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

Staff present was as follows: Bryan Chodkowski, City Manager; Bob Murray, Planning and Economic Development; Mitch Miller, Service Department; Mark Reiss, Police Department; Dave Stitzel, Fire Department; and Bob Gillian, Finance Department.

**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 Mr. Fullenkamp to approve the agenda as written. Mr. Denning seconded the motion. All were in favor; none were opposed. **Motion passed.**

**ITEM 6: WORK SESSION ITEMS:**

1. Executive Session – Center of Flight

A motion was made by Mr. Denning to enter into executive session for the purpose of discussing the Center of Flight development. Mrs. Reynolds seconded the motion. A roll call vote was as follows: Mr. Denning, yes; Mrs. Reynolds, yes; Ms. Campbell, yes; Mr. Fullenkamp, yes; Mr. Schock, yes; Deputy Mayor Smith, yes; and Mayor Flaute, yes. The council entered into executive session at 6:03 p.m.

The council came out of executive session at 8:19 p.m.

**ITEM 7: RECESS:** The Council took a recess at 8:20 p.m.

**ITEM 8: RECONVENE:** The meeting was reconvened at 8:29 p.m.

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

**ITEM 10: MINUTES: Consider approval of the minutes of the October 6, 2011 Council meeting.** A motion was made by Mrs. Reynolds to approve the minutes as written. Mr. Schock seconded the motion. Six were in favor; Deputy Mayor Smith abstained due to his absence at the October 6th meeting. **Motion passed.**

**ITEM 11: ACCEPTANCE OF WRITTEN CITIZENS PETITIONS:** Mayor Flaute advised citizens to fill out a form if they wished to speak about agenda or non-agenda items.

**ITEM 12: CITY MANAGER’S REPORT:**

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

(2) Monthly Reports

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

Mr. Chodkowski said you have my report as well as supplements from staff and we would be happy to answer any questions. He said in addition please keep in mind that on Thursday, November 17th, City Council will be holding a public hearing in relation to a rezoning request for a property off Old Troy Pike. He said Planning Commission met this month and reviewed that and is recommending its rezoning from R-3 to R-4A. He said to put that on their calendars and we will make sure it is on the agenda.

Mrs. Reynolds asked if a public hearing can be tabled. Mr. Chodkowski said yes. Mrs. Reynolds said she would be making a request to table that public hearing until things have been settled with the group we are working with. She said she didn’t know if it would pass or not but she is telling them ahead of time, she is going to request we table it.

Deputy Mayor Smith said he noticed that last month we had a considerable number of mutual aid runs to Dayton; we went there 32 times. He said he knew we got insurance money for making the run and asked if there was a way to track that to know if we are actually making any money on that and if we are receiving those funds. Mr. Chodkowski said we will have to talk to MED 3000, our billing agent, but we will be happy to take a look to see how much of that we are actually receiving for those mutual aid calls.

Deputy Mayor Smith said our Police K-9 has been working with the State Highway Patrol Task Force on Rt. 35; in the event the K-9 would find drugs in those vehicles, would Riverside be seizing that vehicle or would the State. Mr. Chodkowski said his understanding is that all assets would be shared from any such seizure. Chief Reiss confirmed that.

Deputy Mayor Smith said for the Service Department, in reference to the Rt. 35 road and safety improvements; we have information regarding Stage I and Stage III – what happened to Stage II. Mr. Chodkowski said he believed the Stage II phase is for entrance and exit ramps which are already engineered. He said Stage III is for the sound wall analysis but that is actually in Dayton where the sound wall is being proposed.

Mr. Denning asked if we had heard anything new on Law’s Trailer Court. Mr. Chodkowski said according to the Montgomery County Combined Health District, they are compliant with all the requirements from our initial meeting and they have actually begun relocating units within the park to begin backfilling for final clean out and restoration. He said we came across that on a site inspection when we were validating addresses. He said the only item he was aware of that is still outstanding is they don’t have a permanent closure for their meter pit but they have met all the other requirements. Mr. Denning said it still looks bad.

Mr. Fullenkamp said on the Eintracht Club purchase; did all the grants come through that we applied for. Mr. Murray said it was a competitive process; we placed second behind Trotwood and we didn’t receive all the money we requested but we did receive $240,000. He said we are about $10,000 short of everything we need but that doesn’t include pledges from Vectren and DP&L; he is also going to ask AT&T. He said those are 3 additional sources we can go to and if we exceed the amount we are looking for, we will do some additional enhancements to that area. Mr. Fullenkamp asked we if acquired the 10 acres adjacent to it. Mr. Murray said no; that is actually in Dayton, but because of the amount of money available locally, we pushed through a special allocation of these funds.

Mayor Flaute asked that if we don’t get the $10,000, would council have to make a decision. Mr. Chodkowski said there are certain things that were included within the grant that are nice to have but aren’t necessarily needed, so in the event that we continue to remain deficient those $10,000 extra dollars and we don’t want to utilize city dollars, as was our intent, we can simply scale back on some of those other items.

Mayor Flaute asked when we would know about the Issue II Grant applications. Mr. Chodkowski said the hearing is October 26th at l:30 p.m. which he and Mr. Miller will attend. He said they will review the project and ask us any questions they might have; then, typically, it is another 2 or 3 weeks before they release their final scoring. He said usually we know right before Thanksgiving.

Mayor Flaute said for the Fire Department, the overtime was way up; was that because of the Air Force Marathon? Mr. Chodkowski said we went through the hiring process and for 4 days, all senior members of the department were here; if it wasn’t their normal day to work, they were paid overtime. He said we hired one of our part-time firefighters as full-time.

Mr. Denning asked if we had heard anything about the ODNR grant for Glendean. Mr. Chodkowski said they released 15 awards and we were not on the list. He said Dayton and Washington Township received awards. He said the matching funds have been released to Mr. Miller so he can address the lighting issue at Community Park.

Mrs. Reynolds said on the Economic Development report, we have 2 court cases coming up on November 2nd. She asked if there was any reason those might not take place; she needs to be there. Mr. Chodkowski said to the best of his knowledge, no; he will check with Mr. Williams to see if we have compliance and let her know.

Mrs. Reynolds asked if 4620 Springfield Street was still pending. Mr. Chodkowski said to the best of his knowledge, yes. Mrs. Reynolds said it’s time to do something; the judge issued a warrant in January. Mr. Chodkowski said we have a plan to address that and he would be more than happy to discuss that outside of the public realm. Mrs. Reynolds said she would appreciate that.

Mr. Schock said at Community Park, they have completed their construction and they stated they were going to remove the other buildings, but those are still there. Mr. Chodkowski said he would call Mr. Hatton. Mayor Flaute asked what they were going to remove. Mr. Chodkowski said the temporary PODs. Mr. Schock said the PODs are gone but they were going to remove the storage sheds too. Deputy Mayor Smith said that was in stage 2. Mr. Chodkowski said correct; they are going to build a new scorer’s box before they take down the sheds.

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

**ITEM 14: UNFINISHED BUSINESS:**

**a. Ordinance No. 11-O-476 to create Chapter 935, “Illicit Discharges to Storm Water Systems” within the Codified Ordinances of the City of Riverside, Ohio. (SECOND READING AND CONSIDERATION OF ADOPTION)**

Mr. Chodkowski said pursuant to the request of the Ohio Department of Natural Resources and the Ohio EPA, this ordinance is submitted for a second reading. He said please note the definition for “floatable materials”, which was the duplicate definition, has been corrected.

A motion was made by Mrs. Reynolds to read Ordinance No. 11-O-476 for the second time by title only and approve its final adoption. Mr. Denning seconded the motion.

The clerk of council read Ordinance No. 11-O-476 for the second time by title only and Mayor Flaute asked if there were any questions or discussion from members of council.

Mrs. Reynolds asked if we had received back our application for the project that was submitted to the Ohio EPA. Mr. Chodkowski said for the illicit discharge permit, no; we have not seen that information back yet.

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

**ITEM 15: NEW BUSINESS**

# ORDINANCES

* 1. **Ordinance No. 11-O-478 to approve current replacement pages to the Riverside Codified Ordinances, and declaring an emergency. (FIRST AND SECOND READINGS AND CONSIDERATION OF ADOPTION)**

Mr. Chodkowski said this ordinance is to codify replacement pages to the City of Riverside ordinances and this is annual, recurring legislation before this body.

A motion was made by Mrs. Reynolds to read Ordinance No. 11-O-478 for the first time in its entirety and approve its first reading. Deputy Mayor Smith seconded the motion.

The clerk read Ordinance No. 11-O-478 for the first time in its entirety and Mayor Flaute asked if there were any questions or discussion from members of council.

Mayor Flaute asked if there was anything significant they need to be aware of; mostly State stuff? Mr. Chodkowski said correct.

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

A motion was made by Mr. Denning to suspend the rule that dictates the number of days between consecutive readings of ordinances. Ms. Campbell seconded the motion. All were in favor; none were opposed. **Motion passed.**

A motion was made by Mrs. Reynolds to read Ordinance No. 11-O-478 for the second time by title only and approve its final adoption. Deputy Mayor Smith seconded the motion.

The clerk of council read Ordinance No. 11-O-478 for the second time by title only and Mayor Flaute asked if there were any questions or discussion.

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

# RESOLUTIONS

* + 1. **Resolution No. 11-R-1598 authorizing the payment of Lab and AFIS Fees to the Miami Valley Crime Laboratory for the year 2012.**

Mr. Chodkowski said this resolution is to authorize payment of fees to the Miami Valley Crime Laboratory for calendar year 2012. He said this is annual, recurring legislation before this body.

A motion was made by Mrs. Reynolds to approve Resolution No. 11-R-1598. Ms. Campbell seconded the motion.

Mrs. Reynolds asked what the increase was. Mr. Chodkowski said he wasn’t sure off the top of his head. Mayor Flaute said the letter stated 20%, so this year would have been around $38,400 if you reduce next year’s price.

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

**b. Resolution No. 11-R-1599 authorizing the City of Riverside to file an application to the State of Ohio, Department of Development, to support an application for assistance under the Ohio Job Ready Sites Program.**

Mr. Chodkowski said as previously discussed in executive session, this resolution is to authorize the application to the State of Ohio for a Job Ready Sites Grant.

A motionwas made by Mr. Denningto approve Resolution No. 11-R-1599. Mrs. Reynolds seconded the motion. All were in favor; none were opposed. **Motion passed.**

**ITEM 16: PUBLIC COMMENT ON NON-AGENDA ITEMS:**  Mrs. Lori Luckner of Waneta Ave. said she wanted to speak tonight about the Brantwood Subdivision. She said as a citizen of Riverside and as a citizen that lives near the Brantwood property, she is concerned about many things. She said right now she is concerned about the deal with CESO Inc. that was in Sunday’s paper. She said they are under Federal investigation for fraud and deception and asked if this was something this city really wants to deal with right now.

Mrs. Luckner said she knew from previous experience what it is like to deal with fraud and deception especially at the Federal level. She said she worked for a company that was defrauded for $5.0 Million; the company ended up closing. She said they tried to stay open by closing their second office and lying off over half their staff but that didn’t work; the companies they worked with besides the company that defrauded them didn’t think it was right to work with a company that they couldn’t trust at that point because of the Federal investigation. She said one of the co-owner’s of the company had a mental breakdown and spent several months in the hospital. She said not only did our company suffer but individual lives were totally wrecked and other businesses suffered from the fraud as well.

Mrs. Luckner said she’s afraid if the Oakes are found guilty and we go ahead with this deal, there could be assets frozen which means the property could be tied up for years where nothing could get done. She said they would also look at everybody who has ever dealt with the Oakes. She said we get a bad enough reputation and right now, in her view, working with this company knowing that it’s under federal investigation is another black eye for us. She said it doesn’t make sense at this point; she knows something needs to be done with that property but we need to rethink what company we want to have that right now, especially knowing about the federal investigation. She said when they look at one company of theirs; they are going to look at all of them.

Mrs. Luckner said another thing she noticed; go to their website – they have us listed as the Village of Riverside. She said to her that proves they either don’t know who they are dealing with or they don’t care; they are just in it for the money and they are taking us for a joy ride on this property.

Mrs. Luckner said there are numerous concerns with this property: if we put a housing development there we are going to have traffic problems; with the military cutting back on positions who knows how many of the homes will sit empty; and the prices of Valley View fluctuate constantly so stating the homes are going to start at $180,000 doesn’t mean that’s going to happen. She said this is just her view but she would really like the council to rethink what they are doing with this company right now, especially with the federal investigation going on. She said she knows from experience that’s its not a pleasant thing to deal with and it does give anybody they have dealt with a black eye.

Ms. Campbell asked what the name of the company she was talking about was. Mrs. Luckner said the company she worked for years ago was Dayton Title Agency. Ms. Campbell said she meant the one she was discussing from the newspaper. Mrs. Luckner said CESO. She said once they start looking at one company of theirs; they will look at every company of theirs along with every tiny little detail.

Mayor Flaute thanked Mrs. Luckner for her comments and said we do have to remember they are innocent until proven guilty. Mrs. Luckner asked council to consider putting this off until the investigation is done.

Mrs. Julie Denning, Chairperson for Relay For Life for our city said we are getting ready to kick off our 2012 season and this year our theme is Around the World Sending Cancer Packing. She said we are trying to tie in the fact we are here with the military community and the Air Force base. She said we want to pack up cancer and send it away for good.

Mrs. Denning said the city can help us; last year we had a couple of teams – one from the Fire Department and one from the Service Department. She said our Service Department was awarded the Rising Star Award for their contributions. She said it was really important for people to know what Mr. Miller did. Mr. Miller said we had a lot of people who had close family members who’ve had cancer including his Mother; that’s their involvement and they are very supportive. Mrs. Reynolds said Mr. Miller did much more than that. Mrs. Denning said Mr. Miller challenged his people and he matched their commitment; because of him and his team, which backed him 100%, that night at relay became a Rising Star. She asked everyone to give him a round of applause.

Mrs. Denning said that was 2011; now we are in to 2012 and we are so excited. She said we are starting to see some major commitment from businesses and we have a full committee this year. She said she was here tonight to invite everyone to the kick-off celebration and as we travel around the world through the relay, we are going to be visiting different destinations. She said the first destination for our kick-off is Mexico; Salsa’s in Airway Shopping Center is donating our soft drinks, water, and sampler platters for everyone in attendance. She said that will be on November 7th at 7:00 p.m. and she distributed formal invitations.

Mrs. Denning said she wanted to encourage everyone to get involved in the relay; our date has changed and is now June 2nd to June 3rd, a Saturday and a Sunday starting at 3:00 p.m. She said hopefully we can include more residents in our festivities. She said a lot of communities are going to this, trying to create it into a mini-festival type gathering because there is a lot on-site stuff, a lot of awareness stuff, and a lot of stuff about different programs for cancer patients, family members, caregivers, and things of that nature. She said we want all the community to benefit from this event and get them down to our parks where we can shine the best. She said we need your help in doing this and we need your support out there talking about it.

Mrs. Denning said there is another big event. She said you know how businesses allow you to come in and waitress or whatever and you get a percentage of the food and the tips; well, normally they want you to do this on a weekday when they are slow because they want you to bring in more business. She said Salsa’s has agreed to do this and we decided on a Monday night; they decided Monday was not good enough for Relay For Life and they are allowing us to come in on a Friday night; January 27th we will be waiting on tables and bartending and Salsa’s is donating 10% plus their tips. She asked everyone to please come out and have dinner. She said the committee is sending out a little challenge that if any of our governmental leaders or city departments heads would like to come and volunteer their time to be a waiter or waitress and encourage your teams to come out and allow you to serve them – we can raise a lot of money for Relay For Life in a joint effort that night.

Mrs. Denning said we are inviting you to the kick-off and that will be where you can pick up all your information about the great things we have planned for this relay. She said get your team packets and encourage your departments to put a team together; if departments are putting teams together, then council should put a team together like they used to do. She said tell a friend and bring a buddy to the Riverside / Wright-Patt Around the World Send Cancer Packing Kick-off on November 7th.

**ITEM 17: COUNCILMEMBER COMMENTS:** Deputy Mayor Smith said last night he attended the Miami Valley Military Affairs Association dinner and received our acknowledgement for being a 100% participation city. He said it is a plate to put on our plaque out in the lobby and he will be forwarding that to the City Manager.

Mrs. Reynolds thanked everyone for being here and apologized for the length of the executive session. She said she also appreciated Mrs. Luckner’s words of concern for the city and caution on behalf of this council. She also thanked staff and council.

Mayor Flaute said he had a copy of Forest Murmurs if anyone wanted to see it. He said he had a meeting with Mr. Jim Butler and starting in 2013, he will be the representative for all of Riverside due to redistricting. He said Mr. Butler had a discussion with him, Mr. Chodkowski, and Mr. Murray; and Mr. Butler is excited about coming on board for Riverside.

Mayor Flaute said he went to a meeting that was the farewell ceremony for the C-5; they are leaving our area and you can tell all the residents they don’t have to hear that loud airplane anymore. He said we are still going to have C-131s here. He said the C-5s are not being moth-balled; their role is just smaller than it has been. He said as most of you know, the C-5 is the largest aircraft in the world and it was here at Wright-Patt. Mr. Schock said it is the largest cargo aircraft.

Mayor Flaute said he will be meeting with John Husted here in the near future to talk about some of the State issues.

**ITEM 18: EXECUTIVE SESSION:** A motion was made by Mr. Denning to enter into executive session for the purpose of discussing collective bargaining and pending litigation. Mr. Schock seconded the motion. A roll call vote was as follows: Mr. Denning, yes; Mr. Schock, yes; Ms. Campbell, yes; Mr. Fullenkamp, yes; Mrs. Reynolds, yes; Deputy Mayor Smith, yes; and Mayor Flaute, yes. The council entered into executive session at 9:10 p.m.

**ITEM 19: ADJOURNMENT:**  The council came out of executive session at 10:09 p.m. and a motion was made by Mr. Denning to adjourn. Mr. Schock seconded the motion. All were in favor; none were opposed. The meeting was adjourned at 10:10 p.m.

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William R. Flaute, Mayor Clerk of Council