 12-R-1650 authorizing the City Manager to purchase real estate located within the City of Riverside, Ohio, for a purchase price not to exceed $35,000.00.**

Mr. Chodkowski said this resolution is to authorize the city to purchase property at 5513 Huberville Avenue.

A motion was made by Deputy Mayor Denning to approve Resolution No. 12-R-1650. Mr. Schock seconded the motion. Six were in favor; one opposed – Mr. Curp. **Motion passed.**

**h. Resolution No. 12-R-1651 by the Council of the City of Riverside, Ohio authorizing the City Manager to make application to the Greater Dayton Regional Transit Authority (GDRTA) for the purpose of obtaining Federal Transportation Administrator New Freedom Grants.**

Mr. Chodkowski said pursuant to the comments provided by Mrs. Luckner’s comments earlier at tonight’s meeting this resolution is to authorize applications for the Greater Dayton RTA New Freedom Grant.

A motion was made by Deputy Mayor Denning to approve Resolution No. 12-R-1651. Mr. Schock seconded the motion. All were in favor; none were opposed. **Motion passed.**

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

**ITEM 17: COUNCILMEMBER COMMENTS:** Mr. Curp said this is Finance Director Bob Gillian’s last meeting because he is retiring and he wanted to thank him for his service and dedication. He said Mr. Gillian came here when there were a number of Department Head positions vacant; Mr. Charles Jones brought you in so we would have you in place for our next city manager. He said he appreciated the accounting and the accurate reports provided to council and he appreciated the extra communication given on financial matters over the years and he especially appreciated all the clean audits. He again thanked Mr. Gillina for his service and dedication.

Mayor Flaute said he echoed those same comments and thanked Mr. Gillian. He said we are going to miss you and he knows staff feels the same. He wished him good luck.

Mr. Gillian said it has been a pleasure working for the city.

Mr. Schock said he kept me straight; excellent job and he’s sorry to see him go.

Mr. Smith said he too wanted to thank Mr. Gillian for all his hard work and dedication to the city. He said you’ve done a fine job.

Deputy Mayor Denning said he wanted to thank Mr. Gillian for everything he has done. He said he also wanted to thank the departments for their annual reports; they put a lot of work into these and there is a lot of good information for us to digest.

Mr. Fullenkamp wished Mr. Gillian good luck and said he hoped Mr. Gillian enjoyed his time off in northern Ohio.

Mayor Flaute said he, the City Manager, and the Economic Development Director had a meeting with the Executive Director of the Dayton Metropolitan Library and they are looking to expand the Burkhardt Library. He said they are taking comments and are studying where to put that new library. He said if anyone has any good ideas, we would welcome those comments. He made available a report. He also made available the Air Force Magazine, the Heritage Magazine – a report from Carillon Park.

Mayor Flaute said he went to a bean soup dinner for the Senior Citizens; so did most of the staff and the Seniors appreciate our support. He said the bean soup was bean soup. He said he also attended the Celebrity Bowl for URS; as many of you know URS is in our city. He said it’s a very odd conglomerate – the building is in Riverside, the parking lot is in Dayton, and the front of the building is in Huber Heights. He said we still get the best end of that deal but it certainly is a bit odd. He said it was an excellent day and you just got to love those folks as they try to have a good outing and try to make some money for their cause. He said he did 4 weddings, so those are down a little bit. He said he did one at Eastwood Park but most are at the Wedding Connection.

Mr. Gillian said he just wanted to say that he would not have been able to do the job he did without the able assistance of Mr. Tom Garrett and Ms. Crystal Hitchens.

**ITEM 18: EXECUTIVE SESSION:** A motion was made by Deputy Mayor Denning to enter into executive session for the purpose of discussing attorney/client privilege, pending litigation, and personnel. Mr. Fullenkamp seconded the motion. A roll call vote was as follows: Deputy Mayor Denning, yes; Mr. Fullenkamp, yes; Ms. Campbell, yes; Mr. Curp, yes; Mr. Schock, yes; Mr. Smith, yes; and Mayor Flaute, yes. The council entered into executive session at 8:34 p.m.

**ITEM 19: ADJOURNMENT:**  The council came out of executive session at 9:09 p.m. and a motion was made by Ms. Campbell to adjourn. Deputy Mayor Denning seconded the motion. All were in favor; none were opposed. The meeting was adjourned at 9:09 p.m.

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William R. Flaute, Mayor Clerk of Council