**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; Pete Williams, Planning and Zoning Administrator; Randy Bridge, Planning Intern; 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:** The agenda was revised prior to the meeting adding items 11b, a proclamation honoring “Ohio George” Montgomery; 11c, a proclamation honoring Clifford “Red” Jackson and Bill Coleman; and 15 (II) a, Resolution No. 11-R-1590.

**ITEM 5: APPROVAL OF AGENDA:** A motion was made by Mrs. Reynolds to approve the agenda as revised. Mr. Fullenkamp seconded the motion. All were in favor; none were opposed. **Motion passed.**

**ITEM 6: WORK SESSION ITEMS:**

1. Introduction: Randy Bridge, Planning Intern

Mr. Chodkowski said he provided a note to council a while back regarding the Intern from Wright State University who is working on his Masters in Public Administration and tonight we would like to introduce Mr. Randy Bridge. He said Mr. Bridge will be with us for an extended period of time and he has been working on several different things, one of which is the integration of our ZonePro system with our ArcMap system. He introduced Mr. Randy Bridge and said Mr. Bridge will give a brief presentation on what he’s done in his short time with us so far. Mayor Flaute welcomed Mr. Bridge.

Mr. Bridge extended his thanks to Mr. Chodkowski and Mayor Flaute for providing this opportunity and gave a special thanks to Mr. Murray and said without him, he would not be here right now. He talked about how he met Mr. Murray and through their conversation Mr. Murray found out he was working on his MBA and GIS Certification. He said they exchanged emails and a few weeks later, they discussed this opportunity which he decided to take advantage of.

Mr. Bridge gave a PowerPoint presentation on the Integration of ZonePro and ArcMap. He gave some information on his background: Student at Wright State University; Masters Degree in Applied Behavioral Science – June 2011; working on his Masters in Public Administration and GIS Certification – scheduled for completion June 2012.

Mr. Bridge reviewed the goals of the internship: apply academic experience in a real life setting; exposure to projects that will provide practical experience for future job opportunities; looking for problem solving skills in a work environment; and exchange ideas with professionals in the field.

Mr. Bridge said his first project has been the Integration of ZonePro database and ArcMap database to allow for more effective and efficient project maps. He said the process before was long and drawn out; you had to manually enter the violations into ArcMap; there were multiple steps involved to display violations from ZonePro; and it was very time consuming depending on the amount of data that had to be entered. He said we have significantly reduced the steps and time for violations display and we are now utilizing ZonePro and ArcMap to their fullest capabilities allowing for increased mapping capability and map design efficiency.

Mr. Bridge said currently ZonePro is our zoning and permit database; the software relies solely on property addresses. He said ArcMap is mapping software and it works solely on parcel IDs. He said previously the programs were unable to communicate and what he has done is updated ZonePro to where it permits the 2 programs to work together. He said the results are increased capability; maximizing both programs; increasing map type capability; increasing usable databases; and increasing efficient map design.

Mr. Bridge displayed 2 aerial maps for comparison both being the same. He said the first map was created by assembling the property list, downloading the parcel ID numbers from the county, assembling the new database in ArcCatalogue, and then constructing the map from the new database – total time 1.5 hours. He said since his integration, we have been able to reduce the total time to 10 minutes so efficiency is maximized.

Mr. Bridge said in summary we have integrated current software databases resulting in increased map type capability, more efficient map design, and can now display ZonePro datasets in map form to better examine and understand our code enforcement efforts and results.

Deputy Mayor Smith asked if you could pull up an address and see what it is zoned and where it is located in our city. Mr. Bridge said yes.

Mayor Flaute asked if the service department would be using this. Mr. Bridge said he didn’t know to what extent but he knows they have Arc GIS software installed in the service department but he didn’t think service would go as in depth as Mr. Williams would in zoning. He said this is primarily geared for us to visually display our zoning violations. He said you can get it on paper but when you see it on a map, it’s a little more detail to digest. Mayor Flaute said so just zoning; our police wouldn’t use it. Mr. Chodkowski said that’s been the primary function that Mr. Bridge is familiar with; depending upon how we enter the information into ZonePro, the software has many different categories so it might have limited police department applications or enhanced police department applications depending on what Chief Reiss’ department wanted to do with it. He said the primary function of the integrated database is to do planning and zoning issues but it does have limited law enforcement applications and limited applications for the public service department such as driveway or sidewalk permits. Mayor Flaute asked if there will be maintenance on the software. Mr. Bridge said ZonePro will now be updated automatically; with the update he did on the software, it is now capable of upgrading on its own. He said to add to that, the current version Riverside has is a limited version; a different version could make it fully capable for the other departments.

Mrs. Reynolds asked if currently we could do minor overlays of police and fire activities. Mr. Bridge said he didn’t know to what extent but there are ways to enter police violations into ZonePro and firefighter responses as well. Mr. Williams said we can always do overlays by entering in the data we receive; what we’ve been able to accomplish in the last 3 weeks with this upgrade is do it much more quickly. He said instead of doing the violation list every month, we can give you a map every month so you can see where the violations are occurring. He said it could be done before, it was just so time intensive and we never went down that path because of the sheer number of properties we were dealing with. Mrs. Reynolds said in looking at that, it gives us an idea of all the activity in our city and if there’s a central problem, we can pick up on that. She said we have always waited on those lists at the end of the month; is there read-only capability on ZonePro and ArcMap for council where we could go in on any given day and see what violations are out there. Mr. Bridge said if you are looking to access the maps remotely, you would need a remote connection from your home to Riverside. He said you would have to contact the internet provider for that option or we could put it in a PDF file. Mr. Williams said we could always assemble that at the end of the day; we put data in ZonePro everyday and it goes into a spread sheet which he can use to make a map. He said the only problem we would have with remote access is our current license only allows so many terminals to be open at one time with the mapping software; the Planning Department has one access and the Service Department has one access but we could always do a PDF file at the end of the day on the City Manager’s direction.

Ms. Campbell asked if it could be emailed to us to look at when you update it; every month or however often. Mr. Bridge said absolutely. Ms. Campbell asked if it was something like Zillow.com. Mr. Williams said it would similar to that; it would just display the houses that have current zoning issues at that time.

Mr. Cole, an audience member, asked if this was a maintenance update or an upgrade. Mr. Bridge said this was a maintenance update from the previous version. Mr. Cole asked if this beefed up the contract. Mr. Bridge said he didn’t know the particulars of the contract; he just knows the upgrade he did was classified as a maintenance update. Mr. Cole said to touch on what council was talking about, if you were able to put an updated PDF on the website, then everyone would have access to it which would be beneficial to the citizens so we would know whether our neighbors are in violation or not.

Ms. Moore, an audience member, said the word violation is pretty strong; what are we referring to as violations. Mr. Bridge said it can be a number of things; blighting violations such as a gutter hanging off or high grass or noxious weeds, etc. Ms. Moore asked if it was also entered when the violation is resolved. Mr. Bridge said yes; we have a return date that we enter in and if the case has been opened or closed. Ms. Moore asked if the record is expunged or does it remain there the rest of its life. Mr. Bridge said it does not get expunged; it is stored in our database and allows us to look at repeated history over time. Mr. Chodkowski added while the information remains available in our database for an indefinite period of time, the physical documents would go into the parcel file which is purged every 24 months. He said if anyone were to come in and ask for your parcel file, they would get the physical file which is what we are required to provide by law. Ms. Moore asked if it tells on the record how it was resolved. Mr. Chodkowski said yes; there would be documentation complied such as the grass was cut and the date. Ms. Moore said it wouldn’t say who cut it – the responsible party or the city. Mr. Chodkowski said if a contractor ordered by the city cut the property then that information would be on file.

Mayor Flaute said welcome to Mr. Bridge and asked how long he would be here. Mr. Bridge said for a while; definitely until the end of his schooling. He said if the opportunity is presenting itself, he is going to take full advantage; in today’s job economy, it’s hard to find good employment that will benefit you in the future. He said he is looking to stay at least until June.

b. Discussion: Proposed Zoning Ordinance

 Article IX, Part 3 – Site Design and Improvement Standards

Mr. Chodkowski said this section of the code relates to some more specific standards that apply to development at sites within the city. He said a lot of these pertain to landscaping and buffering requirements, parking requirements, and storm water maintenance as well as erosion control. He said these are supplemental regulations that apply to the uses we talked about earlier on and some of the ways one can develop property within the city.

Mayor Flaute said on page 9-67, item D, what does light trespass criteria mean. Mr. Fullenkamp said he was assuming that meant light emitting off a property. Mr. Chodkowski said correct; its how much light can be emitted from one property to another before it is considered a nuisance trespass.

Mayor Flaute said on page 9-74, item h-1, *landscaped areas shall have a minimum width of 7 feet*; he took that to mean if there is a parking lot with a landscaped area in the middle, it has to be 7 feet wide. He asked if that’s what it meant. Mr. Chodkowski said yes; in one way, shape, or form it has to be 7 feet wide. He said it doesn’t necessarily mean a 7 by 7 foot square, at some point you have to have a 7 foot width but it could have a depth of 4 or 5 feet; it provides a landscape island that is survivable to the elements whether that is salt or foot traffic or car exhaust, etc. He said there is other language in the code that talks about how you can move and position those landscape islands within the parking area so it doesn’t have to be smack dab in the middle of the parking lot. Mayor Flaute said he thought it seemed like a lot, very wide.

Mayor Flaute said on page 9-75, item 10 – c in regards to joint use of parking spaces, *with written permission from the adjacent property owner and an executed recordable instrument from Montgomery County reflecting the agreement*; does this mean something has to be left with the County Auditor’s office. Mr. Chodkowski said yes. Mayor Flaute asked if this went along with the deed. Mr. Chodkowski said correct; a covenant amongst neighborhood property owners.

Mayor Flaute said on page 9-79, item 4 relating to number of parking spaces required; for dental clinics and offices it states *2 spaces for each examination or treatment room plus 1 space for each dentist and other employees* then for medical clinics and offices it states *3 spaces for each examination or treatment room*. He asked why there was a difference. Mr. Chodkowski said this information was extrapolated from our existing standards and we felt those reflected an appropriate standard. He said he doesn’t know how that calculation was determined. Mr. Williams said from what he has read in the past, there is more traffic to a medical office. Mr. Denning said he would think people would rotate quicker at a doctor’s office rather than they would at a dentist’s office so there would be more people in the waiting room. Mrs. Reynolds said in today’s world you also have wellness checks, x-rays, blood drawing, etc. at a doctors office that doesn’t necessarily require seeing the doctor but is more services rendered. She said she looked at that too and realized what all goes on at her own doctor’s office.

Ms. Campbell said on page 9-68, item B-2-a regarding requirement applicable to residential premises; what is *bituminous*. Mr. Chodkowski said asphalt. Ms. Campbell said can you use gravel. Mr. Chodkowski said while the use of gravel in parking is different in the proposed code than it is in the existing code; you cannot construct any new parking area using gravel. He said you would have to use large stone or block of some type to create that hard continuous surface.

Ms. Campbell said on page 9-69, item d; what is considered recreational vehicles. Mr. Chodkowski said we will be discussing definitions October 20 but the definition starts on page 11-30 and he read the definition. Ms. Campbell asked if it included boats. Mr. Chodkowski said yes. Mayor Flaute said you are allowed to park that on the side of the house or behind the house. Mr. Chodkowski said correct. Mr. Denning asked if it had to be on concrete. Mr. Chodkowski said yes; or an approved hard surface.

Mr. Denning said when this code was being written, in this day and age of going more green, did staff consider that. He said things seem to be going back a little more towards some gravel and things like that so we don’t get as much run off into the systems, so he wants to make sure we don’t paint ourselves into a corner when the pendulum starts swinging back in the direction of porous surfaces and things like that. Mr. Chodkowski said both the current code and the proposed code would allow for a person to maintenance an existing gravel driveway by adding additional gravel to it, you are just not allowed to expand its footprint. He said in addition to that on page 9-69, item b, we’ve added language to allow gravel to be put in existing soft shoulder parking areas. He said where there is no defined curb people are pulling off the road to park in the grass shoulder and since there is no material to support the weight, it is starting to break the shoulders of the roads away. He said we inserted this language to allow homeowners to put gravel in to provide a stabilizing base when parking off the road. Mr. Denning said it’s just that we are very specific with the materials we say they can use for new driveways and things like that. He said he’s thinking technology is moving forward in all those areas and there may be something in the future that we are not leaving ourselves open to be able to use. He said he didn’t want us to have to rewrite this every time something new comes out; he didn’t know what type of wording should be inserted to open that up but he would like to try to think forward. Mr. Chodkowski said based on what we know going on in the field of construction, they are trying to adopt green technologies to incorporate in existing products. He said the up and coming item is porous asphalt and it’s being designed to allow for the filtration of water without doing damage to the bonded surface. He said he didn’t think we would be looking at new materials as much as we would be looking at the advancement of existing materials.

Ms Campbell said on page 9-70, item e at the top; *no vehicle shall be used for living, sleeping, housekeeping, or commercial purposes when parked on a residential lot or in any location not approved for such use*; she asked what type of vehicle this meant. Mr. Chodkowski said what we would be talking about is if a relative comes to town and pulls an RV into the driveway and ends up staying for an extended period of time; any type of permanent use of a temporary condition. He said mobile homes are typically designed for short stays Mr. Fullenkamp said short stays are okay. Mr. Chodkowski said yes; as long as it is not connected to any utility at a physical permanent structure. Mayor Flaute said what about bigger parking lots like K-mart; some homeless folks will start camping out there, especially close to the malls; do we have anything in the code for that. Mr. Chodkowski said nothing specific but he’s confident between the uniform traffic code, the Ohio Revised Code, and our zoning code, we would be able to address that situation. Mayor Flaute said it’s amazing and people don’t think we have homeless people here. Ms. Campbell said don’t we have shelter for them. Mayor Flaute said a lot of them don’t want to go there and they start parking in the lots at shopping areas. Ms. Campbell said don’t we have a building we could turn in to something for them. Mayor Flaute said it would be a good project for you Ms. Campbell. He said there are lots of buildings but no money. Ms. Campbell said can we get contributions for them. Mayor Flaute said there you go, it’s a good idea.

Mayor Flaute said on page 9-62 it references the PEDD which he presumes stands for the Planning and Economic Development Department. Mr. Chodkowski said correct. Mayor Flaute said on page 9-60 it references the Department of Planning and Economic Development; he asked if those were the same. Mr. Chodkowski said yes and those will be corrected as we go through the code.

Mr. Denning said on pages 9-88, 9-89, and 9-90, those are 3 pages on trimming trees in the public areas that basically the city owns; does that need to be part of the ordinance or can it just be a city policy. Mr. Chodkowski said we will be tweaking that language but what we wanted to do is provide a set of standards for new development on the kind, type, and design of street trees in various locations and references to city owned property should be reference to *within the right of way.* He said the second component is that the adjoining parcel owner will be ultimately responsible for tree maintenance; it is not clearly defined in the existing code and the intent to define that in the proposed code didn’t quite come across. Mr. Denning said there were just too many words to say look, you are in charge of cutting the trees that are in the right of way and you have to keep them trimmed to a standard. He said the other part that was confusing to him was the reference to small trees, medium trees, and large trees and it gives you distances apart for planting but there’s no definition to what that is. He said if you are from California a large tree is a redwood but a large tree in Ohio might be a maple. He said if we are going to put that kind of thing in here we need some idea such as a small tree is 3 to 8 inches in diameter, and so forth. Mr. Chodkowski said there is a reference in here to the street tree ordinance and we will tweak that language but there will be a defined list for a variety of trees that qualify for that which are bred for certain conditions; that document will accompany this. Mr. Denning said he is just against making rules if we don’t need the rules or making the rule larger than it needs to be. He said as he was reading this, he was thinking 3 pages on how to trim a tree.

Deputy Mayor Smith said on page 9-70, item 4 at the top of the page states *no recreational vehicle shall be parked nearer to a lot line than 3 feet*. He said the new project that is going into the old business park; those houses are going to be 5 feet from the lot line so you just zoned these guys out. Mr. Chodkowski said there may be cases where that situation does arise and if so, those folks will have to find an appropriate place to store their recreational vehicle; that happens. He said this situation is not unique to this proposed subdivision; it all depends on how the house is built in its building envelope in relation to the neighboring property and how that house is built in its envelope.

Mayor Flaute said there’s no way we can make the ordinance so it’s alright to do that. Mr. Chodkowski said not every house is exactly the same width and not every lot is exactly the same width. Mayor Flaute asked if it needs to be in there that you have to have it so far away from the lot line. Mr. Chodkowski said correct. Deputy Mayor Smith said what about the existing properties; will those be grandfathered where the driveway has been poured all the way up to the lot line and they have their RV parked on that asphalt or concrete. Mr. Chodkowski said in the event we were to receive a complaint about a situation like that and it turned out to be a condition where an RV was parked closer than 3 feet to the lot line; there would have to be an attempt to seek compliance or request for variation from the rules in the way the code allows that to happen.

Deputy Mayor Smith said prior to you coming to Riverside; we had a big issue with RVs in the driveways, especially in the Saville Estates area. He said we met with the home owners and other residents in the community and we decided they can park the motor home behind the front line of the house if it was on a hard surface. He said many of those residents poured concrete or had asphalt put down beside their garage so they could park that RV. He said with this ordinance, once this becomes law, they would be in violation because they will be less than 3 feet from the lot line. Mr. Chodkowski said you don’t know that necessarily to be true. He said another issue is, if I park my RV on the lot line; how would I get out of my RV without trespassing on my neighbor’s property?

Ms. Campbell said if it’s already done and the pad is there for them to park on, do they have to go back and change it? Mr. Chodkowski said we aren’t going to make them go and saw off 3 feet of concrete. Deputy Mayor Smith said so it’s going to be grandfathered. Mr. Chodkowski said he wouldn’t say that either; every situation is different so I can’t give you an answer, yes or no, because not all properties are equal and consistent. Deputy Mayor Smith said that’s true but if Mr. Homeowner wants to sell his property and has poured concrete beside his driveway for his RV; the new owner is going to look at that and think he can park his RV or boat beside the garage. He asked if the new law went into affect because a property changes hands. Mr. Chodkowski said the new law goes into affect when the new law goes into affect and the rule of thumb is if you are found to be in violation of the law, regardless of what kind of law it is; you have to comply with that law unless it causes you undue hardship to comply. He said if we changed the side yard set back on every property to 20 feet and you had to literally pick up your house and move it; that’s an undue hardship. He said if council passed a law that says you can no longer park your RV in your side yard; you have to park it in your back yard – to turn the key and move it is not an undue hardship. He said keep in mind we are not assembling a measure-and-hit squad to go out and measure every notation that exists in the code. Deputy Mayor Smith asked if these folks were going to have to come before the BZA and get a variance. Mr. Chodkowski said it all depends on their particular situation.

Mr. Schock said I’ll give you a fine example – my house; my driveway is right on the edge of the lot line and is a pre-existing condition. He said he can park his RV there and he’s not in violation because it’s pre-existing; it’s been there since 1938. Mr. Denning said your driveway is not in violation because it is pre-existing but the RV is in violation. He said if the neighbors don’t complain, nobody is going to write you up.

Mayor Flaute said back to his question; is this something we still want in the code. Council members agreed yes. Mr. Denning asked if the 3 foot rule was in our existing code. Mr. Chodkowski said no; there is a set back requirement for structures but not for vehicle storage.

Mr. Schock said so he can’t park his boat in his driveway. Mr. Chodkowski said with the current code you can as long as it’s behind the front line of your house; in the proposed code you still could as long as it’s behind the front line of your house and no closer than 3 foot from the lot line.

Mr. Denning asked if that included the back yard and Mr. Chodkowski said yes.

Mayor Flaute said if we are not going to enforce it; he’s trying to think of why we would need it. Mr. Chodkowski said he wouldn’t say we are not going to enforce it; what he would say is it is not going to be an active enforcement issue. He said active enforcement is looking for homes that are falling down or grass that is overgrown; those are things that we look for but if someone were to call and say their neighbor just bought a new RV, parks it right on the lot line, and to get around and clean it, he has to come on my property and they are tried of the trespassing. He said rather than filing a criminal complaint or a criminal issue, we would send a letter that stated pursuant to this section of the code, you are in violation of the parking requirements for your recreational vehicle. He asked council what they would rather have us do; file a criminal trespass complaint or ask them to move their RV. He said that’s what this language is intended to do; prohibit the trespass of one person onto another person’s property.

Mayor Flaute said he wants to think about that but he thinks its okay to have it in there. Deputy Mayor Smith said under Mr. Chodkowski’s rule, it’s something that’s not going to be enforced. Mr. Denning said the real answer is, if you have a neighbor that’s a pain in the backside; they are going to use this as a brick to hit you in the head every time they can. Council members agreed. Mr. Denning said he didn’t know that our neighbors needed more bricks. Mr. Schock said maybe there should be an exemption in there. Mr. Denning said no; we either have the rule or we don’t have the rule. He said if we start with exemptions then everything gets muddier than it already is. Mr. Schock said he thought there should be an exemption that if your house was built that way; you should be allowed to keep an RV.

Mr. Denning asked if we had a lot of people that complained about their neighbors parking too close to their lot lines. Mr. Chodkowski said typically the issue doesn’t exist where the condition is already present. He said the issue is when you live next to someone for 5 years and suddenly decide you are going to go out and buy an RV; that’s when someone will call city hall to find out if it’s allowed to be parked where it is. Mr. Denning asked if we got a lot of calls like that. Mr. Chodkowski said to the best of his knowledge, no. Mr. Denning said then we don’t need the rule.

Mayor Flaute said the last time the issue was we had a few complaints because someone did what the manager stated; also when its pouring down rain and an RV is sitting close to your house, it’s noisy.

Mr. Denning said his point is, if we don’t have an issue and we haven’t had an issue, do we need a rule before we have a problem. He said he thought sometimes we write rules just to write rules and he’s totally against that.

Mayor Flaute said he thought there was enough discussion from this to put this on the list as something we need to talk about when we get to that. Deputy Mayor Smith said if his neighbor parked an RV right on the property line, he would probably be upset; but he knows people that have RVs, have poured the slab, and park it right on the property line and it’s okay with their existing neighbor. He said but when that neighbor moves what is the new neighbor going to say. Mayor Flaute said he wouldn’t like having an RV parked close to his house. Deputy Mayor Smith said if he owned an RV he would want to have the option of parking it next to his house. Mr. Denning said the answer is maybe we don’t allow RV storage anywhere and they have to store it in a storage facility; that’s what Kettering does. Mayor Flaute said the problem is RVs are people’s hobbies. Mr. Denning said he is not advocating that solution; he’s just saying that’s the other side of the pendulum.

Ms. Campbell said page 9-128, it talks about flooding and she wanted to know who is responsible if someone fills in a drain off hole and causes the flooding. Mr. Chodkowski said in the event that had actively occurred under the terms of the proposed code and the property were in a flood plain; it would be the person who filled in their yard. Ms. Campbell said she was using that as an example for Ingleside and Marianne or Golden Meadows. Mr. Chodkowski said that would be localized flooding but this chapter and this language is all regulated to the floodplain such as the Floral Park or the Glendean area. He said this is where the water would go for moving bodies of water or permanent bodies of water when they flood. He said the areas you are referencing are localized areas of flooding. Ms. Campbell said so these rules wouldn’t apply. Mr. Chodkowski said not to the areas you are referencing; localized flooding is covered under storm water and drainage standards on page 9-91. He said only so much water can flow onto an adjacent property and only so much can flow off a property onto an adjacent property; the amount of the flow cannot be increased, it can only be decreased. He said if someone changes the grade of their property or has an addition to their house and now the property which is downhill floods; the city can require the person who changed their property to fix the problem. Ms. Campbell said that’s what happened over there; the house in the middle of the street filled in with dirt. Mr. Chodkowski said that happened several years ago and our ability to enforce existing regulations or proposed regulations on that situation is not possible to do. He said there are state laws the affected neighbors can use provided they can prove the change caused the condition. He said the time for a property owner to act is immediately when their property is affected. Ms. Campbell said maybe that is something for the Planning Commission to work on to see if they can come up with something to help these areas that are flooding.

Mr. George Lynch, Chairman of the Planning Commission, said in regards to Mr. Denning’s question; when council approved rezoning of the former business park to R-4A that leaves 5 feet on either side of a home, so if you have a recreational vehicle there will be no place to park it at your home. He said he would like to be able to say the Planning Commission saw that coming but he didn’t think they did. Ms. Campbell said maybe the Planning Commission can change the rules. Mayor Flaute said it’s in our hands now. Mr. Lynch said he thought the RV rule should stand. Ms. Campbell said it’s why they are building the houses the way they are because of the rules they were given and the county laid it out the only way they could, so that’s what they have to do.

Mr. Denning said so you’re saying this rule helps alleviate a problem if people wanted to park RVs down there. Mr. Lynch said it certainly does; as Deputy Mayor Smith indicated, several years ago in Saville we had a similar problem and it was resolved by having to go to the BZA to get variance to pour a cement slab. Mr. Denning said even with a 3 foot rule, someone would still be able to park an RV. Mr. Lynch said not in an R-4A neighborhood. He said in the proposed code the R-4A zoning district changes to R-3 and the 5 foot side yard will not exist. Mayor Flaute said if they build the houses the way they say they are going to then there will be room, but that is another discussion. Mr. Lynch said go look at Valley View. Mr. Denning said even with the R-3, the side yard is 7 feet so that doesn’t really give you room for an RV either. Mr. Lynch said that’s why we have a BZA. Ms. Campbell said they are going to build some nice homes. Mayor Flaute said we try not to keep the BZA too busy.

Mr. Lynch said in response to Ms. Campbell’s comment that they will be some beautiful looking homes; yes they will be. He said he was at the new place in Fairborn and looked; he’s been to Valley View and looked; but you need to look at the density and how close together they are. Ms. Campbell said the Planning Commission made the rules on how close they are. Mr. Lynch said we recommended against the R-4A rezoning and council voted for it.

Mayor Flaute thanked everyone for their comments.

c. Discussion: Fair Park Bridge

Mr. Chodkowski said as you all know due to structural degradation we had to close the Fairfax Avenue Bridge earlier this year in July. He said with respect to the bridge and whether or not council deems it necessary to replace, rehabilitate, or remove the bridge; there are some critical timelines that are approaching regarding potential funding.

Mr. Chodkowski said first and foremost the Ohio Public Works Commission has an emergency capital fund totaling $2.5 Million for the entire state. He said municipalities may apply to the state for access to those funds for emergency situations. He said he had some conversations with the folks at OPWC and they have indicated this project would qualify for application; however for those qualifications to continue, an emergency necessitates that there is an immediate need. He said since the bridge’s closure, it is still close enough that we could apply to the OPWC emergency pot; the caveat is the minimum grant match is 10%.

Mr. Chodkowski said another option that exists is the Ohio Department of Transportation Municipal Bridge Fund which is funded at $2.5 Million per project and the minimum grant match is 20%. He said there is a four year lag so if the city made application and it was approved, the funds would not be made available in this instance until January of 2016.

Mr. Chodkowski said those are the options that exist in addition to the traditional OPWC Issue II, however there are several other projects council has indicated that are priorities and this would be a competitive project. He said that is an avenue next year but he didn’t think that was an avenue council would want to pursue.

Mr. Chodkowski said in the event council would want to take advantage of either one of the OPWC Emergency Fund or the Ohio Department of Transportation Municipal Bridge Fund; an application and materials need to be prepared and submitted in short order. He said the Municipal Bridge Fund application is due at the first of the year and the OPWC Emergency Fund application would be due as soon as we can assimilate the information and get it out the door.

Deputy Mayor Smith asked what the match is on the OPWC fund. Mr. Chodkowski said the minimum is 10% but it was suggested we better come with more.

Mr. Fullenkamp said the 5th option on the memo we discussed and he was wondering if council and staff would be willing to talk to the neighborhood as mentioned at the end of the paragraph. He said the discussion was that the bridge was mostly a pass through for people that don’t want to go to the intersection. He said it would be quite easy to ask the residents their opinion and with the timeframes, these things could be done in parallel. Mr. Chodkowski said his recommendation to council would be that they actually provide for a combination of option 2 and option 5 so the city would prepare an application with a match amount to ODOT. He said hopefully in the interim we can have discussions with the neighbors and he also spoke with the engineer to check to see if there are any funds available for bridge removal and pedestrian bridge replacement. He said in this particular instance, the bridge’s removal and replacement with a pedestrian bridge would be more eco-friendly and eco-conscious. He said that could open up avenues through ODNR or the OBPA water management. Mr. Fullenkamp asked if the existing bridge is unsafe for pedestrian traffic. Mr. Chodkowski said no; it is perfectly safe for pedestrian traffic. Mr. Fullenkamp said so modification to the bridge is possible too. Mr. Chodkowski said correct; all we would need to do is shift existing barriers to create the pedestrian path but the existing bridge is insufficient in its design to meet the 100 year flood; so we could pull that bridge out and construct a pedestrian bridge that would meet those requirements which would make the eco-grant funds potentially available. Mr. Fullenkamp said do we know the cost of the pedestrian bridge is much lower, maybe $50,000 to $100,000. Mr. Chodkowski said he would say between $100,000 and $150,000.

Ms. Campbell asked if the road would be continued straight down to Smithville. Mr. Chodkowski said the road configuration would remain the same; in the event council and the neighborhood made a determination that the bridge be removed or stay pedestrian, we would simply realign the buttresses of the bridge and there would be parking spaces next to each side of the bridge. Mayor Flaute said there 2 residences on the other side of the bridge so you have to be able to get to them. Ms. Campbell said she didn’t think there was anything there. Mr. Chodkowski said there are 3 or 4 parcels back there; 3 homes of which 2 are occupied.

Mayor Flaute asked what the police and fire departments thought about closing the bridge. Mr. Chodkowski said we did have the discussion on whether or not this would have a serious impact on response time and they indicated it would not. He said it’s obviously going to increase response time a few seconds but not a significant delay as far as minutes. Mayor Flaute said if there is a fire for those 3 or 4 residences where would the fire trucks come from. Mr. Chodkowski said they would go Springfield to Smithville to Fair Park and turn left right after you cross over the Smithville/Lilly Creek Bridge. Mayor Flaute asked how they would come out – the same way. Mr. Chodkowski said that’s how they are responding now. Mayor Flaute said even when the bridge was there they did that. Mr. Chodkowski said they had the capability when the bridge was there but certain pieces of apparatus can’t make that bridge and navigate the right hand turn, so some pieces of apparatus still had to go around and make the left hand turn. He said the bridge is only 1 ½ lanes.

Mr. Schock said he thought we should see what the citizens want in that area. He said he was going to assume that they are not going to mind that the bridge is closed down. He said he didn’t want to waste time filling out applications for grant money if it doesn’t matter to the majority of those citizens if the bridge stays or goes. He asked if we could do the survey first; a quick little letter. He asked the manager what the turn around time might be for that – 3 weeks. Mr. Chodkowski said it would be longer than that. Mr. Schock said he knew the mail was a little slow. Mr. Chodkowski said mail is not the issue; it’s the issue of having the ability to craft the letter correctly with response information, get it out, and get it back in time. He said maybe a week before we have something crafted and ready to go out, then how long do you want to wait – 2 or 3 weeks before you get something back. Mr. Schock said in the letter make a note that this is time sensitive. Mr. Denning said to put in the letter that if we don’t get anything back, we will assume they don’t care. Mr. Schock said the ones who will respond quickly are the ones who are against closing the bridge. He said he thought we should attack that first, then come back to apply for the grant.

Mr. Denning asked if that would give staff enough time to write the grant for January if we did the survey first. Mr. Chodkowski said that he didn’t know; there would obviously be technical components to the grant which would have to be done by LJB and he would have to check with them to see how much advance time they need to prepare the documents. Mr. Denning said if we don’t have enough time to do the survey first and then the application, we need to be doing these in parallel. Mr. Schock agreed and said the manager should start off with the letter and then check with LJB.

Mr. Fullenkamp said we really can’t put a grant together until we know what we want to do. Mr. Chodkowski said his recommendation would be to put in a grant to replace the bridge, then in the event we were able to determine other grants were available for the removal or replacement of the pedestrian bridge or we heard back from residents who indicated they did not want the bridge reopened, we can always withdraw, the window is 4 years. He said to keep in mind you are asking them to assess a situation they have had within their lives since 1954 that they have now lived without for 60 days. He said to hurry up and ask them what their opinion was had crossed his mind but it is so new; they might be thinking it’s nice to not have any cars going up and down the street but when the snow flies; they might wish they could get over the bridge and just get out. He asked if that made sense.

Mr. Schock said in a way but they’ve had enough time since July to digest what’s going on during the summer. He said he didn’t want to see money going to the engineers and staff time if the residents don’t want it. Mr. Chodkowski said there are no right answers and no wrong answers.

Deputy Mayor Smith said don’t we have a deadline on when we have to have the grants submitted. Mr. Chodkowski said the OPWC grant is most pressing; the ODOT Municipal Bridge Grant isn’t due until January. He said there is still time provided LJB doesn’t need a significant turn around time with the basic application. He said there is still time to get a letter out and get responses back by end of October or first of November which would give LJB 30 to 45 days to assemble what we need.

Mrs. Reynolds said after the bridge was shutdown, she went over to visit the members of that community and a lot of them do not use the bridge; they go out at Springfield Street. She said no one she spoke with told her they used the bridge; but there is a concern with the cut through traffic which you can see a lot of. Mr. Denning suggested a toll bridge for the cut through traffic.

Mayor Flaute said if we do both options 1 and 2; we wouldn’t be incurring any additional engineering expenses because the applications might be the same. Mr. Chodkowski said for the OPWC Emergency Fund application, they are not necessarily interested in the technical data, they are more interested in the financial information such as: what we applied for in our last 3 Issue II applications, were those funded, were they the same project, how much money do we have, how long did we know about the problem, and what is the overall estimate to address the problem in relation to how much financial resources we have available. He said most of that we can assemble in house; the engineering information would simply be a letter or memorandum stating the bridge can be replaced between this amount and that amount. Mayor Flaute said so the suggestion Mr. Schock has to do both at the same time wouldn’t really affect our budget that much because you have that information readily available. Mr. Chodkowski said the issue isn’t really the cost to the engineer with the OPWC grant; you have to pledge a match when you send your information and that is what matters because we are in the process of assimilating a budget; a budget we know has an operational deficit. He said that is the issue with option 1. Mayor Flaute said right and he thinks that is an option this council would agree to.

Mr. Denning said he was talking about assembling an application for option 2 and talking to the neighbors in parallel. Mayor Flaute asked why he was opposed to option 1. Mr. Denning said if he was at OPWC he would look at the $3.0 Million we have in our account and think there’s not really an emergency and the city can pay for it.

Mrs. Reynolds said she didn’t believe it was an emergency situation and didn’t think we should spend our wherewithal when we may have a true emergency situation at some time that would be greater than this bridge. Deputy Mayor Smith said based on your findings from when you spoke to the residents, he could understand where she is coming from – it makes sense.

Mr. Schock said one thing he would look at if he was the person handing out the grant is what is the traffic flow over that bridge? He said if all you can say is 11 cars a month, why should the grant be given. Mr. Chodkowski said actually its about 70 vehicle trips per hour with a total count of 3,300 for 2 ½ days. He said the 1 day study was 945 vehicle trips.

Mayor Flaute said we had a bridge out on Dora Avenue and they didn’t have much traffic either so we closed it down but there was a flaw in that because the people needed that bridge even though there wasn’t high traffic. He said this grant’s a little different because people might not necessarily want this bridge there because of the high traffic. He said we’ve argued it both ways; what does council want to do?

Deputy Mayor Smith said this raises an interesting question; if all the people Mrs. Reynolds talked to don’t use the bridge, where is all the traffic coming from. Mayor Flaute said cars are cutting through the neighborhood to get from Smithville to Springfield. Deputy Mayor Smith said that’s an awful lot of traffic. Mr. Chodkowski said when he saw the original traffic count he thought there was no way but when we re-ran the study it was confirmed and he couldn’t believe it either.

Mayor Flaute said if the neighbors don’t want it then we really don’t want to do it for all the reasons Mrs. Reynolds stated.

Deputy Mayor Smith said what are our options? Mr. Chodkowski said his recommendation is to make application for the ODOT Municipal Bridge fund and then talk with the neighbors. He said he based that on giving the neighbors time to get accustomed to not having the bridge rather than their opinion being based on the newness of not having the bridge. He said we can get out a letter in short order and get responses back as to whether or not they want that bridge replaced. Deputy Mayor Smith said he agreed we needed to send out a letter and see what they want. Mr. Chodkowski said we can do that prior to the deadline for the ODOT grant which is due in January 2012.

Mayor Flaute said the only response he has to the emergency is, will it really be an emergency? He said we haven’t had an emergency bridge go out on us except for Dora and that’s 10 years with only 1 bridge. Mrs. Reynolds said the bridge has been down since July 1st and there has not been an incident; she has not received 1 call; and the city has received only 1 call. She said she didn’t think that in any stretch of the imagination they needed to consider it an emergency and someday there may be an emergency. Mayor Flaute said we need to do what our citizens want so he agrees with that. Deputy Mayor Smith added that no one from that neighborhood has come to address council.

Council agreed to have staff send out a letter to verify what the neighborhood wants done. Mrs. Reynolds said we may want the pedestrian bridge.

**ITEM 7: RECESS:** The Council took a recess at 7:30 p.m.

**ITEM 8: RECONVENE:** The meeting was reconvened at 7:43 p.m.

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

**ITEM 10: MINUTES: Consider approval of the minutes of the September 1, 2011 Council meeting.** A motion was made by Mr. Denning to approve the minutes as written. Mrs. Reynolds seconded the motion. All were in favor; none were opposed. **Motion passed.**

**ITEM 11: PRESENTATIONS:**

a. Proclamation: Worldwide Day of Play

Mayor Flaute said Michele Obama has asked that we strongly encourage people to get involved in working with nutrition, fitness, and sports. He said the cities were asked to have a proclamation on the Worldwide Day of Play.

Mayor Flaute read the following proclamation:

 *WHEREAS,* on behalf of the Citizens of the City of Riverside, Ohio, we join Nickelodeon, Boys & Girls Clubs of America, President’s Council on Fitness, Sports & Nutrition, and National Park Foundation, in celebrating Worldwide Day of Play and in ensuring that today’s generation of kids becomes one of the healthiest; and

 *WHEREAS,* part of Nickelodeon’s international, grassroots effort is to get kids more physically active and to encourage positive, healthy, and playful lifestyles across the globe, thus Worldwide Day of Play is a fun event to empower our youth; and

 *WHEREAS,* the rates of childhood obesity continue to rise at alarming rates; and

 *WHEREAS,* today’s children and adults don’t get as much physical activity as they should; and

 *WHEREAS,* nutritious diets and physical activity are an important component to living a healthy lifestyle and reducing disease; and

 *WHEREAS,* the City of Riverside, Ohio is committed to working to support today’s kids in becoming the healthiest generation.

 *NOW, THEREFORE*, be it proclaimed by the Mayor and the Council of the City of Riverside, Ohio, that Saturday, September 24, 2011 be recognized as *Worldwide Day of Play* in our community.

Mayor Flaute said it’s going to be a big day and hopefully there will be a lot of media coverage on that. He said we don’t have any special events scheduled for that day but we encourage all citizens to get out to exercise and use our great parks, we have some of the best parks in the region, so get out and encourage people to use that day of play.

Deputy Mayor Smith asked why this didn’t say National Day of Play. Mayor Flaute said this is worldwide. Deputy Mayor Smith asked if we knew people in Korea or Japan are participating. Mayor Flaute said the National League of Cities says they are.

Mr. Denning asked if this is going to be a yearly thing; if we knew about this far enough ahead, we could have gotten some of the local organizations or the Parks & Recreation Commission or the Health & Safety Commission to organize and make this something more. He said if we are going to go to this effort, we actually need to do something to make it more community friendly. Mayor Flaute asked the clerk to check on that for Mr. Denning. Mayor Flaute said he thought they talked about this at one of the Parks & Rec meetings a few months ago. Mr. Chodkowski said there was a meeting he wasn’t able to attend but he didn’t recall this being an issue that was discussed.

Ms. Campbell asked if the Mayor wrote this. Mayor Flaute said the clerk authored this. The clerk said it was actually a template Mayor Flaute emailed to her. Ms. Campbell said what about the homeless. Mayor Flaute asked if Ms. Campbell wanted a proclamation for them. Ms. Campbell said shouldn’t we help everybody. Mayor Flaute said yes. Mr. Denning said this is just encouraging people to be healthier.

 b. Proclamation: Honoring “Ohio George” Montgomery

Deputy Mayor Smith said he remembered when he was growing up that “Ohio George” was a resident of Mad River Township. He said there was a well known toy model car company that put out a model of his 1934 Ford and it was a really good looking car. He said “Ohio George” was more of a ¼ mile dragster – he was renowned and holds a lot of records. Mrs. Reynolds said he is a life-long resident of Riverside.

Mayor Flaute asked if his family is still here. Mrs. Reynolds said yes. Mayor Flaute said we need to get this to them.

Deputy Mayor Smith read the following proclamation:

 *Whereas*, the boy, George Montgomery, liked mechanical stuff and at a young age was a mechanic at his Uncle’s Ford Tractor Dealership, and;

 *Whereas****,*** George’s racing career began in the 1950s and with his ability to repair or make anything that was needed, he also opened George’s Speed Shop, and;

 *Whereas****,*** at the very beginning of professional drag racing as we know it today, George started his NHRA record pursuit and was part of one of the most colorful chapters in the history of the sport, and;

 *Whereas****,*** in its heyday, the AA/GS class boasted many talented racers but none could match George’s record in national event competitions, and;

*Whereas,* quickly establishing his reputation as the top racer in his area of competition, he became known as “King of the Gassers” and “Ohio George”.

*Now, Therefore, be it Proclaimed* that the Mayor and Council of the City of Riverside recognizes “Ohio George” and his place in racing history, and to you who have burned out, got traction, or caught the green light, we honor and appreciate your efforts to the sport of drag racing and to your community.

Mayor Flaute said he thought “Ohio George” would like some applause from everyone and he asked for a round.

c. Proclamation: Honoring Clifford “Red” Jackson and Bill Coleman

Mrs. Reynolds said these are 2 other gentlemen who were honored recently along with George Montgomery at the KilKare Old Geezer’s Day. She said these gentlemen have all been participants and have practically lived at KilKare Drag Strip for many, many years. She said on Thursday nights, they wouldn’t have been able to be here because Thursday nights are Test and Tune.

Mrs. Reynolds read the following proclamation:

 *Whereas*, with the first challenge by friend or foe to see who could cross the finish line first and at an unprecedented speed, friendships and competition began, and;

 *Whereas,* in 1965, the race team of Jackson/Coleman was formed in a garage in the Township of Mad River; and *Whereas,* in 1965 the race team of Jackson and Coleman was formed in a garage in the Township of Mad River, and;

 *Whereas,* in 1965 the Dodge automotive company produced only 101 Coronet race cars, and;

 *Whereas,* two residents, Clifford “Red” Jackson and Bill Coleman purchased their dream cars, and named the Coronets, “*The Crusader*” and “*The Dodge Material*”, and;

 *Whereas,* that purchase cemented a long friendship, and helped to created a community within a community that still lives and loves the sport of drag racing and further provides enjoyment to Riverside residents, friends and families.

 *Now, Therefore, be it Proclaimed* that the Mayor and Council of the City of Riverside recognizes the “Old Geezers of KilKare” and their place in racing history and to you who have burned out, got traction, or caught the green light, we honor and appreciate your efforts to the sport of drag racing and to your community.

There was a round of applause for Clifford “Red” Jackson and Bill Coleman.

Mayor Flaute said we appreciate those kinds of things and we need to do that in our city. He said just to let you know, he will be doing a proclamation for Stanley A. Pleasant, an American Legion member in Riverside and he is running for the High Office of Commander. He said he will be attending a dinner for him and presenting this proclamation. He said a few weeks ago we had someone who turned 70 and we had a proclamation for them. He said she is in our audience tonight and he recognized Connie Moore. He said her daughter did a great job of arranging a birthday party and we surprised the heck out of her. He said it’s important we recognize the important folks in our city.

**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.

**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.

1. Minutes of the August 25, 2011 Health and Safety Commission meeting.

(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.

Mr. Fullenkamp said regarding Lilly Creek, are the people in the district going to be notified by Montgomery County Soil and Water about the public viewing of the proposed project. Mr. Chodkowski said the mailers were supposed to be sent out this morning.

Mr. Denning asked if we had heard anything regarding the Glendean grant. Mr. Chodkowski said no; last week when he checked with ODNR they had not made an official determination on the grant recipients yet. Mr. Denning said that ties to the Community Park electric issue and that’s the only reason he was trying to move forward.

Ms. Campbell asked if they had started to change over the radios on the police cars. Mr. Chodkowski said related to Huber dispatch, his understanding is the radios are in the process of transition; all addresses have been validated; call codes have been created; test dispatches begin next week; and the change-over will occur the morning of October 4th. Ms. Campbell asked if there will be a new number to call. Mr. Chodkowski said 911 will remain the same and the non-emergency dispatch number will be in the newsletter everyone should receive this week. He said he believed it was also on our website and the number is 233-8040.

Mrs. Reynolds said she has some concerned residents in the city calling about the Halloween schedule of October 31st, 6 to 8 p.m. which is a Monday night. She said the Police Chiefs used to determine the date and asked if that was still the process. Mr. Chodkowski said the Mayors & Managers Association of the Miami Valley recommends which night and that was done so everyone has the same night. Mrs. Reynolds said she believed they would be getting concerns from the residents who will ask that the Mayors and Managers look at scheduling it for the weekend. She said she understands the concerns; if the parents work during the day and they get home at 5:00, they have feed everyone supper, get the kids dressed and out on the street at 6:00, and make all those arrangements. She said if there is anything the Mayors and Managers can do for next year, people would like to see this on Saturday or Sunday afternoon.

Mr. Denning said next year is leap year and Halloween will be on Wednesday so it won’t be close to a weekend. Mrs. Reynolds said she thought a lot about this after the concerns were raised; maybe if we just establish the Saturday before Halloween as the day we always have Trick or Treat. Mr. Denning said what are you going to do when Halloween is on Thursday or Friday? Mrs. Reynolds said always the Saturday before.

Mr. Chodkowski said as a general rule, the Mayors and Managers typically try to have Trick or Treat on Tuesday if the 31st is on a Wednesday in respect of religious fellowships that are scheduled for Wednesday; and when it falls on a Friday, Trick or Treat is done on a Thursday so as to not interfere with high school football. He said those are the 2 exceptions. Mr. Denning said we have been doing Trick or Treat on week nights for years; how many complaints would we get if it wasn’t on Halloween or really close to Halloween. Mrs. Reynolds said she didn’t know, maybe it’s just something we need to try. Mayor Flaute said he would bring it up at the Mayors and Managers meeting and let them know of the results.

Deputy Mayor Smith asked if they could recap when Trick or Treat is going to be. Mrs. Reynolds said Monday the 31st from 6 to 8 p.m. Mr. Chodkowski said it will always be on the 31st unless that is a Wednesday or a Friday in which case it would be the day prior.

Mayor Flaute said he was told by a community member and someone on the Health and Safety Commission that there has been a resignation on that board. He said Mr. Denning caught that also in the minutes of the Health and Safety Commission meeting. He said being that it is in the minutes and the members of that committee are saying there is definitely a vacancy; he would like to ask council if it was okay to move forward and advertise the opening. Ms. Campbell said shouldn’t we get the resignation first. Mayor Flaute said he’s not sure we will get one; it was asked that the gentlemen provide one and that didn’t happen, so the Chairman called and the gentleman verbally resigned. Ms. Campbell said just so he doesn’t come back and say he is still on the board. Deputy Mayor Smith said we really should have a letter even if we have to do a form letter and mail it to him for a signature.

Mr. Schock said the Chairman of the commission could declare an open seat. Mr. Chodkowski said that is council’s responsibility because they make the appointment. He said the member has been absent enough that council can make that declaration; the member can be removed based on the by-laws of the committee. He said in the event the verbal resignation through Chairman Schneider isn’t sufficient, you can simply make a motion that he be removed from the committee for lack of attendance.

A motion was made by Mr. Denning to remove Mr. Stull from the Health and Safety Commission due to lack of attendance. Ms. Campbell seconded the motion. All were in favor; none were opposed. **Motion passed.**

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

**ITEM 15: NEW BUSINESS**

# ORDINANCES

* 1. **Ordinance No. 11-O-475 to make supplemental appropriations for current and other expenditures of the City of Riverside, State of Ohio, for the period January 1 through December 31, 2011. (FIRST READING)**

Mr. Chodkowski said this is to make supplemental appropriations to the current operating budget.

A motion was made by Deputy Mayor Smith to read Ordinance No. 11-O-475 for the first time in its entirety and approve its first reading. Mr. Denning seconded the motion.

Mr. Fullenkamp said our Police Department uses Speedway; is our contract with them? Mr. Chodkowski said yes; we have an account with them and every cruiser has a credit card. Mr. Fullenkamp asked if that was the best way to do that. Mr. Chodkowski said the benefit of the program is we pay significantly less than the average person because we are tax exempt so all the state and federal fuel markups all come off when we make our purchase. He said our fuel depot is sufficient to meet the needs of the public service and fire departments but if you add in the police department, the draw on the tank is significant enough to stir up deposits and we begin have internal engine and combustion issues with our vehicles; that’s why the police started using Speedway. Mr. Fullenkamp asked if we looked at other options. Mr. Chodkowski said we talked with the schools in 2007 or 2008 to see if we could piggyback with them and we were willing to provide for certain upgrades to the system but unfortunately the school demanded significantly more upgrades than we felt were appropriate to be our burden to bear. He said with the existing tanks and their proximity to the Mad River as well as the well field; those are here to stay unless we want to remove them at which point in time our ability to financially re-establish a fuel center here becomes really burdensome. Mr. Fullenkamp said is it worth revisiting the cooperative effort with the school district especially in times when we are talking about consolidation of services. Mr. Chodkowski said it might be and there is also a change in leadership.

Mayor Flaute asked if we should bid at BP or Shell or other gasoline company. Mr. Chodkowski said it was availability; there are several Speedway locations within the city but the number of BPs or Shells are limited. He said Speedway offers us an opportunity for multiple fuel points while the vehicles are out on patrol.

Mr. Denning asked if we got a discount, other than the taxes, just for the sheer volume of fuel we buy. Chief Reiss said its a couple cents per gallon. Mr. Denning said every little bit helps.

The clerk read Ordinance No. 11-O-475 for the first time in its entirety and Mayor Flaute asked if there were any questions or discussion from members of council.

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

# RESOLUTIONS

* + 1. **Resolution No. 11-R-1590 in support of and authorizing the City Manager to submit an application to the State of Ohio for Clean Ohio Conservation Funds in excess of $189,000, which amount was authorized by Resolution 11-R-1586 in furtherance of the Eintracht Recreational Project.**

Mr. Chodkowski said this resolution is the new and improved Eintracht project and is brought forth with a few changes and at the recommendation of the Law Director. He said the short version is; Riverside was able to partner with the City of Dayton and we now have an option to purchase the parcel in the canal bed that is in the City of Dayton and the City of Dayton has agreed to demolish the house; and the Conservancy District has agreed to provide funds for the acquisition of the house within the canal bed. He said we also have the option to purchase Mr. Szonnell’s house which has also been countered with an increase in the total grants that will be requested by the Conservancy District. He said in addition to that, long time friend and new colleague Coleen Ryan, President of Ohio Vectren Delivery Systems was able to put forward a grant request for this project through Vectren Services and that grant has been approved, so we have additional funds to make all this possible including improvement of the driveway. He said because of all those changes, some of the previous language needed to be amended and we are asking that you approve this new resolution to account for those changes.

A motion was made by Mrs. Reynolds to approve Resolution No. 11-R-1590. Ms. Campbell seconded the motion.

Mayor Flaute thanked Mr. Murray and whoever else who worked with Mr. Szonnell; he says he is very pleased and happy with the city and is saying good things about the city and this council. He said we thank you for the work done there. He said thanks to Ms. Ryan; again it’s all those relationships people on this council have built. Mr. Chodkowski said it doesn’t hurt that he went to school with the son of the Community Relation’s Director of Vectren. Mayor Flaute said all those relationships help.

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

**ITEM 16: PUBLIC COMMENT ON NON-AGENDA ITEMS:**  Ms. Edyth Ann Mitchell of Mayapple Ave. said Eastman Avenue came into a discussion and she just wanted to bring it back forth with a little history. She said Eastman was originally a dead end street and did not connect to Woodman. She said Spinning Hills School opened up into the plat and they didn’t use Eastman at all. She said it was a residential street with no traffic and if you parked along the street, it didn’t really matter. She said when Woodman came across, they quit using Richland as the through road, made Eastman the connecting road, and Spinning Hills made their entrance on Eastman. She said East Dayton Christian School opened up and they also started using Eastman. She said Dayton schools also have their buses using Eastman. She said there are 3 schools using a road that was strictly meant to be residential.

Ms. Mitchell said it’s been widened a little but it’s still basically a 2 lane road and not wide enough for parking. She said the residents have begun parking half on the road and half on the grass but to get around the parked cars you have to cross the double yellow line. She said she was driving late afternoon to early evening when the sun was still up and the shadows were long and as she came up where the shadows began another car came over the hilltop and the sunlight hit the top of the car and glared into her eyes. She said if she had been someone driving in work traffic she probably would have been going faster but she is aware of the fact there is parking on that street. She said at the edge of the shadows she could see the tail light of a van but if someone opened the van door or if a child had walked out she wouldn’t have been able to see it because of the various different lighting conditions and shadows.

Ms. Mitchell said that street, especially when there are buses going back and forth, is very dangerous. She said it is especially dangerous at the hill when there is parking which goes on all the time. She said we cite people all the time in other parts of Riverside for parking in the grass but its being permitted on Eastman because with only a half lane, they have to park in the grass; but if they don’t get over far enough, they are forcing traffic over the double yellow line. She said as you crest the hill, if cars are coming the other direction they might not see you in time to get over and there have been accidents.

Ms. Mitchell said her concern is with the schools, school buses, children walking, people walking, people coming out from between parked cars, and people exiting or entering their parked cars; there may at sometime be a very serious accident. She said she knew we didn’t have the money to widen the street but she thought we needed to consider some sort of solution for the safety of the people. She said the road is used a lot during work and school hours and there is a fair amount of pedestrian traffic as well as children living on that street which presents a potential for disaster.

Deputy Mayor Smith asked if the area was between Spinning Road and Venton or between Venton and Woodman. Ms. Mitchell said the worst part is at the top of the hill between Venton and Spinning; traffic going up the hill is going at a good clip and does not stop.

Mayor Flaute asked if that was 25 MPH there. Mr. Chodkowski said yes and 1 or 2 years ago we posted that as “no parking” from the top of the hill to the south, so if that is not being enforced, it will be in about 10 minutes. Deputy Mayor Smith said he thought those signs were posted in the wrong spot. Mr. Chodkowski said there was an issue with incorrect placement but the signs were moved and put in the appropriate location.

Ms. Mitchell said they are parking at the top of the hill and they are parking on the grass which as she understands it, that is not permitted. Ms. Campbell asked if there was a curb there. Ms. Mitchell said yes; on the north side, they park up and over the curb which will tear down the curbs.

Mayor Flaute thanked Ms. Mitchell for her comments and for all she does for the community.

**ITEM 17: COUNCILMEMBER COMMENTS:** Mrs. Reynolds said she wanted to mention the letter everyone received from the Riverside Historical Society asking council to serve at the Spaghetti Dinner on October 8th; they look forward to us all being there. She said the dinner is from 4:30 p.m. to 7:30 p.m. Mayor Flaute said he had tickets for sale. Mrs. Reynolds said she did too and if anyone needs tickets, they are $8.00. She said this year they are having spaghetti, alfredo, and another sauce; the Historical Society will be providing desserts; and Deputy Mayor Smith is providing the drinks which she thanked him for. She said there will also be a silent auction. Mr. Schock said he will bring the wife. Mrs. Reynolds said bring money also; we always have some very nice gifts. Mr. Denning said don’t forget the breadsticks.

Mrs. Reynolds said she was able to attend the Historical Society’s Ice Cream Social this past Saturday; it was a good time and we had a lot of new faces this year. She said next Friday night is homecoming night, so we all need to participate in the parade and show the kids our support for their well being as well as support the team. She said they only lost by 2 points last week in a game that went into overtime. She said we need to show our support for them.

Mrs. Reynolds said she was looking forward to the Lilly Creek meeting and she thinks it is going to be a good meeting. She thanked staff for everything they do and she welcomed Mr. Bridge. She thanked the audience for attending this evening.

Mayor Flaute said for the Ice Cream Social: Dairy Queen made a sizable donation; there was a donation of cake from the Cakery; Esther Price Candies made a very nice donation; the shopping center donated water and lots of help; and another small company, JBF Inc., gave a small donation of popcorn. Mrs. Reynolds said Mayor Flaute popped hundreds of batches of popcorn.

Mayor Flaute asked the Treasurer of the Democratic Club if she wanted to remind everyone of the date. Ms. Mitchell said yes; October 11th there will be a candidate’s night and all candidates should be receiving their invitation real soon to come to Mad River Middle School. She said Candidate’s Night starts at 7:00 p.m. and we will be eager to hear from all the potential candidates why we should vote for them. Mayor Flaute said we will also have state issues and this is being put on by your local Democratic Club and your local Republican Club. He said this is some of the stuff those clubs do so we encourage everyone to get involved in that effort and get your neighbors to attend.

Mr. Denning said he wanted to thank everyone; Flags for Freedom went well on September 11th. He said he and Deputy Mayor Smith were there for council; we had 2 people from the school board; 2 people from the American Legion; people from the Lions Club; and the Jaycees. He said it was very much a community event and we passed out 1,500 flags in less than one hour. He said it was great, we had a good time, and we didn’t get any bad comments – a lot of thank yous and god bless yous. He said it was a good project. He said he also attended the American Legion Community picnic on Sunday September 11th and there was a very heart warming, heart wrenching letter read from someone that had an apartment right at ground zero.

Mr. Denning reminded everyone of the Community Chili Dinner on September 30th at Mad River Middle School. He said he also thought we should all attend Candidate’s Night to see what is going on.

Mayor Flaute said Mr. David Browne had someone come to the Historical Society to play TAPS on September 11th and it was very moving. He said he appreciated those efforts.

Mr. Denning said the Haunted House opens up on September 23rd.

Deputy Mayor Smith said he did as Mr. Denning mentioned help pass out the flags on September 11th and attended the American Legion Community picnic. He said the story Mr. Denning mentioned was very moving. He said he attended the “IN Crowd” Chamber dinner at the Airway Dairy Queen – Drew’s place; there were a lot of desserts and it was good. He said Julie Denning is also helping out with drinks for the Historical Society’s Spaghetti Dinner.

Mayor Flaute said he was early at the American Legion picnic so he missed most of you folks; but he also went to the VFW the night before for a community picnic which was very nice. He said Sunday night he attended the Patriot Concert at the Air Force Museum and it was very moving. He said they have these concerts on a regular basis and they need to advertise them a little more because they are unbelievable. He said this one was the Dayton Philharmonic Orchestra and the Air Force Band of Flight playing together.

Mayor Flaute said he only had 4 weddings this time – still a little down. He said he received an invitation to attend the 32th Annual International Ball and he thinks one of council should attend. Mr. Schock said they only invite Mayors to that. Mayor Flaute said he got an application from the ED/GE Committee; applications are due November 1st so if anyone has any ideas, please give them to Mr. Murray or Mr. Chodkowski. He said ED/GE money is money collected in our sales tax – 1/2 % and all the communities compete for the money to fund projects.

Mayor Flaute said he is on the Appalachian Community Advisory Board and he attended that meeting recently. He said one of the things they talked about that was interesting and somewhat disturbing was the Youthworks program. He said there were 1,086 students working for the program this year and 1,040 of them were Afro-Americans. He said the Appalachian Community feels we should be supporting this a little more because the numbers of the Appalachian Community here in Riverside and as a whole are not being represented in something as important as our Youthworks program. He said he will be bringing that back to council again when the time comes and asked them to please remember our youths between the ages of 14 and 18; it’s a federal program and 1,086 students were out there working. He said we need to have those students from Riverside and the Appalachian Community out there.

Mayor Flaute said he got a request to be a member of the Ohio Great Corridor; we talked about it last year and we had budget constraints but council might want to consider it this year since we will be putting in a community boat ramp at the Eintracht Club.

Mr. Denning said something he’s been thinking about and something for a work session discussion; we seriously need to look at changing us to the “Home of the National Museum of the United States Air Force” instead of the gateway. He said we were the gateway when it was the village but now we are the home of the museum and to tie into that, we are also the home of the Air Force Marathon. He said we need to discuss what the cost would be to change the few signs that we have up and what we can do; he honestly believes that is a sales point to get businesses in here and other possibilities. He said we need to promote ourselves better and this is a very good way to do that. He said he’s doing it now – people ask where he lives and he says do you know where the Air Force Museum is and they do. He said we are the home of the Air Force Museum and he thinks it may help us if we have to do anything in court battles for the income tax or anything like that. He said its part of us and everybody knows us that way. He said we need to promote it better.

Mayor Flaute asked the City Manager to see what the best way is to approach that is and to get it on a work session. He said there is also a move to change the name of Springfield Street because it ends at the base and maybe it should be called something else; we are working with Dayton on that.

Mr. Schock said the Riverside Chamber is having their annual golf outing this Tuesday. Mrs. Domescik said lunch at noon and golf at 1:00. Mr. Schock said we need four people for a team; he recruited Chief Reiss and Mr. Pete Williams. Mr. Chodkowski said he would shake the bushes for a 4th person.

**ITEM 18: ADJOURNMENT:**  A motion was made by Ms. Campbell to adjourn. Mr. Denning seconded the motion. All were in favor; none were opposed. The meeting was adjourned at 8:44 p.m.

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William R. Flaute, Mayor Clerk of Council