

Thursday, May 16, 2019

ITEM 1: CALL TO ORDER: Mayor Flaute called the Riverside, Ohio City Council Meeting to order at 6:00 p.m. at the Riverside Administrative Offices located at 5200 Springfield Street, Suite 100, Riverside, Ohio, 45431.

ITEM 2: ROLL CALL: Council attendance was as follows: Ms. Campbell, present; Mr. Curp, present; Deputy Mayor Denning, present; Ms. Fry, present; Ms. Lommatzsch, absent; Mr. Teaford, present; and Mayor Flaute, present.

Staff present was as follows: Mark Carpenter, City Manager, Chris Lohr, Assistant City Manager; Tom Garrett, Finance Department; Chief Frank Robinson, Police Department; Chief Dan Stitzel, Fire Department; Kathy Bartlett, Service Department; Law Director Dalma Grandjean; and Katie Lewallen, Clerk of Council.

ITEM 3: EXCUSE ABSENT MEMBERS: Ms. Campbell motioned to excuse Ms. Lommatzsch. Deputy Mayor Denning seconded the motion. All were in favor; none opposed. **Motion carried.**

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

ITEM 5: APPROVAL OF AGENDA: Deputy Mayor Denning motioned to approve the agenda. Mr. Teaford seconded the motion. All were in favor; none opposed. **Motion carried.**

ITEM 6: WORK SESSION ITEMS:

RITA Presentation - Natalie Zinni, Government Liaison spoke on behalf of RITA. Ms. Zinni: I serve as a government liaison; at RITA we have a member service department that acts specifically as an in between, a direct point of contact for Tom to contact RITA on any sort of issues. He doesn't have to call the general number. Through the business line he would call or email through member services and we will get him what he needs and answer any questions. As Tom said, the city has been with RITA since 1994, 25 years, and the year my kids were born. Really I just wanted to provide an overview of RITA as an agency and the services we provide to our member municipalities. I brought along Angela, she is a new member of our member service team; we have member service departments in our Worthington office and in Brecksville, but when you call you get whoever is available. Since we have been providing Riverside with service the last 25 years, Tom has done a wonderful job with taking advantage of all of our resources, services, compliance programs, and things like that. I am not sure if all of you are aware, but when the city joined RITA they joined a Regional Council of Governments. They are in a council of governments with now over 300 municipalities. They share services; when the cog was formed 48 years ago, in 1971, 38 Ohio communities thought it was a good idea to get together and share services so per the ORC Section 167 this Regional Council of Governments was formed. Their first order of business was to create the Regional Income Tax Agency, RITA, to administer tax. From 38 municipalities to over 300, we have grown quite a bit. We do have member municipalities in 74 of the 88 Ohio counties and we act on behalf of Riverside and all of the other members to administer and collect the municipal tax. The Council of Governments is governed by a nine member board. They serve three-year rotating terms and being a member of this Council of Governments, each member has a vote in the officers who oversee the board; so Tom has one vote in placing the board and in the runnings of the agency. RITA's authority comes from the ordinance of the city and villages that we serve; however, each city and village has the right to administer and enforcement their income tax laws concurrently with the board of trustees. Yearly, we have a Council of Governments meeting where our executive director, Don Smith, and all of our member municipalities are invited to come; they vote on any of the board seats that are up for re-elections and we sort of give an overview of the agency as to

Thursday, May 16, 2019

what is going on and what is new. There is a meeting on June 17 and one in Brecksville on June 18. I think Tom usually attends and he is welcome to bring any of you as long as well.

Ms. Zinni: I did pass out a little sheet with little check marks on there and it covers all of the services that we provide to the City of Riverside. I am just going to go over some of the main ones. We do have a full-time registration department; they work year-round registering and identifying taxpayers to ensure compliance for your municipality. I have some statistics for you. In 2017, the registration department added 1,683 new accounts; in 2018, they added 1,629 accounts. In 2019, 1,384 accounts year-to-date. Deputy Mayor Denning: Is that just in Riverside? Ms. Zinni: Yes, just in Riverside. Mayor Flaute: So it went down from 1,600 to 1,300, is that what you said? Ms. Zinni: No, it was 1,683 and then in 2018, 1,689 so a few less, but this year already we have 1,384 year-to-date 2019 that was a big swing. We use sources such as state of Ohio information, IRS filing, utility records, permits, and things like that the registration department is always researching and adding taxpayers and businesses registered for municipalities. The other service we offer is customer service. You can call, walk-in, fax, e-mail, during taxpayer filing season. We do extend our walk-in and phone hours, usually it is until 6:00 or 7:00 pm on weekdays, and we do add Saturday hours. Another thing we do offer during taxpayer assistance, we have these regionally so that your taxpayers could visit either visit your community or a surrounding community, walk-in and we have auditors there available to help them with the filing of their tax returns. I'm not sure have you ever had a... Mr. Garrett: Not this past season, but two years ago we did have RITA come here to this building and to taxpayer assistance day. I'm not sure how well the word got around because I only had less than a dozen actually come, but I'm not sure if RITA was over at Fairborn this year or not. Ms. Zinni: No, we were in Mt. Healthy; I don't think that is close to here. Typically, we get requests from municipalities if they would like to host them then they are more than welcome to and we will send some auditors out. Mayor Flaute: So do you something out saying you are coming to our area? Ms. Zinni: It would be up to you to advertise. We will post it on our website, but we ask the municipalities to advertise if you use like a Facebook page or a city newsletter, wherever you put out information. I think social media these days is probably the best way to go about it. Our phone system is an interactive phone response system. It will capture the taxpayer's identification number when the caller puts the information in and so the auditors have the information up before them as soon as the person comes on the line. They can also call in 24 hours a day and use the system; they don't need to speak to a person. We are very big on e-filing and e-services. Your residents and businesses actively use our e-filing and e-services. They can go on to our website and e-file their return, make payments. We do have two ways to e-file these days; you can go in and create an account and make payments through the account and it will track all of your history. However, some people don't want to go to that extreme. They want to get in there and file that return and be done with it all so we have something new in the past two years called Fastfile. You can go in, put in your information, file your return and you are done. But, next year when you go in to file it won't save any history because you have not created an account. We also partner with software vendors for modernized e-file including H&R Block, Drake, Tax Act, Ultra Tax, and a few others so if you go and have a tax preparer file and they use one of our partner's software they will automatically file your return for Riverside. Ms. Fry: Is TurboTax on that list. Ms. Zinni: No, unfortunately, that is a tough one, it is not compatible, yet, but who's not to say in the future it will be. Ms. Fry: What is that contingent upon? Ms. Zinni: If you go to our website, they have to meet certain criteria in order for it to be compatible with our system, but I think there are 10 altogether, the ones I named, I didn't write all of them down. I know a lot of people use TurboTax. Mayor Flaute: Lots of people use TurboTax. Is it because your forms are so difficult because that is the biggest complaint I have heard, your forms, and the response I always get is we have all these cities and we have to have the same form. I think that is bologna because nowadays there is software and things you can do. Can you address that for me, please? Ms. Zinni: I don't think the form has anything to do with the MEF, the modernized e-file. Mayor Flaute: And for TurboTax the form doesn't have any reason why you can't use TurboTax? Ms. Zinni: Correct, the modernized e-file, and I am not a

Thursday, May 16, 2019

computer person, but it takes in that information and feeds it down through the federal and the state, and the local return. I don't think it has anything to do with filling out a paper return, which I don't think TurboTax does a very good job of that either, filling out local returns. Right, it would not have anything to do with it; it has to do with the software issue compatibility. Deputy Mayor Denning: What TurboTax does is you fill in your federal, you fill in your state and it does fill in your form, but I can't email your form. I have to print it out and send it in. It does all the math, it does everything, but I have to go back in and put in all the information again. It doesn't go together, but when I do my federal, my federal information is there. It goes right into my state tax form so I don't understand why your form doesn't accept that. So I've learned that since I am going to have to type if all in anyway, I don't bother with that in TurboTax. I go straight to the RITA website and fill it all in and do it that way. I am okay with that, but It would be much better if I only had to put the W-2 form in once and it took care of all three of them. Ms. Zinni: Unfortunately, it is a software issue with TurboTax. It has to do with compatibility of their information; our e-file software really has nothing to do with a paper return. Ms. Fry: Was that software developed in-house or a third party vendor? Ms. Zinni: Yes, it is in-house, the website; our tax system is in-house developed by RITA. The only thing I can say is how Mr. Denning would do it, you would use the RITA e-file rather than using TurboTax, unless you go to Tax Act or use one of the other ones. Using the RITA e-file, I know you are talking about a paper return, but have you ever used the RITA e-file? Mayor Flaute: I have an account do that, I can't remember, but she complained about your forms all the time. Every time I go to pick up my taxes "that darn RITA". Mr. Garrett: RITA has an e-file module at the website; how about customer service, does RITA have a local or reasonable, fairly close office where people could go in? Ms. Zinni: Worthington would be the closest one. Mr. Garrett: Do they actually take walk-in taxpayers? Ms. Zinni: Yes, we can take walk-in taxpayers. You can also send your information and we will file the return for you. I think paper forms are going to be a thing of the past and if you would try the e-file or Fastfile, we have had rave reviews on the Fastfile. People don't like creating an account and keeping a user name and a password so Fastfile all you do is enter your W-2, your schedule information, calculate, you make payment, and you are done. Deputy Mayor Denning: You do that on April 15 and it only takes 10 minutes. Ms. Zinni: It depends on how many W-2s, how much schedule income you got, and how fast of a typer you are.

Ms. Fry: I have a question about your filing reminder notices. Is there an option to put our letterhead on those notices? Ms. Zinni: I would have to check on that. I know you can put the city name on there, but you would like more of a design. Ms. Fry: The complaint that I have gotten is that it looks sketchy. It does not look legitimate because it is not coming from the City of Riverside. Ms. Zinni: Duly noted.

Mr. Curp: Ms. Zinni, over the last number of years I have been part of the AARP/IRS tax assistance program for the elderly and low income. We sometimes have taxpayers, clients that come in from the City of Riverside. The software we use does not have the RITA tax return embedded in it so you have the trickle down, but then we don't have a number of other city's income tax returns and such as you have the trickle down. What we do in situations like that, we have a generic form in our system, and we use the generic form, fill it out, pre-address an envelope for the taxpayer, give them the forms and tell them to put a stamp on it and send to RITA or whatever city. We always offer to assist them with any tax issues that come up as a result of the work that we do for that whether with the IRS, state of Ohio, or local jurisdictions they have to file for. We have never had any issues with those generic forms being returned to us or to the taxpayer by RITA. My question is, is that still acceptable to RITA to receive a generic form as long as tax calculations are appropriate for the municipality being filed for? Ms. Zinni: I would say in that instance if we have accepted them before there is no reason why things would change. As long as you are including the necessary information then it will get processed. Mr. Curp: I haven't seen it, I haven't looked for it recently, but it used to be years ago that RITA had a position that if the taxpayer wanted to simply fill out the header of the form, provide their W-2s, their 1099s, whatever their tax documents, send it to RITA that RITA would finish out the

Thursday, May 16, 2019

return to calculate the taxes or refund and notify the taxpayer. Do they still do that? Ms. Zinni: That is correct, yes. Sometimes the customer service auditors get that question quite a bit. You fill out the front page of the return with your information, you attached your W-2s, send it in and we will file it.

Mayor Flaute: One of the concerns I have heard is how aggressive are you in making sure you are getting all the businesses in Riverside. We are seven separate islands; sometimes it is hard to figure out who is in our city and who isn't. We have three different zip codes. We aren't sure you are getting everybody. Are you pretty confident that you are getting all the businesses even though it says Dayton, Ohio all the time that you are getting all the businesses in Riverside? Ms. Zinni: So when the city joined RITA initially that is one thing that is done from the very first day and it is updated or looked at if something new is added. In our tax system, which we call RITAX, we load all of your streets, the beginning and ending numbers and zip codes. They are added into our tax system. So, when we get information from state ads or the federal tax information, we partner with the IRS and get that information, it is bumped up against those parameters that are put into our tax system so if they are filing with that address and it goes into the system. If they are not filing they will receive notification. I am not sure if you have had any annexation, but we would get that information and keep updating it. That is how, especially filings for individuals and businesses that file with addresses with the state and federal, we are able to get compliance. If they aren't they are contacted and send a letter. We do have within the Brecksville office; we have a federal tax information center. It is pretty closed off from the rest of the agency because we do partner with the IRS to get that information. That is a constant, yearly, getting the information in, sending letters and making sure who is filing should be filing. Mayor Flaute: How do you find out if they are coming into our city or not? Ms. Zinni: That is part of what our registration department does; through the state ads and FTI; it is a constant work in progress. I don't know if you have within you municipality, do you have registrations of people doing work or permits that is how we get that information.

Mr. Curp: What is the typical lag time for some of those registration issues, for example, say we have a new employee at one of our businesses here; it's the middle of the year and they don't file their return until the first quarter of the next year. You may not get the IRS database until, I don't know the frequency and timing, and so what is a typical lag time for identifying taxpayers? Ms. Zinni: There would always be some lag time. The state filings and federal are the same as ours so the information is coming after the fact so you have the three years, well, you have the six year statute of limitations if they haven't filed, three years if they have filed. You have up to six years to go after non-filers. Mr. Curp: A different question would be, what level of reliance on the local municipality do you like to see, for example, not every city in Montgomery County, especially, manages their own water and sewer utility. When you have a shut-off or turn on or transfer of registration for that property, some cities can make that information available to their tax collection agency. The question is how much do you rely on the cities to provide that information as opposed to the agency soliciting that information through an outreach? Ms. Zinni: I think it is sort of hand-in-hand. We are working for you, for your city, but if there is information out there that the city can provide to us, we are doing all that we can to add and make sure that individuals and businesses are filing. It is a partnership between your city and our agency so we should be working hand-in-hand. If there are things you need to get to us or tell us or check on, then by all means. But, RITA is using all the available resources to register and get in compliance as many people and businesses as they can.

Ms. Fry: Can you walk through the highlights of the additional services in your brochure and explain what they are? Ms. Zinni: If you wouldn't mind, I would like to go through the ones I haven't covered that we do offer and then I will move on to those. I have stats as to how many of your residents used our e-services and how much money came through; is that something you would like to know? Yes, okay; so in 2017 there were 7,620 submissions received electronically and 88 new accounts added. In 2018, there were 6,343

Thursday, May 16, 2019

submissions and 81 new accounts added electronically. Year-to-date, we have already 3,914 submissions and 36 new accounts added. Electronic payments that came through in 2017 were \$3,386,714, and electronic payments in 2018 were 3,552,611. So far in 2019, we have had \$1,495,028. The other thing I wanted to cover that we provide to Riverside, Tom has access to what we call the TAP, Tax Authority Portal, so in real time it's current, up-to-date, Tom has access to all of your tax accounts for all of your individuals and businesses. He can go in and add comments, update addresses, and see everything we see at our office. He can also go in and run 12 reports at any time in real time. He can get access to refunds, legal distributions, collections, things like that. He has that at his fingertips. He also has a secure RITA email account within that portal and he can use that to send any sort of confidential information. It is a virtual private network so we don't send confidential information through email. It is a RITA.local account that he has and he can forward to us questions on taxpayers. Also through the email address that is how the monthly distribution reports get sent to him. Twice a month we give distributions to the city and those are automatically sent through the RITA account. He gets daily reports, summaries, and a couple of other things. We do use document imaging for better security, reduce storage cost, everything that comes into our office is imaged and accessible. Tom has done a really good job of utilizing all our compliance and legal services. Most recently, I think you send delinquency letters every year, but every few years we suggest to run a subpoena program so after the delinquency letters are sent and non-responders receive an administrative subpoena; they are given a time and date to come to your city office. We send our auditors here to take care of whoever comes in, get them filed, and their accounts cleaned up whatever it is. Statistics of the last program started in September 2018 and ran through May of 2018. We issued 4,913 delinquent letters and then we issued 2,956 administrative subpoenas. The program identified a total of \$519,284 in liabilities, which we have collected \$209,845.00 to date. All of the remaining identifying liabilities are subject to billing, collections, and legal action, if appropriate. It costs the city \$23,000 to run that program. The letters do not have an additional charge it is an \$8.00 charge per subpoena that is mailed. We do have an internal collections department so once liabilities are established the taxpayer can call RITA, set up a payment plan and they are administered by our internal collectors. Riverside does participate in our legal program where we file judgements in the Montgomery County court. In 2017, we filed 152 lawsuits representing \$180,000 in liabilities to the city. To date, we have collected over \$136,000. The legal cost was \$5,420 for collection attorney fees. In 2018, we filed 193 lawsuits representing \$242,000. To date, we have collected \$104,902 has been collected. The legal cost was \$12,111. The remaining balances of those are in the process of post judgment payment plan with an outside collection firm for garnishment, bank attachment or scheduled for a hearing. We do have our federal tax information department and the IRS data exchange. I want to give you some numbers that help you understand how important that is for your city. In 2017, we identified \$335,000 in new liabilities and we collected \$245,000; in 2018, we identified \$186,000 in new liabilities and the FTI collected over \$283,000.

Ms. Zinni: We do have a disaster recovery plan in place in case of a man-made or natural disaster, storm, power outages; we can restore critical applications within two to three days. The other thing is we do give two distributions a month, on the first and the tenth working days of each month. I'm sorry I have taken so much time, but you wanted to go over the additional services. The first thing is the income tax ordinance recommendations. Our legal department is always working to make sure your city ordinance is up-to-date so if there are ever any legislative changes we make sure the ordinances are up-to-date and notify Tom to make sure that is taken care of. We can do, if you are considering changing a tax rate which I think you did or a credit back in 2013 or something, projections to help you figure out how much the change will result in. Again, we will do analysis on your revenue; we do GASB 33 and 44 analyses and reporting, and Tom would receive those reports each year. The government liaison support team, we talked about that in the beginning and we have that layer of support. We are there to answer his calls and e-mails and get him whatever he needs to get. The Community Reinvestment Area and Tax

Thursday, May 16, 2019

Incentive Consulting is something else we offer when municipalities or cities and villages are considering developing an area for JED or JEDZ, we can work with them on not only legislations, but making sure it is set up properly and everything going in there: the development, the building, the sub-contractors, we'll monitor. We have projects and track everything that is going on. The access to taxpayer data and reports provided through the Tax Authority Portal. We do send him the reports he needs for the twice monthly distributions, but there are a variety of other reports that he can run at any time once he logs into the portal.

Central Collection Agency (CCA) Presentation - Mr. Garrett introduced Michelle Jordan, who has been a tax administrator in the Dayton area and took a job with CCA. Ms. Jordan: I actually was a Riverside resident for a while and I know your community well. I also served on your Board of Zoning appeals, too. Mr. Curp: We always have room for good people. Mr. Garrett: On the right side we have Eric Hind from the nearest local office in Hamilton, and then Mike Ryba from Cleveland. Mr. Ryba: Thank you for the introductions, thank you for having us out. As Tom indicated we are the CCA Division of Taxation. I am chief of the audit department and also get to come out and talk to fine folks and have conversations with potential new members. To the left of me is Michelle Jordan, who has intimate knowledge of Riverside and she can expand upon that. Ms. Jordan: I've been in the Dayton area as a tax administrator for about 39 years so this is an area I know well. I did live in Riverside for a few years and served on your BZA so I know your community very well. Mr. Ryba: To my right is Eric Hind. The City of Hamilton recently signed on to be a partner with CCA; we have a local office down there if he wants to expand upon his relationship to the area. Mr. Hind: Thank you again for having us here. My name is Eric Hind; I've been with the City of Hamilton prior to coming to CCA for about seven or eight years. I started as an auditor then was a senior auditor then became the tax commissioner. I have experience like these two do as far as administering taxes locally. What is nice about this partnership with CCA is we have taken our office and merged and kind of created a hybrid office with CCA where I have the resources of the employees up in Cleveland and we have the local customer service in the local area here. Michelle and I we have travelled February, March, and April through all the communities in this area here. I've been to every city here, every Saturday. Mr. Garrett: When you say every city, you mean every client. Mr. Bind: Right, I've been as far as New Madison, which is up about an hour north-northwest of here, New Paris, Germantown... Ms. Jordan: We have several communities around here Clayton-Union, West Milton, New Carlisle, Germantown; and we do tax payer assistance in all of those communities. We feel it is really important to go out in the community and serve the residents. We are there to provide taxpayer assistance and throughout the year we schedule times where we go in and bring our services directly to you. We create a satellite location any time we come in to your location that way taxpayers can come in; we set a schedule in advance so you can let people know when we will be there. During the tax season we do super Saturdays at all of our locations. We also schedule a few 'by appointment only' days because some people don't want to come in as a cattle call and sit and wait with 50 other people to get things taken care of. We have very specific days set aside for appointment only. It opens up a variety of opportunities for your residents. During this tax season we had 13 different days where we were in this region. A total of 61 scheduled hours for taxpayer assistance.

Mr. Ryba: We will get into a little bit of the history of the CCA Division of Taxation. Originally formed back in 1966, it was basically a result of the municipal income taxation pushed upon us by the ORC. When CCA was developed it was really just the northeast cities within Ohio. We are a division of the City of Cleveland and being as such we have an intimate knowledge of the inner workings of a municipal corporation, what we have to worry about with regards to the "tax" from the state, and the difficulties we have with changing our mechanisms to be in compliance with the state.

Mr. Ryba: The CCA serves over 1.5 million residents throughout all of our member communities. We span over 35 counties across the state and as Michelle alluded to, we are

Thursday, May 16, 2019

very active in reaching out to those members and to the residents. Our Parma Heights location was also recently opened back in 2018 that is a city about 15 minutes south of Cleveland. It functions very similarly to the Hamilton office where we kept their existing staff that did want to stay on board and we have that office open throughout the year. It does very well with serving our south of Cleveland region members as well as those from Cleveland who don't want to come downtown.

Mr. Ryba: Some of the services we provide are the e-file system. You heard RITA, of course, explain theirs, ours is similar. You go to a website and load your information for tax filing season. There are some limitations because you want to be sure that our member municipalities are receiving all the money so we don't allow if someone has a lot of schedule income. We want them to provide us that so we can audit the return and be sure we are completely collecting due to our member municipalities. We also provide personal on site taxpayer assistance as Michelle harped on; very important, all of our members who wish to be included they annually select days between February and April to have our auditors on site. They will bring the computers, the printers, and sit down; there were also multiple 'by appointment' dates as well. It is very expansive and reaches a lot. Sometimes with Michelle and Eric in the region they will float around during off season dates as well; I believe Michelle recently scheduled some dates in June, July, and August for the Clayton-West Milton-Union region, which expands through Riverside. It is a very nice service we are able to offer with Michelle's expertise and Eric recently coming on board and helping out. Mr. Hind: With the success of it, we also brought on another employee from the Hamilton office to help us out because it was getting so demanding and popular. Ms. Jordan: Typically on our specialized super Saturdays during tax season we bring three auditors to a location so we can make sure we are taking care of people. We bring our laptops; we really are a satellite location and prepare returns right on site. Education and outreach are extremely important so that is one of the areas we have been able to expand on. We are not just there during tax season; we don't come in March and April and then disappear. I've already got appointment dates scheduled for June, July, and August where I am out in each of the communities and I am just there in case a taxpayer has a question, if they get a delinquent bill, or get an estimated tax bill and they aren't really sure, or even amend a declaration. There are many things we can take of that for them on site. They don't have to do it over the phone, which they can do, but some people just prefer that one-on-one interaction. Mr. Ryba: Continuation of the services includes the auditing of all tax refunds that come across. Tax refunds are a very intricate part of what we do, ensuring the accuracy of them. Once they reach over a certain amount of dollars they go through an auditor, the manager of audit, through the chief of audit up through the tax administrator to make sure a refund and calculation are correct. The next bullet point down ties in with one of the documents in the package you received that is our delinquency compliance initiative. There are a myriad of efforts we take into account to ensure that we are collecting the tax dollars we are do; that we are discovering new taxpayers and keeping open lines of communication with them so they know that we are not just going to send a bill then go away. I will get into a couple of them a little bit more. The RB, Red Bill, program that we issue out is when an individual has established liability for the tax year and they go through three billing cycles without fully satisfying paying off their balance. Ultimately, we wait until after the election season, which may be good for you, to send out those notices and say here is your opportunity. They need to come in, establish a payment plan, or pay the balance in full before we send the list over to the law director from our respective member to pursue other legal actions. That program is very effective; of the liabilities established for tax year 2017 we collected 90 percent of those through the RB season and ultimately as the months went by into 2018. The annual delinquency programs to develop and find new taxpayers include a bump against our software, Midas, home-grown software system developed back in 1994, I believe. It is constantly updated by our IT department and we use that data from the software to bump against lists from the member municipalities and from the state list. The state list usually comes out around January of the year after so we just received the 2017, filed in 2018 state list. We send out letters to let people know that while they are filing, we don't have you on our system for

Thursday, May 16, 2019

member municipalities and we use that as an initial compliance tool. Ultimately the next layer of that is to use the FTI, Federal Tax Information, which was alluded to as well. That is an agreement we have; a very locked down region up in Cleveland operations where we utilize data from the IRS to bump against our list from the city and establish new taxpayers and go through a lettering program. Those letters prior to going out because they do increase in aggressiveness as we don't get responses, those get vetted through each of our member's tax department to make sure that it may reflect the language that our member wants it to reflect. Ms. Jordan: I think it is important to note that there is no additional charge for any of the subpoenas that are issued in our program. Mr. Ryba: Another level of compliance is our relationship with the AG's office with the state of Ohio. Mr. Hind: I heard about the AG's debt collection program probably about five years ago and initiated it with the city of Hamilton office because we basically eliminated our legal department; put me in a position that I couldn't take anybody to court anymore. It was then considered to be something we should do. The program is fantastic. You refer any kind of tax or even EMS to the AG's office in an electronic file; they will send letters to the delinquent taxpayers identifying to them they have a debt with your city and what years it is for and they need to make their payments through the AG's office. It gets a lot of attention when people get the letter from the Ohio AG's office. It generates quite a bit of revenue. The cost of that program; well, the next step the AG's office will do is you can elect to choose if you want to use the AG's office is you can have them refer it to a third party collection agency that gets results, too. They will also put it on your credit report, whereas, as a municipality we don't usually have the ability to report people's debts on their credit reports. Usually it is just through judgments and court records. So you can elect to take it to the next step. The third step that the AG's office offers is special counsel referral. After it goes through the AG's office and to special collections, they can refer it to a third party attorney. They will hire an outside attorney to file a judgment against the debtor in your local jurisdiction. The question is RITA charges for all those services. I think they said they charged \$23,000 for their RB or delinquency program. We do the delinquency program for free; it is part of our membership fee. Then there was a \$5,000 fee that they charged and there was another \$12,000 for their court costs and stuff. The AG's office doesn't charge any collection cost. They will charge 10 percent, but they charge it to the customer so you get 100 percent of what they collect, and they take and charge the customer an extra 10 percent. If they refer it to the debt collection company, they will add a fee on to that, too. There is no reduction of your tax collections that you have, and it is no charge for you to do all this work. The same thing with the special counsel; I know a lot of attorney's will want to charge you for filing and then you are paying fees. You run into the gamut that you are paying for all these fees and all these judgments to be filed. You get all these legal fees and the judgement, but then the debtor may not have the ability to pay so you still have this cost, but you never got any money. The AG's office only gets paid if they collect money so you have no indebtedness to the AG's special counsel.

Mr. Curp: Mr. Hind, is there detail on the Ohio AG's website about the program. Mr. Hind: There is, go to the Ohio AG's office, go to local debt collection; I think it is at the bottom of the screen. I can also give you information on who to contact at the AG's office. I have worked with many other municipalities to get them set up on the program. I have given lectures at tax seminars with the CMI tax software. They have asked me to help their member communities get involved in that, too, because it is an excellent program. I was also asked to go to southern Ohio meeting with Cincinnati area tax offices. Right now, the city of Kettering is getting close to starting theirs; they have been in contact with me for the past year-and-a-half about it.

Deputy Mayor Denning: Can you use that for more than just tax stuff; so if they owe us \$2,000 for cutting their grass because they haven't paid on their taxes, can we take that to them? Mr. Hind: I don't believe you can do it for cutting grass. You can do it for EMS services and delinquent taxes; I know for sure. Deputy Mayor Denning: If it's on their tax bill so indirectly we can get it. Okay, thank you.

Thursday, May 16, 2019

Mr. Ryba: Another aspect of the services we provide is the local canvas for our membership. Now when new members come aboard, in order for us to help determine the businesses and the residents located within that municipality, we will send auditors and other tax accountants from our office down to that city. Meet with the department of finance head or someone else from the local tax department to kind of walk them around so we can establish that base line determining if the name and address file and all the other files we receive from the city has those businesses, residents included with it and use that to send out delinquency letters. It is a very effective tool, especially for the businesses that will have corporate mailing addresses but maybe not the physical address on the returns that they provide. Ms. Jordan: Especially here in this region because so many of the addresses say Dayton and zip code, but don't specifically say Riverside so the canvas would be really important for us to do.

Mr. Ryba: The next slide discusses the FTI program a little bit more, but I think we went into that if there are any questions we could address those at the proper time. To kind of get into the revenue distribution aspect of what we do, the CCA distributes semi-monthly or monthly. I know that you are used to semi-monthly so that is something we can accommodate that has been occurring more recently with our members so we understand getting those funds into the bank account is vitally important. We invest the funds daily for interest and that interest collection is used to reduce the cost overall throughout the year. We start off with a two percent withholding for each months transactions. There is no upfront cost; it only occurs from the second we start collecting dollars for our member municipalities. The two percent is used because that is the average cost of collection for the entire agency. It is not indicative of what your true costs would be that is not determined until, if started on a January 1 year, we collect for that year and then the first four months of the next so 16 months at two percent, and then we do an audit settlement to determine the true costs. I know recently we received some financial information, we didn't have enough time to prepare what an estimated actual cost would be, but that is something our assistant tax commissioner is working on. When we have those numbers prepared, we could give you a ballpark of a percentage of your gross collections on what your overhead cost would be. Mayor Flaute: Is that how RITA does it? Ms. Zinni: We use a formula that is in the Regional Council of Governments that you signed; it is a multi-factor formula to estimate the cost. I have for Riverside in 2017, your cost of collections was 2.45 percent of your collections. In 2016, it was 2.37 percent. Mayor Flaute: So that is about in line with what you got. Mr. Ryba: Like I said, ours is more in line with what the average cost of collections for the whole agency is so the two percent is not a guaranteed rate or anything, it is just what it would be until we had a full determination of what the true cost would be. Utilizing the stats we received, we will be able to get a ballpark. It is hard to make those assumptions; we are taking a guess, but it is a better shot than just throwing a number out there so two percent is what is withheld and after 16 months the true cost is determined and we start withholding at that rate going forward until the next year is determined. It does change annually depending on collections and transactions.

Mr. Ryba: Some of the reports you would receive with semi-monthly distribution would be settlement statement showing your grow receipts minus any refunds that were provided. Any information the tax administrator, finance director want to know regarding specific accounts or if there is a large refund we usually communicate with them and could give them the details behind that. We will give them the returns, we will talk over any issues that they may have or what caused any adjustments as shown on the monthly distribution sheet. You will also see the distributions by form type, by form type we mean withholding versus net profit versus individual returns, and then a year-to-date total collections and some projections going forward. A big part of what we deliver since employer withholding is usually the major bulk of what municipalities bring in is a top withholder report for the major employers. Our other members use that to either tell us "hey, look, what is going on with that," it may just be a timing thing or if it is somebody who hasn't been filing for a while we always like to work as a partnership with our members to say, "okay, you know it", if it is somebody who hasn't been filing and paying it will give us the impetus to go and

Thursday, May 16, 2019

use our compliance department tools to go after them to collect all the delinquent monies and reports due to us.

Mr. Ryba: The cost allocation which was just referenced by RITA is a two-factor formula which is an average of the total gross collections for the member over the total gross collections for the agency and then a total transactions for that member versus total transactions; those are averaged together to determine total cost. To reiterate a point from Michelle, there are not ad hoc costs that are outside the scope of that two-factor formula. Everything is included from our delinquency letters, our use of the FTI program, which we try to run every two to three years for our members; it is not continuous and ongoing. We do that so we can determine somebody is delinquent one year or the year after. If there is a burgeoning group or a very transient city that has people coming in and out, I don't know if that is reflective of some of the residents here, we will take more aggressive steps with our delinquency compliance initiatives to try and get those dollars.

Mr. Ryba: Our website includes multiple pieces of information, specifically some FAQs that will help your taxpaying communities: when are their estimates due, what is the penalty and interest rate, how do I reach someone. It is also a good tool to use for e-file, their exemption certificates or their annual returns, paying estimates and paying assessments. One thing I didn't touch on when we were discussing some of the services is the fact that our representatives within all of our offices have a rotating call center staff that if the residents are having difficulties filling out a return; they can call and we will walk them through the return. Or, we'll get into the subject where you can write your name at the top of the form and submit all the 1099s, W-2 schedules, and we will populate a return for you. We find that to be very effective and we do understand tax forms get difficult and verbose. It is an unfortunate nature of the beast sometimes, but our auditors on staff are willing to help get people through those initial bugs and the nervousness. The e-file does a wonderful job with that as well; it is pretty simple to pick the fields, add what you need to add, and then calculate the tax, too. Mayor Flaute: Can you do TurboTax? Mr. Ryba: We don't interface with any MEF partners. We have had discussions on that in the past, but currently we operate our e-file through our e-file portal only. My history with those vendors who do attempt to utilize and calculate municipal income tax returns, it is just so much different than the state and the federal because of all the different credit structures and the multiple municipalities. I don't know if that is our reason or not; I know it has been difficult to develop the interfaces with the programs. Ms. Jordan: You had a question about generic forms. Mr. Curp: Yes, I was going to ask you. Ms. Jordan: House Bill 95 passed in 2003 required that all municipalities accept a generic format so that will never change that is in the state code so you are good.

Mr. Ryba: The next slide has a lot on it, but it is basically a representation of our visibility down at the state house with regards to changes with local tax law. Michelle is overwhelming involved with that. We get the first word on when prospective changes happen; we get that out to our leadership up in Cleveland and we developed, brainstormed how we counteract this. Michelle is very proactive in writing counter legislation when there some attacking bits that may affect us. How it gets received by the state house is how it gets received, but you would have representatives at that level both at the OML tax committee as well as Michelle and I go to those, I think it is semi-monthly a couple of times a year. Both of us present regularly as I believe you have seen us at the tax conferences in July and November. Ms. Jordan: There are a couple of provisions that have been added to the state's budget bill that will impact municipal income tax specifically to do with the centralized collection by the state net profits. We've been there for testimony the last couple of weeks. We just presented some amended language that is being drafted right now by a member of the senate that we are trying to get introduced that would create less harm for municipalities that is always our goal. It seems like when things get added to a budget bill it happens pretty quickly and this one is no different. The provisions they are adding will allow the state tax commissioner to seize revenue from a municipal corporation if they fall into a negative status by either taking your property tax revenue or your

Thursday, May 16, 2019

municipal electric and telephone deregulated payments. Those are both very problematic so we have added language that would restrict some of that. We have also done some cleanup in other areas of the state centralized collection that would give municipalities a little more authority on being able to view records, require an audit to make sure everything that is being collected that should be. We are hopefully that this language will be introduced and that someone will carry the water for us. Mr. Ryba: This all ties back to us being a division of the city of Cleveland and our closeness with the concerns of the municipal corporations. We have those very same concerns we have to respond to, not only our members, finance directors, but also to the city of Cleveland as well. Not to degrade it by size or anything, but since we know it so well, we are so intimately involved and especially with Michelle's efforts down in Columbus and with our conversations we have with our tax committee to try and combat and at least hope for more compromising language since seldom do we win at the state level, unfortunately. Additional membership benefits, I know we are probably getting close to running out of time, but some of the stuff we have already mentioned: payment processing; reviewing of returns for compliance; services through phone, mail, fax, and email is really an important tool for new memberships to get comfortable as well as attending our taxpayer assistance sections that we have. The website also has the IVRs to call and find out where your credit is at, find out where your estimate is at during regular hours auditors would be able to talk to your residents and help them through everything like that. Your residents could utilize our e-file to register; upon initial registration file their tax returns. The distribution of the payments is standard usually around the third week, for semi-monthly it is the second week of the month and late in the third week of each month. Online access to our in-house software system called Midas, Tom would receive the ability to log into there, view payments, take a look at some accounts to ensure that we are doing our job and collecting and see if any outstanding accounts he really wants to communicate to us. I truly believe that an important part of this process is to have that conversation back-and-forth with a tax administrator to make sure they are seeing what they want to see and we are helping to provide all the tax dollars that are due. The various branch locations along with the taxpayer assistance to reach as many folks as we can and get people feeling comfortable with filing a return and hopefully get them to the point of filling it out themselves or using our e-file. Our various branch locations, tax commissioner and other identified people; if there is anything else you would like us to address at this point and time we would be happy to take some questions.

Ms. Fry: Do you provide filing reminders? Mr. Ryba: Yes, we do. Each year we send out postcards to the residents that we have on as an active resident. Those go out from CCA 'hey, don't forget filing season is coming up'; it used to be a big huge packet that wasn't used overwhelmingly so it kind of wasted our resources so we cut it down to a postcard and we find it to be effective. We do that annually, usually in mid-February or so, maybe late January. Ms. Fry: I will ask you the same question I asked RITA, do you put the logo or any identifying information from the city on there? Mr. Ryba: If it is specifically requested; I have done that personally. I have pieced it together; I think we did that with Hamilton. Mr. Hind: The city of Hamilton wanted to do that because when we switched over, just like your concern is, you see this letter coming from some other organization you don't know if it is legitimate or not because there are people posing as the IRS in letters. I had postcards coming to my office that were return mail saying that people had federal tax debts due and it was a scam and I reported that to the AG's office and they went after that organization. Mr. Ryba: This is becoming a more common question. Mr. Hind: To go to your answer, yes, the city of Hamilton asked for that they wanted to put their logo on the tax forms and stuff and letters that did help out. People did understand that was a joint partnership and that was legitimate. City of Hamilton also sent out flyers in their utility bills; they do have utilities: water, gas, and electric, which I don't believe you guys provide those services. Ms. Jordan: One of the best ways you can get out information regarding the taxpayer assistance, we do have 13 already scheduled dates, and if Riverside were to become a member there would be another super Saturday plus additional 'by appointment only' days. We do provide you with a listing of everybody in the region, all of the dates

Thursday, May 16, 2019

and times that are scheduled so that you have all of that information by the end of December. You can put it on Facebook, on your website, on flyers and posted here in your city building so you can help to get the information out and let them know all of the opportunities you have to come in and have us help you. We make sure you get that information with more than enough time to get it out to every resource available.

Mr. Curp: Same questions I asked early, lag time on identifying new accounts or non-filers? Mr. Ryba: The federal data comes out, so we will receive the 2017 filing information around October or November of 2019. It usually takes about a year for the IRS to provide us all the downloads for that tax year that's the lag on that. State takes a bit quicker that usually comes the January the year immediately after filing so we just got the 2017 filing information from the state back in January. Ms. Jordan: We do have some communities that give us utility information, but you wouldn't have that. We also get permit information, any type of resource you have available we have communities that forward that information on to us so we can double check everything and compare it to our records as well. Mr. Ryba: That really does depend on how proactive, if you are working with the building and housing department and permits pulled. Some members are very proactive in getting us the new people who have turned on the water; I know that is not the same here, but new businesses that are doing some transitory work so we can get those compliance letters out. The partnership is very important there. It would be great for us to always be onsite, unfortunately, it is just not possible and that is where the help of the city is very important as well. Ms. Jordan: That first initial canvas is critically important for us so we can make sure we are capturing all of your businesses, especially, with the difference in the mailing addresses. We are getting ready to do a canvas for one of our new members in June, same kind of situation, they have several different mailing addresses, different communities, but it is all in one. We are sending a team out there to spend a week doing a canvas there. This makes sure we capture everybody from the beginning and we have every address in the community to start with. Mr. Curp: My other question is, the services you provide for your customers, us, municipalities, local jurisdictions don't ask for and let sit there on the table and don't take advantage of. For example, on one of your slides you mention the canvases. New canvases for new municipalities joining and then you do them as requested, but if nobody requests them, my question is, do you see that quite often other services? Mr. Ryba: We did just have, there is a JEDD about an hour south of Cleveland and it is very confusing to them as who's in what side of the JEDD because the two cities they want to make sure the right businesses are reporting to the right city so our compliance team, field audit team went out and did a canvas just two years ago and both of them have been members of CCA for over 20 years. Upon request and depending on the severity of it, we will set up a new canvas. Our field audit team that is what they are there for, withholding compliance/field audit team go and work on the compliance issues. Ms. Jordan: Typically you are going to see a city start to question things when they see their withholding revenue drop or their municipal net profit revenue drop although right now we can say a lot of that has happened because of state centralized collection, but if you start to see withholding revenue drop then we need to make sure that is going to the right community so that would be an opportunity to advise that maybe we need to do a canvas. Mr. Ryba: It is good to compare those withholder reports that come with the monthly report to keep in touch and make sure that the right employers are still withholding and nobody dropped off the list. Mr. Curp: Things like that, similar things, do you manage those analytics in your office then alert your clients, you customers, 'hey, here is a situation we are observing, do you know anything about your locality that might cause us to question whether this is a legitimate change in the revenues whether it is withholding or corporate net profit or whatever?' Mr. Ryba: I think I've usually found out that member municipalities have figured that out for themselves and usually contact us about it. Ms. Jordan: They call us after reviewing reports and say what happened here, what has happened with our withholding? We've seen a lot more companies using employment services, rather than having employees on their own payroll so that has become an issue. We see that with a lot of warehouse distribution facilities where you may have one big box, but they may have five different employment companies working inside there. That is

Thursday, May 16, 2019

another way we have found revenue may be dropping off because the other companies have picked it up. Mr. Ryba: If a bigger employer is leaving one of our members, we will get notification on it early simply because they want to see the impact so I think it comes down to the relationship along with analyzing and determining if there is a drop in my financials let's figure out and call CCA and look at the withholders list. Is there anybody new we should be on the lookout for; is somebody dropping off that maybe just stopped paying? The withholding compliance team does that analysis as well that's within the delinquency compliance packet that you have is the withholding compliance. Ms. Jordan: Our team up in Cleveland is broken down into different divisions. We have a compliance division, we also have a separate withholding division, a profit division, an individual division, and that is their job is to watch those things.

Deputy Mayor Denning: Could we put in a standing request for every five years we have a canvassing done. Mr. Ryba: It really comes down to, I guess, of course we will take that request to upper management, but establishing that baseline so we have that physical address. Deputy Mayor Denning: I understand that, but at least an audit of it that type of situation, you may not have to actually send a team. Ms. Jordan: Sure, and we do have more of a presence in this region so Eric didn't mention to you, but he does live in the Dayton area, as well. Because we are here in this region, if you have a concern about a specific area that is something we can take a look at. Deputy Mayor Denning: If all of a sudden there is a housing build up and we knew it was coming in, we would want to make sure those new people moving into the area got their cards as quickly as possible so they knew. Mr. Ryba: That is part of either the canvas or the communication with us; there is new development and these are going to be the addresses listed in there and then that is part of the compliance initiative. Ms. Jordan: They will get a welcome packet. Deputy Mayor Denning: Actually, with our taxes at one-and-a-half percent if they are moving out of someplace else, it might be a welcome packet as it may be a percent or more less than what they are paying. Mr. Curp: The packet has your logo on it, right? Mayor Flaute: We would want a canvas right off the bat for sure and like the deputy mayor said get one every couple of years or something, I would feel more comfortable with that. Mr. Ryba: Of course we could open that conversation. Ms. Jordan: If you think of any other questions, please feel free to get them to Tom and he can email us and get written responses back to you on anything you think of afterwards. Deputy Mayor Denning: If you get that estimate put together, we'd like you to get that to us all for sure.

Ms. Fry: I have a follow up question for RITA; do you have the numbers for how many of our taxpayer's actually utilized tax preparing software that came through your system? Ms. Zinni: We just have overall e-filing. Mayor Flaute: We will need a work session on this, there is a drop dead date that we have to deal with, is that correct? By July 1? Mr. Garrett: We are a member of RITA as she explained; if you want to drop out of RITA you have to notify them before July 1 and that would become effective at the end of the year, starting January 1 with the new provider. Mayor Flaute: Then we need to get that on a work session then as soon as possible. Deputy Mayor Denning: Then I have a question, let's say we made that decision, is there an issue being accepted by CCA; I don't want us to run into the problem we did with the insurance stuff we did all this work for and they didn't accept us. Ms. Jordan: We won't have that. Deputy Mayor Denning: That's not the case; you accept all new business.

ITEM 7: RECESS: Council recessed at 7:25 pm.

ITEM 8: RECONVENE: The meeting reconvened at 7:35 pm.

ITEM 9: PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE: Mayor Flaute had Clerk of Council Katie Lewallen lead the Pledge of Allegiance.

Mayor Flaute: I would like to have a little reading at this time about something I do every year; I go attend the Montgomery County Law Enforcement Memorial Ceremony. At that

Thursday, May 16, 2019

ceremony we always talk about officers who have ended their watch. The officer that always comes up from October 2, 1984 was Officer Safreed. Officer Safreed was a Riverside police officer and his end of watch was October 2, 1984. Officer Safreed was killed when his cruiser was struck head on by a drunk driver. He was ready to end his shift around midnight and was just several blocks from the station when he was struck. He was able to call in that he was involved in an accident. Officer Safreed was transported to the local hospital where he succumbed to his injuries. Every year his wife attends this and this year his granddaughter came with her son, his great-grandson so at this time I would like to have a moment of silence and honor Officer Safreed.

ITEM 10: MINUTES: Consider approval of the minutes of the April 25, 2019 special council meeting and May 2, 2019 regular Council meeting. Deputy Mayor Denning motioned to approve the minutes as presented. Mr. Teaford seconded the motion. All were in favor; none opposed. **Motion carried.**

ITEM 11: PRESENTATION: Montgomery County Judge Piergies came forward to provide an update on crime stats and the courthouse. Judge Piergies: Thank you mayor, thank you members of council, guests and citizens of Riverside. I appreciate the opportunity to speak to you tonight. I've been meaning to do this for quite some time. We are at a point now where we are going to have a changing of the guard theoretically here and I would like to be able to do this maybe once a year, if possible, just to come out and keep you updated to where we are. I started a couple of weeks ago and we intended to start it earlier except we ran into an issue with the courthouse so I will start with that. Five years ago I heard rumors that they were going to close both courthouses and move us to the Reibold building downtown in Dayton. I didn't necessarily think that was a good idea. The idea of having courts in a local community what they service would seem to me to make a lot of sense. I wasn't exactly sure where those rumors were coming from; now those rumors had been circulating way back when 20 years ago before they built the present courthouses and there was talk of doing that at that point. We were able to stave that off and build two new courthouses. I wasn't able to run down the rumor as to where it was coming from and who was behind it and so I called the meeting thinking I would put the county commissioners on the spot and say, we hear this, and, of course tell us we aren't doing that. Then they came in and said, "Yeah, that's absolutely what we are going to do; we are going to move you to the Reibold building." We began to work on a program to keep it locally, okay. What happened 20 years ago was the county wanted to get out of the court building. They didn't want to own buildings. So they contract with the local jurisdictions; they would supply the funding through a rent policy with the municipality and the municipality in the end would end up owning the buildings; which is the present status of New Lebanon and the Huber Heights courthouses. We began to work on a program as to how we could keep the courts locally. There has been about five or six iterations of how that was going to happen. At one point in time, they were going to close both courthouses and build a courthouse in Harrison Township. There was a point they were going to close the New Lebanon courthouse and move everything from the west side of town to the east side of town and consolidate everything in Huber Heights. That was thwarted by the chiefs of police on the other end of town on the western division who said that was too far for them to go with their cruisers to deliver papers and transport prisoners. It has been moved around so for about five years it's been sitting at the table trying to figure out what we are going to do and where we are going to go. I think we are at a point now, I was hoping that by tonight I would be able to report what was actually going to happen. It is clear to me that what is going to happen is they are going to have a courthouse in Trotwood; they are going to close or abandon the courthouse in New Lebanon. They are going to have a new courthouse in Trotwood; they are going to end up with the courthouse in Huber Heights and that courthouse will be staying here and be renovated and expanded to some degree because it is a little bit too small. I know major has been down there; it is pretty much tight, shoulder-to-shoulder. We are going to try and reconfigure it a bit to try and give them some more place for police officers to sit when they come to court. We don't have a lounge for officers at this point. We are planning on having something like that

Thursday, May 16, 2019

installed. What has happened over the years is that we had to work with a lot of folks. I had to work with Debbie Lieberman and Judy Dodge, and now recently with Carolyn Rice. So we have worked with those folks and it was interesting because the idea of closing the courthouses and moving it downtown was basically a bureaucratic idea from the folks in the county administrators building. Those were the ones kind of behind it. They kind of thought it was a cost savings measure; I'm sure they had the best of intentions, but it didn't service the needs of the public and I am not so sure it would have been as big of a cost savings as they thought. We worked with your chief of police, with your city manager, with council; we've worked with the mayor. We've worked with Dalma and her office. We had lots of folks involved from Riverside who are helping us walk through this to figure out what we were going to do. At some point they pared it down and they began to just work with the main players. They had the judge at the table, which is me; they had the county administrator at the table, and they had the clerk of courts at the table. They began to work on programs and they would bring forth an idea; it would be talked about, kicked around, approved, rejected, and then we would come up with a new idea and start over. The way it is going to work now, I think is the county is going to end up, as far as I understand, owning the buildings. They are no longer going to have them owned by somebody else; they are going to own their own buildings and then they are going to keep them, which should give us more stability because once the county owns the building then when the time comes 20 years from now they can just renovate it, upgrade it, and go from there. It seems to me that we are finally at a point that we are going to be able to say what is going to happen with the courthouses. There was a news conference in October and it was announced that we would be taking over the old library in Trotwood that is not going to happen. That building is not adequate; it is not adequate for much. I think they are going to tear it down. They have two other sites somewhere near the Trotwood city building and I think one of those two sites is going to be chosen; I don't know which one at this point. Once we get that building built, which will probably take about two years, then we will begin to renovate the Huber Heights courthouse so we can begin to make that a little more livable for the folks that are there. I think the good news is that you guys are going to have a courthouse on this side of town. The other good news is that the other side of town is going to have their courthouse like we had before and that the communities will continue to be serviced by the local courts. We are hoping we are going to move through it rather quickly and get to a point where we will be able to report what is actually going to happen, what the sites are going to be, and what the time table is going to be. They were hoping by the end of this year we would be breaking ground, but I will be surprised if that happens based upon what I have seen so far. We haven't even started to talk about plans, yet. I would think we are probably two to three years out.

Judge Piergies: As part of the process of looking at the courthouses and what we are going to do, we did a survey of where the cases were coming from and what type of utilization we were getting from the communities. What we found was that the civil cases where people do evictions or small claims cases, those are mostly local folks, people who live in Riverside or Huber Heights; they file in the local court. They come here to use those courts in order to try and pursue whatever action they have. The criminal cases are interesting. About 50 percent of the cases we get from Dayton; 50 percent of the crime that comes to our court comes from Dayton because people are moving from Dayton and they are looking for some place to go. Somebody said once they have stolen everything in Dayton and now they are branching out to find out where else they can go. We were kind of surprised because we thought crime was kind of low, but it really isn't; it came from all over and the big user seems to be Dayton at this point. In your case, you had 59 OVI cases in 2018, 1,300 almost 1,400 criminal cases; your traffic cases were of a more serious nature, which was 285. The standard traffic speeding, stop sign, things of that nature were 3,569. Now that is up slightly, but I think it is up slightly across the board. I think it is a product of a lot of people coming from different areas to commit crimes elsewhere because there is not much to get out of Dayton any more. We find that the Riverside Police Department is really one of the better departments that we have to deal with. They seem to know what they are doing; their paperwork has improved dramatically in the last 10 - 15

Thursday, May 16, 2019

years. It seems like the officers are better trained; they are more accessible when it comes to court. They show up; they are there to help prosecute, if necessary. I think you can be proud of the fact that your police department is doing a good job and has come a long way. When I first got here, the idea was that you had more problems out of Riverside than you had out of Huber Heights. I think that has switched around now. I think that Riverside is far and away the better jurisdiction between the two. I was talking to major today, it is kind of a struggle everybody is trying to keep up with what they have and as crime goes up and more people are committing crimes it is harder to stay on top of them, but I think you can be pleased with the fact that they are doing more with less and it is working out to their benefit. I think what you can see is that at the end of the year we will probably have a new judge on the bench, Judge Cox; Judge Hensley is probably going to leave the bench according to what I have heard today. He is going to retire and Judge Cox will probably be taking over for him and so we will be bringing somebody else in. How that works, we aren't sure yet. The way we did it before, Judge Hensley was not one to travel so I took the western division and he stayed here in the eastern division. We might do a round robin thing where we do six months here and six months there just to get a feel for how everything works. I don't think you will see any drop off, if anything you should see some improvement on what is happening. We are looking forward to continuing with the service. I have an idea of a couple of things we want to work on. The courts have come a long way since I took the bench; when we got here all the judges were part-timers. They would come in for maybe three hours a week and handle a case or two, or three, or four. Then they would go off to handle their private practices. Since that time, you now have full-time judges; you have a clerk staff that has been more thoroughly trained. They are doing a much better job in the clerk's office; they get a lot of remedial training in terms of what they need to do and what the citizenry needs. The next step is to address the issue of prosecutors. We've talked about that; we haven't got anything with it. It is just having more access to them, having them around the building more to service what we need. What we find now is that we have; for example, people come in who want to talk to the prosecutor about a temporary protection order because there is a domestic violence case and when you have part-time prosecutors you don't have anybody to do that. We are trying to figure out if there is a way we could either consolidate everything through one prosecutor's office, possibly the county prosecutor's office, or at least have access to somebody through the court that would be able to interface with those folks and be available to them if the prosecutor wasn't available. It is very difficult for jurisdictions to have full-time prosecutors; we recognize that. The cost of that is prohibitive in terms of what you do, but we are trying to work around that without requesting some type of a full-time prosecutor because that is up to you guys. You are going to decide what you are going to do and how you are going to do it and what you need. It is just something I have kicked around for a number of years to try and get a little bit of continuity. We have more issues on the western division than we do on the eastern division. We are thinking about that down the road and see if there is some way we can work with that and maybe consolidate, have each jurisdiction pay a portion of the salary so we can have them around a little bit more. One of the things, I will be honest with you, I talked to Trotwood and I indicated when they have a prosecutor; they are about to hire a new one, if they would give him set hours rather than let him set his own hours. It would be helpful. If he comes in on Wednesday morning, he is there from 8 am - noon, rather than 8 - 9:30 am and then he is gone and we can't find him. We are trying to fix those types of issues. I don't remember having those kind of issues in Huber to be blunt, or at the courthouse here either for Riverside or Huber Heights. It may be just endemic to that side of town, but we are working on an idea. Anyway, I appreciate the fact of coming out tonight; you are to be congratulated for your efforts to keep the courts here. I think it is important for your citizens that you guys worked so hard to keep them here and to work with the commissioners and make sure they understood how important that was. I think all the meetings we had were well attended and the fact that everybody came: the chiefs, the county commissioners, the city managers, and the council people that showed up. I think it was very helpful to express the needs and feelings of the citizenry as to what we need.

Thursday, May 16, 2019

Ms. Campbell: Are you going to bring the courts here? Judge Piergies: I don't think so. Ms. Campbell: Why not? Judge Piergies: Well, we haven't gotten to the point yet to deciding. I think part of it is cost. What they decided to do because of the location of the New Lebanon courthouse, it was a really bad situation, and it was in a bad position. But in terms of the Huber courthouse, it seems to be located in an area that makes sense for both cities. It is not that far for you guys to commute to get there. To be blunt, we have talked about this for five years and no one ever said how about moving the court to Riverside. That is just something we never; I'm not saying it wouldn't happen, but we never talked about it. Deputy Mayor Denning: We've got a lot of open space. Judge Piergies: It was never brought up. I can be honest with you, I've had so many iterations of this; I've been up and down so many things trying to figure out what we are doing, but I have to admit that is not one that was ever brought to my attention. It was never considered. I'm not saying it should not have been, but it just was never brought up. Ms. Campbell: Do we have empty places in this building? Deputy Mayor Denning: No. Mayor Flaute: Not for that. Ms. Campbell: What about across the street? Judge Piergies: All I can say is if you want to contact the county administrator's building, the guy's name is Tyler Small, and I told Tyler that I will try to keep my mouth shut as much as I can because we aren't set yet, but if you want talk to him and say what about this. We were told in August that we were going to consolidate everything at the Huber Heights building. They were going to expand that building to twice its size; they were going to take all that green space in front of the courthouse and turn that into office buildings. They were going to go into the park and put more parking lots in, and so this is what was told to us and I have a memo to that effect that I am hanging on to in case anybody asks about it. Two months later, all of that had changed. Now we are going to build a courthouse in Trotwood and that is just the way it is going to be. This thing keeps moving; it's a moving target. The main thing really is to try and keep it local. I know you would like to have it in Riverside, but it is better than having to travel to New Lebanon or Trotwood to file your cases and handle your stuff. That is what the other side of town was concerned about having to go to Huber every time they have a prisoner, every time they have paperwork to deliver; how was that going to work. At the very least, you got it local. The New Lebanon building is about 17,500 sq. ft.; the Huber building is 12,500 sq. ft. The thought was because New Lebanon was so much bigger is there a way to expand that building and put both courthouses in one building. This is just all cost stuff. It has nothing to do with citizenry; it has nothing to do with the convenience to the police or anything else. It was just all about what it is going to cost. That was looked at, and then it was decided because it was on such an extreme end of the county that it wasn't convenient for anybody. There is really no good way to get there. That is when they started to drift away from the New Lebanon building and they moved over to the fact that they were going to consolidate everything in Huber. You got an existing structure that technically they have paid for already, and I think that is one of the considerations of why to consider Huber Heights. Ms. Campbell: They should consider what do they call it, Mayor's court, here? Judge Piergies: Yeah, you can do that. There is a move to get away from Mayor's courts on the Supreme Court part, but I don't think they are going to get there to be honest with you. The Supreme Court is not in favor of Mayor's court for a lot of reasons, but none of them which are all that great. Ms. Campbell: Or our own judge.

Mr. Curp: Your honor, you talk about the discussions at the county administration level as far as the costs. Did they get that worked out? Judge Piergies: Yeah, they have; I was surprised at the kind of numbers they were throwing around. They are working on the cost; the question becomes then how big do they want it to be and how much is it going to cost. For example, Huber Heights is kind of a problem because they have to get the building; they have to figure out how much renovation costs are going to be. Those numbers have not been nailed down, yet. They have a better idea in Trotwood as to what those costs would be, but they haven't got the site nailed down. There are still some costs that are up in the air, but I think they are pretty much committed to Trotwood and renovating the Huber building. Mr. Curp: I am sure you all probably discussed it, but you know the state legislature is always requiring the courts to add on additional fees for this and that; it crossed my mind that might be a source of revenue. Judge Piergies: The problem is, is that

Thursday, May 16, 2019

the funding for the court has to come from the county. Because we are a county municipal court the county has to pick that up. It is not up to the courts to pay for it; it is up to the county to pay for the services. This is one of the things that kept coming up is the fact that the county's attitude was since we are the ones that have to pay for then we are the ones that get to pick where it is going to go. If we are going to pick where it is going to go, then we want one building because it is so much cheaper in a lot of different ways. We had to try to work around that and try to figure out what they were going to do and how it was going to work out. We eventually got them to acknowledge that if you pull everything out of Trotwood, Trotwood has lost a lot. If you don't have something on that side of town, even if it is keeping the existing building where it is more accessible for them that puts a bigger strain on Trotwood, which is already under considerable strain the way it is.

Mayor Flaute: Thank you for the compliment for our police officers; we really love to hear that. I hope that major will pass that on to troops because we are very pleased to hear that. For a while there, there was a move at least First Suburbs is trying to have a move of a code enforcement judge just for the First Suburbs because right now our frustration is code enforcement is not taken very seriously. This is a frustration that every one of our suburbs are experiencing and I'm sure that is not part of the discussion, yet, but Franklin County does it, Hamilton County has them. They have their own code enforcement judge. We need our own code enforcement. Judge Piergies: Do you still have the program where it is a civil penalty; they are served? So you got away from that because I remember coming out here for that; it was 15 years ago, Ray Dundess was the prosecutor, we came to a meeting and it was talked about you were going to go to a civil penalty aspect rather than a zoning violation on the first offense. If they didn't fix it within a given period of time there was a \$50 fee assessed and attached to their tax return or their property taxes; and then on a second one it was \$100. On the third one, it was \$150. So it was more of a civil penalty similar to the cameras that they have. For example, before you had a cop give you a ticket when you sped and you went to court and you got to tell the judge what you want and he would assess fines and costs. Now, they send you something in the mail saying we got you speeding and here is \$85 pay for this. It is a similar program because it is a civil penalty rather than a criminal or traffic offense and it is handled all through your code enforcement agency, your zoning people. I know we talked about that at one point. They were thinking, the council at that time, about it and they asked us what the judges thought and they said hey if that is what you want to do we will support it 100 percent. What it would do is take all those cases out of our court and put them in the hands of your zoning folks. I don't know if you ever did that. Does anybody know? Deputy Mayor Denning: We never did that. Judge Piergies: I will be honest with you; I heard a lot of complaints on the other side of town because I understand the judges that were there before indicated they weren't going to enforce the zoning laws. I am not sure why, but they weren't going to enforce them. I don't necessarily agree with that. I think if there is a law on the books and somebody violates it, it is my job to enforce it not to say I don't like the law so I'm not going to enforce it. That is not really the point. You are talking about a county zoning? Do you feel comfortable taking that out of your hands? I mean you'd lose control of it and it would be a county organization that would be in charge of that and I don't know if you would get the same TLC that you would get from your own people. Mayor Flaute: We're not getting much TLC right now, I can tell you that. We aren't getting any. Deputy Mayor Denning: We win the cases because our staff does their job, but a \$10 fine and a 'guilty' doesn't do us anything to get the problem fixed. Judge Piergies: Part of that are attitudes. It is like I say when I went over there, they hadn't assessed anything on zoning for years because the judges said we aren't enforcing the zoning laws. When I came in and that all changed. It took a while for people to understand there is a difference when you come in now and you are assessed. What you really want them to do is you want them to fix it. That is the problem. The \$150 whatever it is that is not the point. The point is that is only there to get them to fix the problem and that is the tough part. What I suggested to Trotwood was this, if you have a progressive discipline as it relates to your zoning laws where the first time you come in and you are told that your stuff isn't working then we are going to go ahead with the max, \$150, but if you are a repeat offender and we have to come back and

Thursday, May 16, 2019

hit you again, you now get the potential for 30 days in jail and a \$250 fine. Now, the money part gets your attentions, but the 30 days in jail for a repeat offender that is where I think you can make some inroads. Mayor Flaute: Would the judge allow that? Judge Piergies: The question is, I think if things happen the way I think they will, then the new judge comes in and says look, what I am going to do is give you 10 days in jail, but I am going to assign you to work with this code officer. If he comes to me and tells me that you are working with him and he is satisfied with your progress, I'm not going to give you the 10 days in jail; but if he comes back and tells me like my probation officer does you aren't doing what you are told to do then you are going to get the 10 days. That is a product of the judge that you are working with in terms of how he feels about that; you see what I am saying? Mayor Flaute: I hope the new one works with us. Judge Piergies: I think that is it; part of what you do is you talk to Dalma, too, and have her investigate. There are places that have type of progressive zoning code, and a lot of people don't like the idea of giving out jail time for zoning violations, but I think there are places that do it and I have worked with people like that. If you tell people that there is a stick at the end of the carrot, a lot of times you get a better service on that than you would if you threaten them with \$150 and costs and they only get \$10. There is a mood, what happened with the judges on the other side of town, their attitude was these folks can't afford to fix their stuff up so why are we hitting them with more fines and costs? I said to Trotwood, why don't you work with some of your charitable organizations, maybe the ministers has a group that can come together and they can say look, if you really can't fix your zoning issues, we will come in and we will get a grant for whatever the materials are and we will supply the people to come in and spruce up your property. There was a lady in Trotwood, no, it was in Huber Heights when I was here; she had some health problems and couldn't do it. I talked to my probation officer; he grabbed a couple of guys on community service, which we are not supposed to do, and we went over and cut her bushes down and spruced up her lawn so they would get off her back. She was just infirm and couldn't handle it so we just did it, but, of course, we can't do that for every one. I think if your churches, your boy scouts, your girl scouts, if we can grab all those; and I will be willing to work with you folks on that, bring all of them into the fold and say look, we have people who have needs, if you work with us, we will help you get the materials. People like Home Depot and places like that will donate them to the public. Deputy Mayor Denning: For the property owners that live on their properties that is great; I'm all for that and I will go out there and help paint houses and stuff like that. The problem is the guy that owns that house that doesn't take care of it; those are the guys I want to get the 10 days in jail. Judge Piergies: It is the absentee landlords that are the problem. Deputy Mayor Denning: They aren't absentee when it is time to collect the rent, only absentee when it is time to fix stuff. Judge Piergies: You had a strip mall here that was owned by a guy and for the life of me I can't remember his name. Mr. Curp: Opperman. Judge Piergies: Yes, Mr. Opperman, and that was a nightmare because he was out of New York or something... Mayor Flaute: No, he lived here. Deputy Mayor Denning: He just had addresses there where they sent stuff to. Judge Piergies: We understood he had an attorney and his attorney was like he is in New York, yeah, we are going to fix it and fix it, and I know he drove your prosecutor nuts. Mayor Flaute: Now his son is in charge of everything and we get the exact same thing. Judge Piergies: I think we maybe have a meeting with him and say look, the good times are over, we are going to strict code enforcement and we are talking about potential jail time. It is constructive nuisance. We will file the nuisance complaint, which are a real pain, and we will try to tear your property down if we have to. Of course, if he doesn't care and he has enough money and an attorney, he may fight you on it, but there is a way to do it. Mayor Flaute: We need relief.

Ms. Campbell: What about County Corp? They used to go out and help people who needed help and couldn't get it. Judge Piergies: That is a good example of people you can talk to get them involved in that. A lot of those funding sources have dried up over the years, and whereas County Corp had money... to do that, and I am not saying they don't, but I am not sure they do, but it is someone you can talk to in terms of what about working with us. Ms. Campbell: Well, I need to talk to you about that in private; I have something to put on you

Thursday, May 16, 2019

to tell you. Do you have a card? Judge Piergies: I will call and get your number; I will call you on Monday, how is that?

Mayor Flaute: The next thing on the agenda is a proclamation for the Community Action Partnership month, but they have not shown up with a representative so we will hold on to the proclamation if they come next meeting we will give them the proclamation.

ITEM 12: LIQUOR LICENSE TRANSFER: Transfer from Spinning Mainstop LLC dba Yum Yum Drive Thru to Spinning Last Stop Inc dba Yum Yum Drive Thru Major Sturgeon stated the request for the transfer came through and they found no issues for the transfer to occur with the business itself they have very little problems with it. No hearing is required.

ITEM 13: ACCEPTANCE OF PRIOR MONTHS FINANCIAL REPORT: Mr. Garret explained that last month's report was abbreviated due to only having one meeting. He added that the revenue might be slightly less than projection as this time they should be a third of the way through the year and it seems like they are not quite there on some of the revenue sources except for real estate tax is up and income tax is pretty much right on track or even ahead. Deputy Mayor Denning motioned to accept the prior month's financial report. Mr. Teaford seconded the motion. All were in favor; none opposed. **Motion carried.**

ITEM 14: ACCEPTANCE OF WRITTEN CITIZEN PETITIONS: There were no written requests for citizens to speak.

ITEM 15: CITY MANAGER'S REPORT: Mr. Carpenter: The report is in the packet, if anybody has any questions, I will be glad to address those. Deputy Mayor Denning: On the last page of your report, it says reviewing the language from the....and I didn't know if that should have not been there or there should have been more information. Mr. Carpenter: That should have been deleted. Ms. Fry: I see that on the council calendar, which may not be part of it, I will just ask, we have the resolution to appoint people to appoint people to positions in August, are those positions advertised? Ms. Lewallen: They are on boards and commissions that will be coming up in August. Ms. Fry: So our website has that information advertised? Ms. Lewallen: I do not know that. Mr. Carpenter: I don't believe it is advertised, but it has the chart of all the positions and when the term expires. Ms. Fry: The last time I checked, the website said there are currently no open positions. Has that been corrected? Mr. Carpenter: I asked that to be looked into the last time you mentioned it to me. Ms. Lewallen: I am not aware of any open positions right now. Mayor Flaute: But these August positions...Ms. Lewallen: They will be open, yeah, that is when they will be open and like we did in April, I contacted each one of them to see if they wanted reappointment. Ms. Fry: Part of the reason we had that on the website was that we have the same people serving decades and someone from the community says, "hey, I want to get involved in my city", they go and look and it is not really inviting them in; it seems like a closed community. The idea would be to jump in at these opportune times and when Mr. Fullenkamp was still on council, he articulated that he would like to have there be more people than the position so council would then have a choice. I don't feel like we are quite there yet on meeting that mark. Mr. Carpenter: We wanted to change that language to say that we are always accepting applications. We may not have a vacancy, but we are always accepting. Ms. Fry: And if they are curious then they can look and see when those terms expire. Mayor Flaute: And make it easy for them to see that.

Deputy Mayor Denning: Under the police report, it has how many citations we had this month and how many injury accidents this month - that's great. What I would like to know because I think it would give us information for the future is how many of these citation were to non-residents and how many of those accidents due to non-residents because if we are going to have this discussion about cameras and speed cameras, red-light cameras and things like that, then we need to know how much of it is residents and how much of it is

Thursday, May 16, 2019

non-residents. If it is mostly non-residents, then if we are going to charge folks for driving on our streets that is better than the residents already paying the bill. Major Sturgeon: Sure, and just so you know, and if you want I can go back to the beginning of January of this year. We track that, it is just not something we are including into the monthly report so I have no problem getting that to you. I can say off the cuff about 75 percent of the citations we issue are to non-residents and about 80 percent of our accidents involving non-residents as a general kind of stat putting it out there. I can get you exact numbers because we do track that. Deputy Mayor Denning: I think that is going to be important to us in the future. Major Sturgeon: Not a problem. Mayor Flaute: The manager did send an email today talking about the cameras; it is not looking good for us. It is a good request. Deputy Mayor Denning: I just think it is important; safety is important, but if in reality they are a revenue enhancing tool. Mayor Flaute: Read the email and we will talk about that in the near future.

Ms. Fry: The training that each department reports on in their monthly report; I don't know if you have this information off the top of your head, but how is it determined what training we are going to prioritize in a given year. Is that department by department or is it something that overall the city, we identify the training that is going to be mandatory through external organizations? Mr. Carpenter: Specific to police, fire, and service that comes within the department. As you can see HR is open to across the board. A lot of that is just from conversation we have through the department heads and we come up with a combination of what is available and what we need. Ms. Fry: Is there any training that is mandatory? Mr. Carpenter: Well, police and fire has lots. I would say service department probably has some, but I don't know if it's necessarily for everyone within the department and then we are trying to make sure we do the drug-free work place. Ms. Fry: Is that mandatory? Mr. Lohr: Our personnel manual, I don't know if it specifically says it, but it alludes to needing to do drug-free work place training periodically. Ms. Fry: That is a policy of our own. Mr. Lohr: That is our own policy, yes. Mr. Carpenter: You are supposed to have it when you come on board so we do it annually to make sure we don't miss anyone as well. It is a pertinent topic everyone needs to be aware of. Ms. Fry: I think I may have follow-up questions, but not tonight.

Mr. Teaford: Has Stealth paid, yet? Mr. Carpenter: No, sir. Mr. Teaford: The check is not in the mail. Mr. Carpenter: No, we had a follow-up conversation with them and they used the excuse that they had a new accountant that was looking over the books and they will get back to us should be next week. Mr. Teaford: How far behind are they? Mr. Carpenter: About 14 months. Deputy Mayor Denning: I think it is time to get Ms. Grandjean involved. Mr. Carpenter: We have communicated.

Mr. Carpenter: I did want to bring up about the permissive tax. I did talk about bringing that legislation forward and I didn't know if council wants to discuss that this evening or if they want to discuss it next week at our meeting, but I was looking to bring...Mayor Flaute: Let's do that at next week's meeting, I believe, that's my opinion. Ms. Fry: Will we have information about it to discuss? Mr. Carpenter: The additional \$5; I'm talking about the additional \$5 permissive tax. Yes, I will get it to you.

Mayor Flaute: Just one last question, under miscellaneous, I see a company I haven't seen in years and I wonder why LJB is all of a sudden entering into the picture, is there a reason for that? Mr. Carpenter: The primary reason is that ChoiceOne is the engineering firm for that City of Dayton development so we want to use a different firm to draw up the parameters for that traffic study. Deputy Mayor Denning: Conflict of interest. Mr. Carpenter: Yeah, we don't want to present a conflict of interest. Mayor Flaute: So the CIP is the same thing? It says "second meeting with LJB to discuss upcoming work and draft of CIP". I'm not sure what that means. Mr. Carpenter: No, Kathy can probably elaborate specifically as she had a conversation with LJB, but it is not LJB doing the CIP. Ms. Bartlett: LJB wants to know what is upcoming for the City of Riverside; they want to do work with us so I met with them, this was a second meeting with Dan Hoying just to kind

Thursday, May 16, 2019

of outline some of the upcoming projects as I see them as laid out in the CIP. I've done this with two other firms. Consultants like to come in and I get a lot of information about grants and things that they have run across so it is a good exchange of information. Deputy Mayor Denning: So for you it is networking. Ms. Bartlett: It is; and it is good for the city. Mayor Flaute: Our history with LJB isn't very good. Mr. Curp: Yeah, it is. Mayor Flaute: We had some problems...Mr. Curp: We have a problem with everybody. Ms. Fry: What were the problems? Mayor Flaute: Okay, they would come in with a very low bid on things, and estimate, especially Mr. Hoying, and they weren't what they said they would be and it got us in a pickle several times. Deputy Mayor Denning: Springfield Street East is a big one. Ms. Fry: So they did not... Deputy Mayor Denning: In our opinion, they did not do their due diligence in getting us the correct cost estimate so when we went in for our grant from MVRPC and the feds, we based it on this amount. Ms. Fry: It is basically what we just had with the Valley Street Sidewalk, right? Deputy Mayor Denning: Right; and in their defense I would say that ChoiceOne where LJB was low, ChoiceOne has been more on the high side and most of our stuff has come in lower, i.e. the sidewalk, but in the case of Springfield Street there is a huge \$2 million deficit here between what LJB says and what...now, we haven't put that out for bid, yet, so we don't know what the total cost is really going to be. You may have some input. Mr. Curp: In fairness to the LJB and other contractors we deal with whether engineering firms or whatever; one of the reasons we put professional engineering requirements on the job description for the Public Works Director is because we wanted to have expertise on the staff who could take a look at plans and cost estimates and say, you know there seems to me there needs to be a little bit more review of this and maybe some adjustments, because sometimes we have the staff tell us that it is only 'this much' and we find out that there were enhancements to the project like we saw with Safe Routes to School that had nothing to do with the engineering firm. It had to do with the staff wanting to enhance things or the state might have come in and said you have to do this a different way. No one knows if the state is going to make those additional requirements or things change between January of two years ago and January of this year. My feeling is they are a credible firm. A lot of organizations use them; if the public works director decides she is not satisfied with what she is seeing then she will find some other organization to deal with. I wouldn't just write them off; I wouldn't write off anybody. Deputy Mayor Denning: I agree. Mayor Flaute: Also, their hourly rate was considerable higher, if I remember, than ChoiceOne that was part of the decision, too, their hourly rate. Anyway, bring us back your information and we will be happy to hear about it.

A) Monthly Update Finance Department – Mr. Garrett: I'm not sure there is too much more to say. We talked about the finance reports. Early this month we did get our rollback distribution from the state so I am getting that together. The hardest part is figuring how to breakout the two Brantwood TIFs from each other from the information provided by the county, because by the end of the month I have to share that rollback money back with Brantwood. Other than that, we can get it posted. I did allude to the income tax. March was a disappointment; March collections received in April was a disappointment that put us behind our income tax baseline, but I guess that just means everybody was holding off and paying at the deadline in April, which we receive in May, and just got a couple of days ago. That put us at \$2.8 million of income tax and about \$156,000 above out baseline now based on the most recent distribution. We had our discussions with RITA and CCA tonight just to amplify there were a lot of walk-ins that I dealt with, providing personalized tax support during the year. We had 136 or so by the April 15 filing date of people who came in that I had to help fill out their tax returns, of course, that still continues so we are up to about 145. Deputy Mayor Denning: I'm not going to put you on the spot right now, but I think you need to think if you have an opinion one way or the other about the two organizations because I am sure when we have that discussion you will be asked that questions. Mr. Garrett: Of course, we are in the information collecting mode tonight; I'm sure after you think about it a day or two you will have a couple of questions, but we do need to by the middle of June talk about it. Deputy Mayor Denning: To my point I would be interested in your opinion of both companies and organizations and if you see any pluses or minuses or if it is a flip of a coin. Mayor Flaute: On the income collections card it

Thursday, May 16, 2019

is showing us the year-to-date up about \$75,000 from last year, which was up about \$75,000 from the year before. Deputy Mayor Denning: He said about \$156,000. Mr. Garrett: You don't even have that chart yet because I just did it this afternoon. Mayor Flaute: It is better than what it has been.

B) Monthly Update Administration Department – Mr. Lohr: I am still working with Chief Stitzel finishing up the firefighter hiring. We have one firefighter hired; he's been on at least a couple of weeks. The other we are waiting on that individual to go and take the fitness test, the Ohio Police and Fire Fitness Test. I think that will be in the early part of June because he is out of state until then, June 7. We are looking for that individual to hopefully pass and start shortly thereafter and that will fill all of our positions in the fire department. Ms. Fry: Full-time positions? Mr. Lohr: Thank you, yes, the open full-time positions. We have hired a zoning administrator. Her experience is showing and she is doing a great job for us. She and I have been working together quite a bit; I'm helping her learn the iWorqs system and also familiarize her with the codes of the city. I think she is going to be a great employee for us. We've been busy with BWC claims this year. We have had an unlucky streak so far. Nothing substantial, but we've got more BWC claims than we have normally had in a year. We have had some very low years. I think we have had as few as five or six the last couple of years and we are probably going to see it a little bit higher this year. I've been spending a lot of time working on those claims. Ms. Fry: Are those issues things that could be addressed with training? Mr. Lohr: Possibly, they have been all different types of injuries so it is not, I don't think we have anything that has been identified as a training issue or a disciplinary issue so far. We've had too many knee injuries, just freak incidents that happen. When we have an injury, we fill out an incident packet and we look at those sorts of things to identify any training needs. Unfortunately, it is like we have had a string of bad luck here, but I think we are through it. I'll keep my fingers crossed. On the IT side, we are close to purchasing some new computers for the year. We have budgeted for five new computers, which was \$5,000 in the budget, and then we had two of our network switches go bad over at 1791 so we replaced that and spend \$1,000 to replace the two with one switch. Now, we are on a \$4,000 budget and we are going to get four computers for this year. We are hoping to get those ordered here in the near future. Mr. Curp: How near future is that? We are in the fifth month of the year. Mr. Lohr: Soon, this month. Mr. Curp: There aren't many days left in this month. Mr. Lohr: A couple of the other IT things we are working on through the year, we will need to come up with a backup solution for a network. We currently have some uni-trends devices that are still functional, but will need to be replaced sometime here in the near future. We are kind of in an interesting situation with our back up devices because the ones we have are adequate now that we have set aside our officer chest cams, but if we put those back on the street, we are going to need a larger backup device to handle all that video. Right now we are able to keep up with our backups because we are not using those officer cams. That is a consideration for the future. We also have to renew our anti-virus software this year. We had a one-year license for that ESIT software and that will have to be renewed by the end of the year. Deputy Mayor Denning: This may be getting in the weeds, but \$4,000 for four computers seems....are we getting bids on that or...Mr. Lohr: We have three separate quotes. Deputy Mayor Denning: That seems a little high. Mr. Lohr: Right now we are looking at two laptops and two desktops. The two desktops are cheaper, but the laptops are more expensive then you have to get a docking station to use it at your desk that includes the two desktops, the two laptops with docking stations, the Office 2019. Deputy Mayor Denning: Well, Office 2019 jumps the price real quick. I'm good. Mr. Lohr: Yeah, things get expensive pretty quickly; we went through MVECA and we went to some wholesale/retail companies and we got some good prices with that. Deputy Mayor Denning: Did you check with other municipalities? Is there any place where you can group buy that we could get better prices? Mr. Lohr: I have not talked to any other neighboring municipalities to see, but that is some cooperative purchasing there. Deputy Mayor Denning: Or even the school system? Mr. Lohr: Right, MVECA being a Regional Council of Governments and working with lots of school systems, they get pretty good prices on things. Deputy Mayor Denning: So that is a regional thing. Mr. Lohr: Yeah.

Thursday, May 16, 2019

Mr. Curp: Firefighter hires that is for vacant positions, correct? Mr. Lohr: That is correct. Mr. Curp: Where are we with starting to get involved with assessing the potential moves to a different risk pool for healthcare for next year? Mr. Lohr: The city manager met with the broker and he and I met with them separately for the center for local government, which is a group out of Cincinnati. They have a risk pool and Trotwood is involved in that and some other area municipalities. The city manager and I both had conversations with them to discuss the possibility of that. That is one that we looked at just a little bit in 2016, but now we are looking at them more seriously; we've already taken some steps in that direction. Mr. Curp: What does that mean? We've taken some steps. Mr. Lohr: We talked to that broker to get more information about what participating in that pool might entail and what benefits there would be. Mr. Curp: Okay, and what did they tell us? Mr. Lohr: Honestly, in some ways it is very similar to the OBC that we have spoken to; it's a different broker, but similar benefits; the rates are very similar to what we have seen elsewhere. Mr. Curp: iWorqs, where are we with getting some version that can be out on the city's website for access by the general public and by general council members? Mr. Lohr: So we have something that is accessible. What they have set up for us is, I guess, the account to log into the iWorqs system code enforcement module. It's clunky. We have that access and we could provide it to the council and to the general public, but I think people will be more confused than they will be helped by the information. We need to take the time to work with iWorqs to get something that is going to be better for the community and that is something we will be doing. Mr. Carpenter: We've reached out to them and told them we are not happy with what they have provided; it's not user friendly. Mr. Curp: That is analogous to the earlier discussion on LJB because what we were told in this room meeting after meeting after meeting by a person who is no longer here was that this was the greatest thing for code enforcement and the zoning administration since sliced bread. What we are finding is it is a little bit different than what we were told; what was advertised. That is probably the product and that is probably what they told our representatives the product is or was. Yet, it comes in here as being something different. Deputy Mayor Denning: I think we also got forced into iWorqs by the fact that what we had was bought out by iWorqs. It doesn't mean we shouldn't have looked at what else was out there. Maybe we need to look. We've invested in this. To me, what I liked most about iWorqs was the fact that it tied stuff to the service department with work orders and things like that if we utilize that. Now, if that is not a tool we utilize, then maybe we need to look at what other stuff is out there and what we can get and what we really need and what we can really use not just what we can get because it is the easiest route at this point. Mr. Curp: We need to see if we purchased that module. Ms. Fry: Have we had any training on the software? Mr. Lohr: We have had some initial training when we were transitioning over. Ms. Fry: Do you feel it was adequate? Mr. Lohr: No, I don't, I really don't. We've had to learn some things on our own. They do have training videos on their website. Not that anyone has asked me for my opinion, I wasn't involved in selecting iWorqs, but I came in in the transition period. I really wasn't impressed with the way they transitioned us. I'm not impressed with the way they took some of our old databases, the ZonePro databases; they have kept those separate. For all the ZonePro permits, we have to go and look in one database and for the rest of the permits we have to do this and even our residents have to search that way. It's not from using it and doing the permits, code enforcement and the zoning administrator being unfilled, there is not a whole lot of benefit beyond ZonePro other than it is easier to load pdfs so we have been able to digitize more of our zoning permits. I do agree with Mr. Denning that if we do choose to go with the service department modules they have, there is a lot of benefit to integrate that that ZonePro did not have previously. Ms. Fry: Is that an extra cost? Mr. Lohr: Yes. Ms. Fry: And that is why we currently aren't doing that? Mr. Carpenter: Well, I think after looking and evaluating there might be something better for the service department so we have just held off on the module for now. Deputy Mayor Denning: And I am good with that. My suggestion, if you don't mind me tying on here, would be that we seriously, we got new people coming in, maybe she has information, maybe Kathy with her networking can get us some information on other software that will do what we need and we need to consider putting that into next year's budget, but we need to do that homework now so that we have that information so that we can work on it in the

Thursday, May 16, 2019

future. Ms. Fry: My bottom line is there anything we can do training wise that might salvage our investment so far in iWorqs or is it your professional judgment that this would just be lipstick on a pig. This just isn't what we need. Mr. Lohr: There is definitely more training that needs to be done, and we could do that. Now, we are definitely functional on the permitting and code enforcement side and I think we are operating pretty close to where we were on ZonePro. ZonePro we were paying \$500-\$600 a year and that is probably the guy undervaluing his product and now we are paying much more than that and I expected some bells and whistles. It looks different; it functions pretty much the same way. Deputy Mayor Denning: There is a reason they bought them out. Mr. Lohr: Yeah. Mr. Curp: Are there other cities around that use the same package. Me. Lohr: Yes, I get the impression that a lot of the communities that were on ZonePro transitioned over to iWorqs. I know for sure Huber Heights has done that because I have spoken to them about it. It is kind of a mixed bag. I have talked to one guy who says he hates it; some really like it so, but they are up and running on it as well. Mr. Curp: It might be that those organizations that have real life experiences using this stuff could provide some training. Deputy Mayor Denning: Or you can use, you can group those people together and all go to iWorqs and say we need something that will work with our websites and use the clout that you can get. I am sure that our \$5,000 a year, whatever, doesn't mean a lot to them, but ours added with Hubers, added with Fairborn, added with Trotwood, might mean something to them. or not. Mr. Curp: Or, because we already have Microsoft Excel on most of the computers we have that is really all you need. You can do it with that if you really want to.

C) Monthly Update Economic Development – Mr. Carpenter: We have several things going on here at the Wright Point Buildings. SPGlobal the preparation for the expansion on the fifth floor at 5100 is ongoing. The target date is to have it ready to move by June 1 so we are in the home stretch on getting them moved over there. The CDO is ready to move in to the SPGlobal space and then they also want to explore the idea of taking the entire third floor here at 5200 so we are in conversation with two different avenues. One is to outfit the space in SPGlobal that wasn't used; we have to upgrade that and then also the entire third floor for possible use by CDO. Far Hills has agreed to an extension that is something we will talk about in executive session. We are also working on a letter of intent with Goodrich to renew their lease here as well. Ms. Minnich not only has been busy doing that, she is also out visiting some businesses so there are a few more that she has made some connections with and getting feedback that we are consolidating with the prior feedback. We are also still communicating with the Tudor Biscuit World representatives to see if we can't make something happen. I should have something for council on that very soon. Deputy Mayor Denning: In a positive way, I hope. Mr. Carpenter: Yeah. Mr. Curp: I was in their new store in Fairborn and it is really nice. Mr. Carpenter: Initially they were saying it was packed as soon as they opened up; they were very excited about that and they feel they can get similar results here. Mr. Curp: Their Xenia store is packed all the time. Mr. Carpenter: One last thing, we did get a phone call of the owner of the NTC building. They are located out in California. I think they have been a little bit disenchanted with the property; they are willing to negotiate and get that property moved to someone that wants to do something with it. They are not happy with the situation they have; they haven't got a lot of interest. They are trying to sell it, plus its current condition is pretty poor so they are ready to do some negotiating on that and getting it off their hands. Mayor Flaute: So how are we getting the word out about that? Mr. Carpenter: We just learned of that. Mayor Flaute: We need to get the word out about that. Mr. Curp: Does all the acreage in the back of the property come with it? Mr. Carpenter: I believe so, but I haven't verified that. Mr. Curp: Do we know how much total acreage there is? Mr. Carpenter: I did at one time. I will get that to you. That is all I have for the economic development update. Mayor Flaute: And we are still working on K-Mart? Have we heard anything? Mr. Carpenter: We have a meeting scheduled with the Business First Group; it just slips my mind, I think it is the 24th or the 26th; I'm not 100 percent. I will forward that to you. Deputy Mayor Denning: The 26th is a Sunday. Mr. Carpenter: Then it must be the 24th. Deputy Mayor Denning: Have we got anywhere with our

Thursday, May 16, 2019

meeting with the colonel yet? Mr. Carpenter: I have not heard a thing with that. Deputy Mayor Denning: Are you trying to call him weekly? Daily? Ms. Lewallen: I can't call the colonel, I don't have his number. I have been calling Myra, what is her name, I said it too fast. Deputy Mayor Denning: I think we just need call him once a week. Mayor Flaute: Every time I see him he asks when we are having that meeting. I don't know what the holdup is. Mr. Carpenter: We've drafted a memo and some maps; we thought we would just send it to him and maybe that will trigger a response. Deputy Mayor Denning: We need to have that at a meeting. My other thing is that we need to invite Representative Turner to the meeting and when we have the meeting with Mr. Turner, I'm sure the colonel will show up. Mayor Flaute: I am not sure about that, but let's work on the meeting. I know he is willing to do it. Mr. Curp: Is it that no one will answer our calls or what is the impediment? No one returns our calls, just get an answering machine? Ms. Lewallen: They are the ones who originally canceled and said they would reschedule and be back with you in a week. That didn't happen. I started the emails, I started making the calls. I said it was important and we need to set this up and I don't get a returned call or a returned email. Mr. Carpenter: I know the mayor has seen Col. Sherman; I've seen him, and we said we were going to have that meeting very soon. There is no response. Mayor Flaute: There is some disconnect somewhere. Ms. Lewallen: Get a phone number for him and I will call him direct. Mr. Curp: We've already paved the street he is not interested anymore. Deputy Mayor Denning: We haven't paved the street; we want to get his help with Springfield; I can get his email. Ms. Campbell: Why don't we get in over there and talk to him. Mayor Flaute: Nah, that wouldn't work; they wouldn't let us in the gate. Deputy Mayor Denning: Bill, I can get through the gate. I don't know that I could get to his office. Mr. Curp: You can't get past Radar O'Reilly, the company clerk.

ITEM 16: PUBLIC COMMENT ON AGENDA ITEMS: There was no public comment on agenda items.

ITEM 17: OLD BUSINESS

A. ORDINANCES

- I) Ordinance No. 18-O-678 adding new Section 1115.17, Live/Work, and amending Sections 1107.05 (B)(4); 1107.09 (B)(4); 1107.09 (C)(4); and 1107.11 (B)(4) of the Unified Development Ordinances (UDO) of the City of Riverside.**

Mr. Carpenter: This ordinance is amending and updating the Live/Work ordinance.

Deputy Mayor Denning motioned to read Ordinance No. 18-O-678 for the second time by title only. Mr. Curp seconded the motion. The clerk read the ordinance by title only.

Mayor Flaute opened the public hearing for Ordinance No. 18-O-678.

Mayor Flaute closed the public hearing.

Mr. Curp: I think it is a great piece of legislation. Mayor Flaute: And that worries me a little bit. I hope you're right; and I believe it is.

All were in favor; none opposed. **Motion carried.**

Deputy Mayor Denning: Mr. Curp, I want to thank you for doing the homework and making this what our city needs not what others need. Thank you.

ITEM 18: NEW BUSINESS

A. ORDINANCES

Thursday, May 16, 2019

I) Ordinance No. 19-O-693 making supplemental appropriations for current expenses and other expenditures of the City of Riverside, State of Ohio, for the period January 1 through December 31, 2019 and declaring an emergency.

Mr. Carpenter: This is supplemental appropriations, do you want to talk about the supplemental now or do you want read it first. Mayor Flaute: Let's go through the motions first.

Deputy Mayor Denning motioned to read Ordinance No. 19-O-693 for the first time in its entirety. Mr. Teaford seconded the motion.

Ms. Lewallen read the ordinance in its entirety.

Mr. Carpenter: Of course, Mr. Garrett has submitted his memo, and I could go through some of these items specifically. The grant revenue that is the solid waste grant, a grant that we have to front the money and once the project is complete we submit the invoices and then we are reimbursed. Then, there is the personnel for economic development and service fund for unemployment wages that we didn't have enough room in our current budget to make that compensation so we needed to add the additional cost. I should have budgeted more for that in the beginning of the year. There is the 110 operating expense that is the balance for the Airway East project. When we did the project in 2018, we held back 10 percent. That purchase order was closed out at the end of 2018 so we are asking council to give us the balance so we can pay the remainder of the bill. The decrease is the amount budgeted for the grant match for the police department. Under the state law enforcement trust fund, that capital outlay that was something we weren't aware of in 2018 that we could use those dollars to purchase body cams so we became aware during the year so we are asking council if we can use the money in that fund to purchase body cams.

Deputy Mayor Denning: So the way I read this, this is actually a decrease of \$4,000 from our original \$350,000 in the hole budget that we started the year with so if we were going to be \$350,000 in the hole, now we are going to be \$346,000 in the hole. Mr. Garrett: Well, almost, that was true when I wrote that memo, but at your seats you got a revised exhibit that adds one item that \$41,000 for the Airway East paving that was just discovered. Deputy Mayor Denning: So now we aren't as... Mr. Carpenter: Had the purchase order remained open, it would not have shown up here. Mr. Curp: Follow up on that, the summary in the cover letter says the proposed supplemental appropriation increases approved spending by \$8,326. Mr. Garrett: I guess I forgot to change that. Mr. Curp: Then tonight, there is an adjustment for account 100.110 general government increased by \$41,000 so is the new amount \$41,000 plus the \$8,000? Mr. Garrett: Yes. Mr. Curp: Okay, so we are increasing spending by \$49,000. Mr. Garrett: It was kind of a little bit contradictory or confusing that \$8,300 was we are increasing the spending by the parks grant money of the \$12,400. Mr. Curp: I'm okay with that, I just want to know if what this says is what it says if we are increasing spending by \$8,000 whether the \$41,000 was already included in there and just wasn't printed... Mr. Garrett: No, the \$41,000 was not created, the \$41,000 was the late breaking edition we just discovered.

Ms. Fry: So, the body cams, we didn't get the match, the grant, for the body cams, correct? Mr. Carpenter: It was more than just the body cams; it was the cars and also the whole Watchguard System getting upgraded was the grant. Ms. Fry: But we are going to purchase body cams this other way? Mr. Carpenter: With this different fund, yes. Ms. Fry: Are we purchasing the same number that we initially planned to? Major Sturgeon: What we were trying to accomplish last year for going into this year's budget was an appropriation with the Watchguard Company to do all 14 cruisers and basically replace the complete camera system within the cruisers as well as the body cameras. With a more integrated system it made it easier to redact for public records and what not that is not what this system is. What we are doing is getting our body camera program which is currently shut down back up and running and it is basically doing it on the cheapest, most effective way that we can

Thursday, May 16, 2019

to get our cameras back up and running. We currently have four body cameras but we don't use them because we are running into problems where one officer has one and one officer doesn't and the prosecutor's office is having all sorts of fits over why this is going on so what this will do is it will buy us eight more body cameras bringing our grand total up to 12. Our maximum shift that we run will be six officers and we are going to get a bank also to where it will download the cameras with the new wiring system in the building quickly so what that allows us to do is that you can't hand these cameras off to each other because of the battery life so we will have six designated for day watch and six designated for night watch. They will never have to be overlapping each other and always have fresh batteries. We also priced out for the extended life cameras so they will last about 14 hours a shift. On top of that we will have to make some sort of move down the road for storage issues because of how much data the body cameras generate because they are on so often, but basically, that money we are asking for from funds for drug allocations, drug seizures and what not, is to buy eight more cameras and a base station. It is not a software improvement in any way, it is something we hope for in the future, but we understand the funds aren't there, but the body cameras for us have been invaluable they save us over and over and over and now it is common place that the prosecutor's office basically expect it evidentiary wise. They want to know since we were one of the first ones to have them in the county why not have them now. Ms. Fry: So we are going to the minimum threshold of having the body cams on every officer. Major Sturgeon: Every officer, all the time. Ms. Fry: But we still will have to address some of the maintenance costs down the road. Major Sturgeon: Correct. So what we are dealing with down the road is some of our cameras in our 2014 and 2015 cruisers are over five years old so they are outside the warranty issue period so any time any of those need fixed, knock on wood our cruiser cameras are pretty darn good and don't have to be fixed often. They are outside the warranty so we are kind of on our own. What we are trying to do with the new system was a rent to own system and it was a five year plan that brings the whole technology up to date kind of like we just did with our computers, but this will absolutely suffice us for now and get us back to what we need.

Ms. Fry: Second question, did we need to do this as an emergency, this legislation? Mr. Garrett: I didn't ask for an emergency because it is an appropriation it is going to get posted. If we read it twice per our procedure because it is appropriation, it would be immediate. I don't know that it has to be an emergency. Mayor Flaute: Ms. Grandjean would you like to comment? Ms. Grandjean: It would go in to effect immediately upon adoption. Mayor Flaute: Because it is...Ms. Grandjean: An emergency. Ms. Fry: Did it need to be? Ms. Grandjean: Appropriation? Mr. Garrett: No, an emergency. Ms. Fry: If our regular rules of order say that we have a first reading and a second reading and only when we have an emergency do we try to abbreviate that process; I noticed that every time we have supplementals we always do an emergency and my question is what requires that? Mr. Garrett: I'd say the only real reason was when do you need the money. The driver for this supplemental, the forcing that caused us to submit it was this parks grant, but again, I don't think that is a near term need. Ms. Bartlett: We can't put it down until June like the end of June when the parks dry out. Deputy Mayor Denning: So if we did the first reading tonight, and the second reading at the first meeting in June, you'd have the money in the loop soon enough. Mr. Garrett: As far as I know. Mayor Flaute: And that is for the body cams, also? Deputy Mayor Denning: Everything. Major Sturgeon: The body cams is priced out, we are ready to go, but we have been operating without them for over a year so it is not a pressing issue right this second. When we get the money; we get the money. Mr. Curp: As soon as the council approves this legislation, the police department is ready to order the very next day, correct? Major Sturgeon: Correct. Ms. Fry: I'm okay with that. Mr. Curp: Oh yeah, I'm fine. Mayor Flaute: Will we be without body cams longer? Major Sturgeon: It would just be until they are shipped, but they software and infrastructure is already in place. This is just getting us up to the number of body cameras we need. Deputy Mayor Denning: If we pass this tonight, you could put them on order tomorrow; when do they get here? Major Sturgeon: Fourteen days at the most. Deputy Mayor Denning: Okay and when do they get into service. Major Sturgeon: Fifteen days. It is that simple. Deputy

Thursday, May 16, 2019

Mayor Denning: So our real answer is, that's our driver, if we want this done as quickly as possible. Mayor Flaute: So are we doing an emergency or not? Deputy Mayor Denning: You are just going to lower the threshold between the first and second meeting. Mr. Curp: You don't have to do an emergency. You can suspend the rules and do both readings; except that we haven't done the notice to the public. Ms. Lewallen: But if you do it as an emergency...Mr. Curp: It is not an emergency. Ms. Lewallen: I don't know how you want me to do a supplemental then; I have always seen them as an emergency. All the ones I have done have been an emergency. Mr. Teaford: Well obviously, the police need these as soon as possible; I know we have been without them, but it is a hindrance not to have them. The prosecutor wants us to have them so let's just do it. Ms. Fry: I'm okay with that, but I also would like the larger issue to be addressed in the future. Because it sounds like what you are saying...Ms. Lewallen: Every supplemental that I have done and have seen has been an emergency. Ms. Fry: But it is not required to be? Mr. Garrett: Then they get it back to the public hearing for a second reading of an ordinance. Deputy Mayor Denning: We just have to list that if we are not going to make it an emergency, correct me if I am wrong, Ken, if we aren't going to declare it an emergency then we don't put emergency on it, but we have to list on our agenda that we are going to have the first and second reading and the public hearing at this meeting. Mr. Curp: Yeah, the question thing goes to the law director and parliamentarian as to if you know you are going to put an emergency measure on the agenda and do everything in one meeting. At the same time you set the agenda and put the item on there is a public hearing required and do you have to give the notice? Ms. Grandjean: If you are going to, if you want it deemed an emergency it should read that way as opposed to amending it at the meeting. Are you suggesting that it be amended at the meeting? Mr. Curp: No, it is already listed as an emergency...Mr. Teaford: It is listed as an emergency. Ms. Grandjean: I'm confused; is it a concern that it is or that it shouldn't be? Ms. Fry: My concern is that we always do an emergency even if it is just routine adjustment of the budget. My point was are we really doing what we should by the citizens. Ms. Grandjean: Is each appropriation ordinance really an emergency? I think as a practical matter it often is, but no, it is not by nature necessarily an emergency. Deputy Mayor Denning: So if it is not an emergency, but we still want to do it at one meeting, do we have to list that we are going to have the second reading and the public hearing because our charter says that we have to have a hearing at the second reading of each ordinance. Ms. Fry: But I think that goes against my point, which is I'm okay if it is an emergency, but if it is not an emergency then we are doing the residents a disservice by abbreviating unnecessarily. Deputy Mayor Denning: But there are times when it is not necessarily an appropriation, it may be an ordinance that we need to, so it is two different things. Ms. Fry: Then we would just handle it as an emergency. Ms. Grandjean: My question would be who would say which way it should be done because that is decided here at the meeting. Deputy Mayor Denning: I thought the charter says...Ms. Grandjean: No, no, if the rules are going to be suspended and it is to be done at one meeting then how is the clerk and the law director going to know that is how council will want it at the next meeting? The other option is that it is in the alternative it could be done this way or it could be done that way. Deputy Mayor Denning: We are talking two different things. Mayor Flaute: So tonight we are going to do it as it is on the agenda. Ms. Fry: Yes. Deputy Mayor Denning: Because the police need their body cams not necessarily because the rubber stuff needs put down.

All were in favor; none opposed. **Motion carried.**

Deputy Mayor Denning motioned to suspend the rules on Ordinance No. 19-O-693. Ms. Campbell seconded the motion. All were in favor; none opposed. **Motion carried.** Mayor Flaute asked if there was any discussion from members of council. Deputy Mayor Denning asked if they have to have a hearing on an emergency. Ms. Grandjean stated they have it listed on the agenda so they have to have it.

Deputy Mayor Denning motioned to read Ordinance No. 19-O-693 for the second time by title only. Ms. Campbell seconded the motion.

Thursday, May 16, 2019

The clerk read Ordinance No. 19-O-693 for the second time by title only.

Mayor Flaute opened the public hearing for Ordinance No. 19-O-693. Seeing no one, Mayor Flaute closed the public hearing.

All were in favor; none opposed. **Motion carried.**

B. RESOLUTIONS

I) 19-R-2475 authorizing the city manager to submit an application to Montgomery County for a Community Development Block Grant.

Deputy Mayor Denning motioned to approve Resolution No. 19-R-2475. Ms. Fry seconded the motion. All were in favor; none opposed. **Motion carried.**

ITEM 19: PUBLIC COMMENT ON NON-AGENDA ITEMS: There was no request for comment on non-agenda items.

ITEM 20: COUNCIL MEMBER COMMENTS:

Mr. Curp: The last meeting we finished up the legislation on small cell towers. Tonight we finished up the legislation on Live/Work. When these came out of the planning commission three months ago there were three items that came from planning commission: Live/Work, small cell, and chickens. My question is what happened to the chickens? Mr. Carpenter: Council can weigh in, my thought was since this has come back and forth, I thought we would have public hearings on that first. I will ask council if they prefer that or no. Mr. Curp: The planning commission had a public hearing. They may have not gone out to the neighborhoods. Mr. Carpenter: My takeaway from some of the meetings from comments I heard at the meetings that there was some thought not all the residents were aware and this may be an opportunity for them to come and ask questions and make comments. Deputy Mayor Denning: Every ordinance has a hearing at the second reading. So what is the point? Mayor Flaute: Make sure everybody knows about it for the second reading. Mr. Carpenter: Will do. Mayor Flaute: Does everyone agree with that? Mr. Curp: And they can come and speak at the first. Mayor Flaute: As an agenda item. Mr. Curp: Yes. Mayor Flaute: So let's have that but make sure it gets out on Facebook and everything that we are having this discussion because I think there are some council members here who are feeling a little strain about it. Mr. Curp: It doesn't matter whether it passes or fails. We have talked about how we interface with the planning commission sending things back, whatever, and we said we want to have a better relationship. Whether we pass whatever they send to us is a different matter, but we want to make sure we have the right relationship. Three months ago they sent this to us and we haven't done anything so we ought to do something. Mr. Teaford: I don't have that paperwork because that was before I was on council; the planning commission information. Deputy Mayor Denning: They haven't sent us anything; we are waiting for the ordinance to come before us. But you can go back and get the minutes.

Mayor Flaute: Did I give that to you a white folder? Ms. Campbell: I got one, is that yours? Who gave it to me? Mayor Flaute: I need it back so I can give it to Mr. Teaford. Ms. Campbell: Okay, when did you give it to me? It was just laying here and I thought everybody got one. Mayor Flaute: So you could have information. No, I don't believe they did; it has a lot of good information in it that is why I gave it to you. Ms. Campbell: It is still like it was before where you have to have an acre and a half? Mayor Flaute: No. Ms. Campbell: Nobody changed that rule? Mayor Flaute: That's what we would be changing. Ms. Campbell: That is going to be a mess you know. Mayor Flaute: That is why you are supposed to read what is in the folder. Ms. Campbell: I did, some of it. The skunks will love the idea of chickens in the neighborhood.

Thursday, May 16, 2019

Mayor Flaute: First of all, I did three weddings in the last two weeks. I also want to comment on Mrs. Safreed the officer's wife. She wanted me to thank the police department for all their help and there was one gentleman, one of the officers significantly. Can you explain what he did for her? Major Sturgeon: Sure, Officer Decker has kind of been the liaison from the police department to the family. In talking with her in preparation for Montgomery County's celebration and we inquired if she had been to the state one, the police academy up in London, OH. She had not been in a while so we accompanied her to London and provided her and her family transportation; took them up to London so she could experience that. That is the week before the one by the county. We stay in touch with the family all the time. We actually have a second officer; we didn't just want to leave it to one officer to have that responsibility because a lot of our guys are very interested in our lineage and invested in Officer Safreed and what happened with him. We added a second officer who went with her this year along with our group of officers that went to the Montgomery County Memorial, also. I know you always go to that Mayor and I want to thank you for that, too. It matters to us; we appreciate it. Mayor Flaute: She is very appreciative. What was the officer's name? Major Sturgeon: Cliff Decker. The other one that is now involved in that on an intimate level is Adam Todd. Mayor Flaute: It means a lot to her. Alright, so we are still having a special meeting on May 23 that will be moving forward. I went to the Soin Community Prayer Breakfast with Councilmember Lommatzsch and I went to, and you saw something at our plates, we are having the Riverside Mayor's Prayer Breakfast On June 1. We will be honoring all the veterans so anybody who is a veteran gets in free; anybody who is a retired veteran gets in free; any widow or widower gets in free. The VFW is actually paying for all those meals. I know it is the same day as the junk day, but it will start at 9:00 a.m. Deputy Mayor Denning: And the bike rodeo. Mayor Flaute: And the bike rodeo, but that doesn't start until 11 a.m., this will be all over 10:30 or 11:00 a.m. that is the goal so we can go to the bike rodeo and still participate. That is what the committee wanted to do. Please, if you know any veterans who would appreciate a free breakfast and some real positive reinforcement, please let them come to our breakfast. Sign up day at Stebbins High School is always a big day because the freshman sign up and say they are going to finish high school and they get a special recognition for that. Plus, they welcome the class of 2031. Kind of an odd thing to do, but those little kids just love it. Okay, the bike rodeo was held last weekend and was very successful and the next one is on June 1 at Beverly Gardens; we give away free helmets, please everyone who kids need a helmet have them come to the bike rodeo. The police department does a fabulous job and we do appreciate that. The Cleanup Riverside was May 11 thanks to Dan Ryan and Freda Patterson, and Way of the Cross Church, Riverside Jaycee, everyone involved in that. It was a nice ceremony, a nice day; it just was a nice thing. The only thing I can tell people watching today is to clean up your front yard and if everyone would clean up your front yard we wouldn't have to do this. Deputy Mayor Denning: They were able to collect a total of 80 bags. Mayor Flaute: Eighty bags of trash. It was a big deal and Dan and Freda were very appreciative of that. I went to the Dayton Water Festival again; we've got a nice plaque for 25 years of being a ground water guardian. It's a big deal and unfortunate we get the bunt of being that steward, a lot of the city's south of town don't have to put up with it like we have to put up with it, but we are the guardian and need to be proud of the fact that we have that distinction. AFRL had an inspire tech expo today and it was something to see. These guys are just yards and years ahead of everyone. If you get a chance to go to that next year it is well worth it.

Deputy Mayor Denning motioned to go into executive session at 9:27 p.m. Ms. Campbell seconded the motion. Roll call was as follows: Mr. Denning, yes; Ms. Campbell, yes; Mr. Curp, yes; Ms. Fry, yes; Mr. Teaford, yes; and Mayor Flaute, yes. **Motion carried.**

ITEM 21: EXECUTIVE SESSION

- A) Section 13.01 (d)(3) Conferences with any attorney representing the City as counsel, concerning disputes involving the city, its council, boards, commissions, officials and employees that are the subject of pending or

Thursday, May 16, 2019

imminent court action or discussions of any matters which are properly covered under the attorney-client privilege as recognized by the law of Ohio.

- B) Section 13.01 (d)(7) To receive and consider from an applicant for a permit, license, variance, zoning change or other similar privilege granted by the City, the following information confidentially received from an applicant:
C. Production techniques and trade secrets.

ITEM 22: RECONVENE

Council reconvened at 10:48 pm.

A. RESOLUTION

- I) Resolution No. 19-R-2476 authorizing the city manager to enter into a lease agreement renewal with Far Hills Development.**

A motion was made by Deputy Mayor Denning to approve Resolution No. 19-R-2473. Mr. Curp seconded the motion. All were in favor; none were opposed. **Motion carried.**

ITEM 23: ADJOURNMENT

Deputy Mayor Denning motioned to adjourn. Ms. Fry seconded the motion. All were in favor; none were opposed. The meeting adjourned at 10:49 pm.

William R. Flaute, Mayor

Clerk of Council