

Thursday, May 17, 2018

ITEM 1: CALL TO ORDER: Mayor Flaute called the Riverside, Ohio City Council Meeting to order at 6:11 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; Mr. Denning, present; Ms. Fry, present; Mr. Fullenkamp, present; Deputy Mayor Lommatzsch, absent; and Mayor Flaute, present.

Staff present was as follows: Chris Lohr, Assistant City Manager; Tom Garrett, Finance Department; Bob Murray, Economic Development; Brock Taylor, Planning and Program Management Department; Frank Robinson, Police Chief; Daniel Stitzel, Fire Chief; Jay Keaton, Service Department; and Brenna Arnold, Clerk of Council.

ITEM 3: EXCUSE ABSENT MEMBERS: A motion was made by Ms. Campbell to excuse Deputy Mayor Lommatzsch. Mr. Denning seconded the motion.

Mr. Curp: She wanted me to make sure everybody knew that she really wanted to be here, but her grandson is graduating this evening. Mayor Flaute: That's more important. Mr. Curp: She was tugging at what to do. Mayor Flaute: Thank you, Mr. Curp.

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

ITEM 4: ADDITIONS OR CORRECTIONS TO AGENDA: The agenda was revised prior to the start of the meeting.

ITEM 5: APPROVAL OF AGENDA: A motion was made by Mr. Denning to accept the agenda as revised. Ms. Fry seconded the motion. All were in favor; none were opposed. **Motion carried.**

ITEM 6: WORK SESSION ITEMS:

A) Police Officer of the Year Recognition – *Will be rescheduled.*

B) Financial Analysis Report

Mr. Lohr: We are still working on the system over here. Ms. Campbell: It just froze up again. Mr. Lohr: Tonight we have Mr. Don Schonhardt, the City of Hillard Mayor, CPA, and our Financial Analyst, who is going to give us some information about income taxes. Mayor Flaute: Thank you, Mr. Manager. Mr. Mayor, would you please come forward. Thank you very much for coming and we are anxious to hear what you have to say.

Mr. Schonhardt: I bet you are. I will tell you that while I was sitting watching the blank screens up here it reminded me of my last week in my private office where a Windows update crashed three of our computers and they would not boot and I got to look at that same screen for hours on end. It's never fun when technology doesn't cooperate with us. Well thank you for having me this evening. I really want to talk about a rather complicated issue and a lot of the complication centers around the way that you guys presently levy your tax. You have a 1.5% tax rate, nothing unusual about that. The problem is that 50% credit creates some interesting arrangements for your citizenry. I've tried to exhibit that in what I'm going to discuss tonight, but I do want to back up and just talk about the financial position of the City. I've worked with Tom and Mark. I just met Chris tonight, so I haven't had much chance to work with Chris. We've looked and I do have a pro-forma that I've provided to staff talking about moving five years out into the future. It goes from 2018 out to 2022. That was something that really took quite a bit of time to put together and I'm still trying to fine tune it, but one of the things that became clear in the process of putting that pro-forma together is one we have seen in last year we had a current year deficit situation where our revenues did not cover our current year expenditures.

As we look ahead at the three primary areas that we are concerned about as government representatives, our General Fund, our Fire Fund, our Service Fund, and our Police Fund; that's the primary services we provide to the public. I can tell you

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that the General Fund, if we presume a reasonably realistic growth in income tax over the next several years, the General Fund will continue to have deficit situations, but they are not so dramatic that we end up eating all the fund balance in the General Fund. Unfortunately, in the remaining three areas, Fire, Police, and Service, they do. They start out with a deficit and that deficit carries forward all the way out to the end. The way the City is structured, they make up those deficits by transferring money from the General Fund to cover the deficit in those individual funds. Bottom line, we start in January of 2018 with \$4+ million in the General Fund and again assuming just a 2% growth in income tax and looking at known increases in personnel costs and we factored in a very minor 1% increase in other operating expenses; that fund balance will drop to around \$2.8 million by 2022.

That alone doesn't include some of the projects that I think the City is desperate to undertake, those projects being what I would term annual street maintenance program. You have a company that evaluates our streets and provides you with a rating as to the condition of those streets and then schedules those streets for maintenance, typically it is a resurfacing process. In looking at the funding of those street improvements over the next 5-6 years, we have significant expenditures that presently aren't included in the calculation of the deficit situation. If we undertake those projects, which I know the public is clearly interested in us doing, it adds to the deficit further. It also doesn't include some of the projects that we have been provided OPWC funding for, but are just now getting underway. Springfield Street East and West are two of the projects that we have received OPWC funding for. 2018 is the first year where we are actually paying money out to do professional engineering on that particular project and there are expenditures associated as the City's share of those projects that begin in 2018 and also carry out to 2022. Those have not been factored in to this deficit that I just talked about.

Clearly, we have some projects that are important to the community that if we don't do something to address our revenue shortfall, we are not going to be able to provide what I believe the kind of service that the community would like to see us provide. That is an incentive for the public to get behind a consideration of increasing the income tax to accomplish undertaking of projects that they really would like to see you as members of City Council undertake. In addition because of that 50% credit, if we have a significant number of your residents who are paying well in excess of 1.5% in tax. If you just look at the PowerPoint page 1, right now at our current tax rate of 1.5% with a 50% credit and using the base information provided to us from RITA, which started in 2016, that was the latest year they had available, you have according to the sheet which is that little sheet you see here. On the very last page, you will see a total number under the column labeled "Work." It shows 9,890.

Those are the number of taxpayers that are represented on this sheet. Of those 9,890, if you look at this slide 5,395 of those people are paying greater than .5% presently. These are your residents, they live here. Many of them do not work here, but they pay more than 1.5% in tax. Some of them, and if you want to go again to the last page and you look at the very first column which is 1.5%, not the very first, but the first column towards the projections, if you look at that 1.5% with a 50% credit you see that some of your residents pay 3.25%. You have one that pays 3.5%. I think I would be moving if I were them. You have some that pay 3% or 2.8%. There is significant amounts of additional tax that they are paying under our present scenario. Mr. Curp: Those that are paying where they work? Mr. Schonhardt: They pay in the city where they work, but you only give them credit against your tax for .5%-.75%. They pay that and they have to pay you the difference and that's why we get those larger numbers. At 1.5% with 50% credit, you can see and basically the 4,495 of people that are paying the 1.5%, those are the people that typically live and work here.

If I move to the next slide and if we go to the scenario where we raise the income tax rate to 2%, so we are going to raise it a .5%, but keep the 50% credit all 9,890 people get a tax increase anywhere from .25%-.5% additional depending upon where they work.

Mr. Fullenkamp: I want to figure out who are these 9,000 some people. Are these people? Mr. Schonhardt: They are residents of your community. Mr. Fullenkamp:

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They are residents of our community that are having taxes withdrawn by their company or are they a combination of company and individual tax? Mr. Schonhardt: It's a combination. Mr. Fullenkamp: A combination. Okay. Mr. Schonhardt: It's all of the taxes that you receive. Some of those people live here and work outside of the City. Mr. Fullenkamp: No, I understand. I just wanted to make sure. Mr. Schonhardt: It does include those who live here and work here and have withholding. Mr. Fullenkamp: But it's withholding plus individual. Mr. Schonhardt: Plus individual and actually plus the net profit as well. Mr. Fullenkamp: So it includes businesses? Mr. Schonhardt: Yeah, but net profit is one of these you just. Mr. Fullenkamp: So that's how many taxpayers we have in this City? Mr. Schonhardt: Yes. Mr. Fullenkamp: Okay. Thank you.

Mr. Denning: One question, does this include non-residents that pay tax here, but live somewhere else? Mr. Schonhardt: Yes, sir. Mr. Denning: It includes them also. Mr. Schonhardt: Oh, it does not? Mr. Garrett: This chart is only the residents. Mr. Schonhardt: It's the residents. Mr. Denning: Okay, so these numbers that we are looking at does not include non-residents that work here, but don't live here. Mr. Garrett: Right, this is Riverside residents who filed their tax return and then it breaks out where they did work, whether they worked in Beavercreek or Centerville. Mr. Denning: And I get all that. Mr. Fullenkamp: Potential voters. Mr. Denning: I'm curious to see how much or what the number is of non-residents that pay and what our increase would be if we went up to 2% overall. Do you understand what I'm saying? This is great. I mean this is one number, but we have additional income from non-residents already at 1.5%. I'd be curious to know what that number is also. Mr. Schonhardt: Good luck with that. These are hard numbers. Mr. Denning: This is what you were assigned to do, so I get that.

Mr. Schonhardt: The reason we are looking at the residents is because they are the people that are going to vote. Mr. Denning: No, I understand that. Mr. Schonhardt: And I understand there is a component missing, but the bottom line is it doesn't matter what that component is if we don't. Mr. Denning: But from what I understand, that number is also pretty close to the 4,400 number or in that range also. That's a large amount of income for us. That's not trivial. My point is that if we are going to lower the credit, we need to know how much more we are going to get from the non-residents to see if that is going to compensate us for doing that. The bottom line is we need a certain amount of funding to get the job done. If we don't take that into account, we are shooting ourselves in the foot. Mr. Schonhardt: I don't disagree with you. Again, the goal here was how do we get people to buy in? Mr. Denning: And I understand that. Mr. Schonhardt: We continued to work on the pro-forma, which really would answer your question. Mr. Denning: Right, but in order to make the correct decision of lowering that credit, we need to know. Mr. Schonhardt: We are going to raise the credit, but that's okay. Mr. Denning: Raise the credit so that they get more in their pocket and the taxes less intrusive on their residents. We need to know. Mr. Schonhardt: The people that live outside and work here and going to pay whatever the rate is. Mr. Denning: And I get that.

Mayor Flaute: Go to the slide before this. Who are those taxpayers? Mr. Schonhardt: The 9,890 people represented on this detail are residents of your City. Mayor Flaute: So the one before this are all residents of our City and 4,495 are paying 1.5%. That's not the employees; that's people who live here and pay 1.5%. Then there are 5,395 people that pay more than 1.5%. Why because they work in another city? Mr. Schonhardt: Correct. They work outside of the City. Mayor Flaute: Okay. I think I understand. Mr. Schonhardt: It gets more complicated. Let me know when we need to answer more questions and I will do my best. Mayor Flaute: Okay. I was hoping to see more combination like Mr. Denning said. Mr. Schonhardt: We are getting to different combinations.

If we went with just a straight .5% increase and no change in the credit and keep it at 50%, looking at that first spreadsheet the 9,890 residents would all receive somewhere between .25% and those would be people working outside and paying taxes elsewhere and getting a 50% credit and those working inside. If you lived in the City of Riverside and you worked in the City of Riverside and we did this and raised it to 2%, your taxes are going up to 2%. All the second slide is telling you is that this particular scenario everybody gets a tax increase across the board.

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Mr. Fullenkamp: How much revenue does that raise? Mr. Schonhardt: It raises a fairly significant amount. It is shown on the last page at the bottom. Mr. Fullenkamp: Is that the 1.9 number? Mr. Schonhardt: No, it would be the \$750,000.00 number that is in the 2% / 50% credit in the first column in here. Mr. Fullenkamp: Oh, the .5% increase with no change in the credit would only raise \$750,000.00. Mr. Schonhardt: Correct. Mr. Lohr: To be clear, that is just from Riverside residents and doesn't include people who work here, but don't live here. Mr. Fullenkamp: We don't have those numbers? Mr. Schonhardt: Right, we don't have the number of people working here and living outside of the City. Mr. Fullenkamp: We will have that pretty soon? Mr. Lohr: Yeah, we will get that to you. Mr. Schonhardt: Okay. We are trying. Mayor Flaute: We need that number.

Mr. Schonhardt: This is a complex issue because of the credit. So then we looked at what happens if we begin to raise the credit. The next scenario we ran was we are going to increase the tax to 2%, but we are going to raise the credit to 75% instead of 50%. That believe it or not only generates that next column and an increase of \$196,000.00, so that was like we are not doing that and it doesn't help.

Then we got outside the box. We said again let's go back and what would incentivize people to agree to increase taxes? Mayor Flaute: Which slide are you on now? Mr. Denning: He's on this last page. Mr. Schonhardt: I'm going to the last page. Sorry. You want me to change this thing. I keep forgetting. Everybody has this page in front of them. Okay, this is the last page. This is where we said again and I want to remind you the goal is from my perspective how do we begin to adjust our tax base so we can afford to pay the expenditures we know are coming up. One is you actually provide a form of benefit to those who are paying taxes today. The other is you show them that there are projects that you will not be able to fund unless you get a tax increase and they are projects that are important to the public, street maintenance, the overall OPWC projects which are also infrastructure related; it is improving the overall infrastructure of the City.

So when you raise the tax to the 2.5%, but you give 100% credit here is what happens 4,505 of the 9,890 actually see a reduction in their income tax overall between where they work plus what they pay you. They would actually see a reduction. There's an offering you can make. If you work outside and you work in their cities because we have identified them, if you agree to a 1% tax increase, your total tax liability decreases. You still have 5,385 whose taxes will increase, so there are the people you have to provide an opportunity to pursue projects that they would like you to pursue and be willing to pay the additional tax to accomplish that. The additional tax generated from the last scenario is the \$540,000.00 that you see in that last column. Again, it doesn't include people who don't live here but work here. We didn't know that number and I'm not even sure, so I will let Tom learn how to get it. I can't get it. You will have to figure it out.

When we look at the alternatives, one of the things we kicked around was if we go with the 2.5% and 100% credit and we offer nearly half, 45.5% of the people who will actually see a reduction in the taxes they pay and we are able to encourage enough other people to see the benefits of being able to undertake annual street maintenance and address some of the OPWC projects that are important to them, it could be enough to tip the scale to that particular scenario. If we get to that scenario, then we can talk about the projects that we can add and fund with additional basically \$550,000.00 annually that is provided through that particular increase and it would be more as Mr. Denning you have so pointed out that there is a group that we just didn't have a handle on.

Mr. Denning: Correct me if I'm wrong, Tom. My understanding is with the 50% tax credit we have now for us, we are getting about \$700,000.00 a year from that. Is that? Mr. Fullenkamp: No, it's about \$900,000.00. Mr. Garrett: It's more than that. Originally the year was \$700,000.00, but it is closer to \$900,000.00. It's on the income tax graph. Mr. Fullenkamp: \$931,000.00. Mr. Denning: So right now from our residents we are getting \$900,000.00 from the tax credit. Mr. Garrett: That's just due to the credit. Mr. Denning: Just due to the credit. Okay. If we give that credit

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back, we are only going to get \$540,000.00 by increasing our tax 1% on our residents that live here and work here or work in a place that does not collect income tax.

Ms. Fry: Wasn't that number already baked in? Mr. Denning: No, I don't think so. Ms. Fry: If you look at the middle column. Mr. Denning: That's for the 75% credit. Mr. Schonhardt: That's raising the credit to 75%. Ms. Fry: Right, so if that changes the bottom number it is showing that the change in the credit is baked in. Mr. Fullenkamp: Yeah, it is baked into residents, not for outside. Mr. Lohr: I think what Mr. Denning is concerned about is the number that we are looking at there, is that a net of what we are losing from adjusting the credit and what we are gaining by raising? Mr. Schonhardt: It is a net. Mr. Lohr: So that is all incorporated in that. Mr. Schonhardt: It's a net. Mr. Denning: We are not lowering that \$700,000.00. We are just lowering it. In the case of the 75% credit, we are lowering it. Okay. Mr. Schonhardt: \$200,000.00, correct.

Mayor Flaute: Okay, how can that happen if you are raising the credit 75%? Okay. Mr. Denning: We are still getting that \$900,000.00 we are already getting. Is that what this is saying? Mr. Garrett: No, you wouldn't if you change the credit it would change the calculation of that \$900,000.00. Mr. Denning: Okay. Mr. Fullenkamp: It's all spreadsheet stuff. Mr. Schonhardt: There is an individual spreadsheet for the individual scenarios so you can see who wins, who loses, and who is a draw. Mr. Fullenkamp: I mean this seems to be more about how we get votes versus how we raise revenue. I need to see the numbers that include all the income taxpayers in the City of Riverside and outside to really know what these relative values are, looking at these numbers right now. Mr. Schonhardt: No, it was fully intended to say these are the folks we have to appeal to if we want to do something. Mr. Fullenkamp: Okay. Mr. Schonhardt: Yes, we do need to add some numbers.

Mr. Fullenkamp: So is you were tasked to do is look at income tax? We didn't look at property tax? Mr. Schonhardt: I did not look at property tax and primarily the rationale behind that is from my perspective is the property tax increase is going to hit everybody. If you are retired or not, if you have unearned income, you are still going to pay higher property taxes. Mr. Fullenkamp: So we want certain people to not have to pay? Mr. Schonhardt: I think that there's some rationale for looking at those of us who work and are using the highways and byways and benefitting from a lot of the services being provided perhaps more than those who are on a fixed income or are retired makes sense. Mr. Fullenkamp: Okay. I guess we disagree. That's okay.

Mayor Flaute: You didn't evaluate anything with the storm sewers or anything like that? Mr. Schonhardt: I got poo poed on that. Mr. Fullenkamp: What do you mean? Mr. Schonhardt: Mr. Carpenter suggested that I don't walk into that fire storm that you guys are already evaluating the storm water utility fees. Mayor Flaute: So we already know the answer to all that? Mr. Schonhardt: I was led to believe that whoever is working on it is going to provided that answer and it wasn't something that I should necessarily. Mr. Lohr: We don't have the whole answer, but we do know generally how much we could generate with the storm water. It depends on where we set the rate. I think the recommendation from that Storm Water Master Plan was \$6.00 or \$7.00 a month per each residence. That would generate I think if I remember correctly around \$700,000.00 or \$800,000.00 annually. It all depends on where you set the rates for that. Mayor Flaute: Okay, as long as we know that information. Mr. Schonhardt: I was already told that was something that was well underway and I didn't need to waste my time there. Mayor Flaute: Okay, are there any other questions?

Mr. Denning: So if we make the decision to raise 1%, can we earmark that specifically? Mr. Schonhardt: Yes, we've discussed and again that's how you ensure the public they are going to get the things that they would like to have done. Mr. Denning: So this is what we are going to and this is how we promise. Mr. Schonhardt: The recommendation would be since we are already heavily funding the Safety Services, Police, and Fire out of the General Fund that we take .5% of that additional 1% and put it towards Police and Fire raising the amount that we dedicate to Police and Fire to 1% and that we take the other .5% and apply it to what I call the Annual Street Maintenance Program providing for the street improvements that are really coming fast and furious over the next several years and actually get very

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expensive. Mr. Denning: And the reason we do it that way instead of putting a road tax levy on the property is because once we get our let's say 3 mills gets us \$.5 million then it stays at \$.5 million and doesn't increase. With the income tax, as people's income goes up that dollar to us would go up also. Mr. Schonhardt: Correct. Mr. Denning: Alright. Thank you.

Mr. Schonhardt: So I will work with staff to look at and get a number as close as we can on the non-residents who do work here so they are paying tax here. Mr. Denning: Yeah, I think the last time we went through this exercise was 7 years ago. Mr. Garrett: When we did the credit we determined it was about 50/50. Mr. Denning: It was about 50/50, so that's what I'm curious about. Mayor Flaute: Alright. Are there any other questions or comments?

Mr. Curp: Could you also do a scenario with a 2% and 100% credit? Mr. Schonhardt: I did 2% with 100% credit and it didn't generate. I didn't even want to present it because I already presented the 2% at 75% and it only generated \$200,000.00 and it wasn't enough difference between the two to actually make it worth me presenting it to you. It's in the detail spreadsheets I have, if you want to look at it. Tom can make it available to you if you want to see the detail. Mr. Fullenkamp: Please, Tom, make those available. Send those to us. Mr. Curp: Thank you very much. Mr. Fullenkamp: Yeah, thanks. Mr. Schonhardt: Thanks for having me. Mayor Flaute: Thank you. Thanks for coming and for all your work. Does anybody else have anything?

There were no further questions or comments.

ITEM 7: RECESS: Council took a recess at 6:45 p.m.

ITEM 8: RECONVENE: The meeting was reconvened at 7:00 p.m.

ITEM 9: PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE: The Pledge of Allegiance was led by Assistant City Manager, Chris Lohr.

Mayor Flaute: At this time I would like to have a moment of silence one of our Police Officers. His name was Patrolman Larry Safreed. Every year I have the opportunity to go down to the Montgomery County Law Enforcement Memorial, which is a very moving event because what it does is honors all of the Officers who have been killed in the line of duty. One of the Officers is Larry Safreed, who 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 be at the end of his shift around midnight and was 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. So at this time we would like to have a moment of silence for Officer Safreed. Thank you all very, very much.

ITEM 10: MINUTES: A motion was made by Mr. Denning to approve the minutes of the April 5, 2018 and April 19, 2018 regular Council meeting minutes. Mr. Fullenkamp seconded the motion. All were in favor; none were opposed. **Motion carried.**

ITEM 11: ACCEPTANCE OF PRIOR MONTH'S CITY FINANCIAL REPORT: A motion was made by Mr. Denning to accept the April financial report. Mr. Fullenkamp seconded the motion. All were in favor; none were opposed. **Motion carried.**

ITEM 12: COMMUNICATIONS

- A) Wesley Livesay for reappointment to the Health and Safety Commission. – *Will be rescheduled.*
- B) Kyle Winning for reappointment to Parks and Recreation Commission.

Mayor Flaute: Next thing we have is a Board Interview of one of our Parks and Rec Commissioners who is up for reappointment. His name is Kyle Winning. Kyle, would

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you please come forward and talk a little bit about your experience and anything else you would like to tell us?

Mr. Winning: Well first off, thank you Mr. Mayor and the rest of Council and staff. I've been on Parks and Rec now for a little over a year. It has been a pretty eventful year for us. We kicked off all of our summer events, which I'm hoping are only getting bigger and better. One of the events I would like to highlight is the Maytoberfest which is when staff brought to us they wanted to do something with the Eintracht that's where we went with the theming and run with it. That's an event I truly hope we can grow into something bigger and better and turn it into a revenue generator to help cover the cost of our other City events since that's kind of a contentious topic right now. I'm hoping as it grows we can split some beer sales with Eintracht and other types of things to cover the cost of that event and the rest of the events to help make the park events more revenue neutral than they are now. We don't spend a lot, but if we can bring in some outside money and put it towards the parks and park events, we are better off for it.

One of the other things we are working on that I'm excited about is the Parks Master Plan. Parks can come and ask for money, but we don't really have a grand plan. You guys might be generous enough to give us \$5,000.00 for the parks, but what's the best use? That's one of the reasons we are pushing for a Parks Master Plan. We are in the phase of doing an assessment and finding out what we have, what we would like, and what the condition of everything is. One of the things I really want to push for that is to have a master list of quick to approve projects for our other civic groups. It might be the basketball court at Shellenbarger needs relined, there could be a Girl Scout troop or a Boy Scout troop or whatever that is looking for a civic project, we will have that list publicly available and it's not to say it will be rubber stamped by any means, but that's something we are looking to do to the park. Shellenbarger Park we might say needs a bench every 1,000 feet or 1,500 and a group might be looking to do something like they, they would be able to say we can focus on this, still go through the process of getting the City Manager and Parks and Rec to sign off, and say that's a quality bench, you are installing it correctly, etc.

I really hope Parks and Rec can grow. One of the things I'm kind of working towards, we have some new members in our fray, Mr. Hood just got appointed, I would like to work with City Council and the rest of Parks and Rec and try to get a little more autonomy. Right now we are more of an advisement group, but now that we have taken on some of the summer events I would like to see Parks and Rec taking those over a little more and maybe taking some of the burden off Mr. Lohr. He's been a great help for us. Without him these events wouldn't be happening, but now that the ball is rolling I would rather Parks and Rec push it than necessarily City staff. That's one of the things I would like to work on in the future is maybe update the legislation that formed our Commission to give us a little more autonomy of where we can come ask for a budget like Health and Safety does and that will be the budget for our park events instead of it being something staff has to do so we can free up staff to work on other things and we can grow with the base we have, the energy we have going in Parks and Rec to keep giving the City something to look forward to. I will gladly answer any questions anyone has. Mayor Flaute: Thank you, Mr. Winning. Are there any questions for Mr. Winning? Thank you, sir. Thank you very much and thanks for your service. We appreciate it. Ms. Arnold: Will we have a motion to bring forth legislation?

A motion was made by Mr. Denning to bring forth legislation for the reappointment of Kyle Winning to the Parks and Recreation Commission. Mr. Fullenkamp seconded the motion. All were in favor; none were opposed. **Motion carried.**

ITEM 13: PUBLIC HEARING

- A) Ordinance No. 18-O-658 approving a change in the district boundaries as shown on the zoning map of the City of Riverside, Ohio as initiated by a resolution of Council for the properties located at 2100 Brandt Pike, Parcel ID No. I39 00610 0015 and I39 00610 0016, from B-1 to R-3 zoning district.

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Mayor Flaute: We need to have a public hearing now. Mr. Manager, do you want to explain that a little bit? Mr. Lohr: Mr. Taylor, could you give us a little bit of information on that case? Mr. Taylor: Certainly. What we have before you, Planning Commission reviewed a case and I'm sorry I can't remember the date we had on that. It is basically rezoning. This is a location over by the Marathon gas station off of Beatrice. There are two parcels just north of that the owner of the gas station has. Those parcels have been vacant for some time. The zoning there was changed to a B-1 in 2014 and it was some sort of business use prior to that in 1994 through that Zoning Ordinance. Reviewing that with Planning Commission, they've passed to recommend to change that B-1 to an R-3. Most of that neighborhood back there is already an R-3 and it abuts an R-3 and a B-1, which is the gas station. On the other corner is another house and it is also in a B-1, so it is just that small strip, four parcels, of a B-1 district. This will kind of be extending that R-3 out to Brandt Pike. The applicant is going to build two duplexes, one on each lot and they are looking to do military housing there. Staff recommended this to Planning Commission. Planning Commission has recommended this.

In looking at this, one of the topics we discussed in Planning Commission is the Brandt Pike corridor has been a difficult corridor for businesses. There have been several businesses on there that have tried to open and there is a lot of turnover there. Then you have Brantwood just up the street. I think that corridor has turned and is showing to be more of a residential district and that's what would thought process was and the Planning Commission's thought process was. If you have any questions, I will be happy to answer them. I know there are a couple of people here who would like to speak in favor of this proposed.

Mayor Flaute opened the public hearing at 7:09 p.m. and invited members of the audience to come forward and give testimony.

Mr. Tom Tobias took the oath to give sworn testimony.

Mr. Tobias: I'd just like to mention on top of Mr. Taylor's notes that when we looked at this Sam has owned this property for quite some time and it is a commercial property and as you will notice there is only 50x140. That's not a very large piece of property to put a commercial business on, so we went up and down the corridor from Avondale, which is right there where the garden center is, and we looked at all the properties from there all the way to Harshman and we said can we legitimately put a business in here and make it run. Well Sam's business, the Baptist's next door, Tobias Heating and Air Conditioning, UPS, and Jergens is all any people have been in there for any length of time that have been stable. The rest of them have been in and out. They had trailer places where they sell trailers, they go out. You have had businesses where they sell cell phones and they are out of business and then there is something else. Now that's a green building and it was a blue building in it last month or whatever.

We feel that if we are allowed to do this and Sam has the gas station there and the convenience store, so it's kind of like a neighborhood or a mom and pop store and there's not many of those left as you know. What we would like to do is if we could take a put a couple residences in there. I have a duplex in there. Do they have a plan in their package? Mr. Taylor: It's just the map of the two lots. Mr. Tobias: Okay, well there is a plan that we submitted to the Council before. There it is and we have built that duplex before and we have rented it off to military and it rents very easily, we have very good tenants because #1 if you don't know I'll tell you the military takes care of their places very well and they usually keep the lawn and everything else mowed and things like that. We think it will be an addition, especially building up that area and the houses across the street so we thought it would blend in very well. That's why instead of going commercial, we would like to do the residential because everything around Sam's is residential and there are houses all around him and this would blend right in with the area. That's kind of where we are coming from.

There were no additional requests to speak in favor of or in opposition of the proposal.

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Mayor Flaute: Are there any questions or comments from Council? Mr. Fullenkamp: So I see this is an R-3 development and I'm going to talk to Mr. Taylor. What are the requirements in our Code in terms of lot width for an R-3 development? Mr. Taylor: Off the top of my head, I have no idea. Mr. Fullenkamp: Okay. My understanding is it is 60 feet. Are we going to have to go through a variance process? Is that a good way to do this? Mr. Taylor: Most likely. The other option would be to go through and combine those two lots into one lot and just put one duplex on it. That's the other option. A variance would be another option to allow it.

Mr. Fullenkamp: Okay. I have a couple of other concerns. In the standards for approval, there are two things I wonder if they have been considered and the two are #1 and #6. It says that the zoning district classification use of the land will not materially endanger public health or safety. #6 is my second that the proposed zoning district classification and use of the land will not cause undue traffic congestion or create a traffic hazard. When I look at these drawings, I see us having people back out onto Brandt Pike. With some of the obstructions that occur on the Marathon station there, four driveways right there, was that considered during the discussion in Planning Commission? Mr. Taylor: During the Planning Commission, that specific use and plans we haven't discussed those because the duplex buildings themselves and I did make another drawing it was the proposed type of building that would go there and then the plot plan is again just a proposed plot plan. Those aren't discussed and it would be reviewed through Planning when proposed development application is received, so those weren't looked at.

Mr. Fullenkamp: I looked at all the residential properties north of that and none of them have entrances onto Brandt Pike unless they have turnaround points on their property. I'm concerned. My concern is safety here is people backing out onto Brandt Pike is probably not a very good idea, especially near that intersection. Mr. Taylor: I think that is a very good point and so how the driveways would be configured would be an important part when we review the applications for those buildings. As for the land use itself changing from an R-3, the context of that question is that district putting the rest of the area in danger or harm.

Mr. Fullenkamp: The drawings that I saw talked about curb cuts on Brandt, four curb cuts on Brandt. Mr. Taylor: Yeah, there would be curb cuts. The configuration of the driveways are proposed and so you could easily put a residential property or building of some sort and change that driveway and how that driveway is being built, I don't know if that is getting the cart before the horse on a land use.

Mr. Fullenkamp: Well all I have is what was given to me and I have to vote yes or no tonight at least it is the first reading. I want to make sure we do it right. I really am concerned. I don't have an objection to the rezoning. I want to make sure that if we do this #1 I'm a little concerned about having it go for a variance after we rezone. I think those discussions maybe could have been held beforehand. This backing onto Brandt Pike is a serious concern and if I can be given some sort of guarantee that's not how it is going to be, I can support it. If we are going to leave it at four driveways where people are going to back out, I can't support that. Mr. Taylor: Again, I would just point out what the driveways look like and what the final project would look like afterwards, we don't know. Just again going back to the standards of approval, is the proposed zoning district classification is that classification putting the rest of the area in danger and that's the question that is being asked there. That was what was answered. I think those are very valid points there we would love to discuss when an application for a building comes in if this change was to go ahead.

Mr. Fullenkamp: So you are willing to consider these things? Mr. Taylor: Yeah, I think we would consider these. Mayor Flaute: Well I would think so, that's common sense. Mr. Taylor: Access management is one of the things we have to look at no matter what project we do. Mr. Fullenkamp: Okay. Thank you.

Mr. Curp: Yes, I have the same concerns and I took the time to look up what the requirements are for an R-3 and they are 60 foot widths. These lots wouldn't qualify unless you do a combination or if you do a variance. I think if we start getting into this situation where we rezone and then require a variance just to develop the lot, then I question why we even put together a Zoning Code and Standards. It doesn't make

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sense to me. Mr. Taylor: I would like to point out those are great points, but 90% of the lots in the R-3 district in Avondale are 50 or less foot lots. Mr. Curp: That's right. Mr. Fullenkamp: That's for new development. Mr. Curp: So those lots are all grandfathered. They are all non-conforming lots based on the situation and if you go back and do some homework you will find that a number of years ago we talked about there would be no more residential development or development period on lots that don't conform to the requirements and that we are not going to get into this situation of having unless it's a planned development, some kind of PD or PUD. If this gentleman wants to go forward with this, he can easily do a lot combination and put a house in there that might work. He might be able to do some kind of circular drive in the front that would keep vehicles from backing out onto Brandt Pike.

Even vehicles coming out nose forward onto Brandt Pike is a difficult situation because I drove past there again tonight. I'm familiar with that area. I'm over there all the time. I drove past there this evening on my way here because I always recommend that everybody take a different route to work every day so you get to see all of our community and you get to understand the issues that go on in all our neighborhoods in our community. I came down Brandt Pike from the north to turn onto Beatrice and come across to Harshman. There was a car trying to get out of Beatrice onto Brandt Pike, there was a car down at the gas station on Brandt Pike, and there was me keeping them from doing that. There were cars coming from the other direction keeping them from doing that and now we want to put two, two-family structures on two substandard sized lots and create additional problems there that the Police Department is going to have to deal with sooner or later and the Fire Department because there are going to be wrecks because it is just an accident looking for a place to happen. I concur with earlier comments about especially standard #6, undue traffic congestion and traffic hazards.

I'm also concerned that this wasn't noticed properly before it got to the Planning Commission. There was not enough lead time between the public notice and the time that the Planning Commission hearing was held. If that is so, we need to go back and do this over and do it right because the whole purpose of doing public hearings and the proper amount of lead time for public notices is to give the residents in that area who are potentially impacted by this to give them an opportunity to come and be heard. My indication and somebody can correct me and say that it is incorrect is that this wasn't noticed properly and the hearing went on anyway. If that's so then we need to start over and do it right because that's not the way I want to treat our citizens in this community.

Mayor Flaute: The only thing about traffic is if you are going to have a business there then you are going to have more traffic than if you have residential folks living there. The issue that you ran onto tonight is only going to be worse because there is a business.

Mr. Curp: Maybe it is and maybe it isn't; if you take a look at the color chart, it has the red numbers on it, there is single ownership for all four parcels involved – 15, 16, 17, and 18. 18 is the gas station, and it's possible they could run some kind of an egress behind the gas station out to Beatrice instead of dumping all that traffic onto Brandt Pike. That would alleviate the problem of all that traffic on Brandt Pike from four residential units, probably with one car each and maybe more. Since this is a single ownership, they can remedy that. Lots 15 and 16 could easily be combined to put maybe row houses or townhouses and get accomplished what they want to do. The last thing I want to happen is see a veteran who has survived being shot in Iran, come back and lose their life backing out onto Brandt Pike. What kind of Welcome Home is that? I'm back to the lots are too narrow, it's too dangerous and if we didn't do the proper procedures in having a public hearing, then let's do it over and do it right.

Mr. Taylor: I believe Ms. Arnold may have some information about the notice. Ms. Arnold: I typically don't handle the notices for Planning Commission or BZA because I don't always know the case information in time. Typically that is handled by the other department but I will be taking care of it going forward. It was published on the 13th and the meeting was on the 16th.

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Mr. Curp: Here is the notice which says Notice of Public Hearing; it was placed on April the 13th and it says the hearing will take place on Monday, April 16th. In the code, it says seven business days; for council it is 10 calendar days but for planning commission it is seven business days and Friday to Monday is not seven business days.

Mr. Fullenkamp: I want to add that I was called by a resident about this issue, noticing that ad was in the paper on a Friday for a meeting being held Monday and I am the one that notified our clerk because I was concerned. Our process clearly defines the clerk is handling all these advertisements, not individual departments. Mr. Lohr: You are correct; I don't believe that has been the practice in the past many years. When was it you were notified that it wasn't noticed properly? Mr. Fullenkamp: The Friday it was in the paper; someone made a call to me. Mr. Lohr: It is an interesting legal question now that they have held the planning commission meeting and approved the request with it not being noticed properly. I don't know where the law director would stand on this; if that invalidates planning commission case or not. It would have been helpful for us to have that information before the planning commission meeting. I don't know what the legal answer would be as to if we can have this vote tonight or not. Mr. Fullenkamp: I think we should pull it.

Mr. Curp: I think we are missing the point here; for me it's not can we legally do it because there may be court decisions or opinions from attorneys that say yes you can, there's no harm in oversight. For me it is about how we treat our residents and this is not the way to do it.

Mr. Lohr: Did you inform Ms. Arnold before the meeting? Mr. Fullenkamp: I don't remember when I informed her. Ms. Arnold: It was after and that's when Mr. Carpenter was informed as well. Mr. Curp: It's not Ms. Arnold's fault; the whole process broke down and I'm not here to assess blame, I'm here to try to fix things. The best way to fix it is to start over. Mr. Fullenkamp: The process is right here in the UDO; more importantly, we need to follow the processes we have.

Mr. Lohr: Given the concerns, I think the appropriate action is to pull the legislation.

Mayor Flaute: We will close the public hearing and address this during the legislation part of the meeting. The public hearing was closed at 7:31 p.m.

Mr. Denning: We have a property owner that went through the process but I think it is our own fault, we should have done it correctly and now they are going to have to go through the process again. I apologize to the applicant but we need to do it right.

A motion was made by Mr. Fullenkamp to remove Ordinance No. 18-O-658 from the agenda. Mr. Denning seconded the motion. A roll call vote was as follows: Mr. Fullenkamp, yes; Mr. Denning, yes; Ms. Campbell, yes; Mr. Curp, yes; Ms. Fry:, yes; and Mayor Flaute, yes. **Motion carried.**

ITEM 14: ACCEPTANCE OF WRITTEN CITIZENS PETITIONS: Mayor Flaute advised citizens to fill out a form if they wished to speak about agenda or non-agenda items.

ITEM 15: CITY MANAGER'S REPORT:

- (1) FYI Items
 - a. Council Request Sheets
 - b. Council Agenda Calendar
 - c. City Manager's Project and Activities Report
 - d. Income Tax Scorecard
 - e. Open PO Report

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- (2) Monthly Verbal Reports
 - a. Economic Development
 - b. Police Department
 - c. Fire Department
 - d. Service Department

Economic Development Update – Mr. Bob Murray: The folders are just informational with the latest business list which I cleaned up but there are probably 2 or 3 businesses still on there we need to look at. That is the starting point for us to start doing the 50 calls. We are trying to make 50 calls to our most important businesses and investors in the City of Riverside in a three month period. We will use this list to go out and visit.

Some of that is a listing for K-Mart. You've seen a sign up there for quite some time, he did just get the marketing materials together, and he does have it listed for \$3.25 Million. We'll see how he does with that; he is a very good, well respected realtor in town.

Going to my spreadsheet, we do have people looking at Smiley's and we have a developer running the numbers there as well as at the MTC Building. I think they have a very unique solution for MTC and hopefully we'll bring that forward as soon as they finalize their proposal and are satisfied it can be profitable. I haven't seen anything at the carwash. I did add K-Mart to this and I will be adding comments as he goes through his marketing process. Dropping down to Wright Point, we are getting a lot of inquiries and we are lucky that a lot of our tenants are growing. We have a meeting tomorrow with one of CDO's subcontractors to bring them into the building. SPGlobal continues to grow and bring new start-ups into their space. Space Dynamics just won a major contract and they are talking about new space in the other building. LDSS who has been with us a very long time is looking to expand into Suite 100. Some things have gone fairly well and there are inquiries we are fielding here all the time, so I think we have a bright future with these buildings.

As far as Wright Point capital improvements: the parking lot around this building will be started on June 11th and take about four days. The tenants will be made well aware of this and we will work out alternatives for them. Pinnacle Architects is working on the third floor lobby upstairs making it more presentable for SPGlobal. I put the main lobby in the other building on hold as well as the fire alarm due to budgetary constraints. I will get these first two done and move on to the others. The fire alarm has been corrected and it is not a problem right now and that can wait a while with the fixes we've done.

Moving forward with the Eintracht, IAP is working on that scope. I've kind of held that up until I get local participation with their contracts. I haven't seen enough of our local guys winning awards with IAP; they don't have enough Dayton contractors on their list, so we're making sure they fill out the 21 page application that addresses all the concerns the State of Ohio has with the contractor. I have to get more people filling those out and once we do, we will publish the sewer project. They did get a quote for an ADA ramp to the second floor and we are looking for some funding for that. The Club has hired a wedding event manager to have weddings there and he already has two booked.

Mayor Flaute: On the Spin-Kemp Shopping Center, I heard they are redoing the parking lot. Do you know about that? Mr. Taylor: They submitted an application but not drawings for what they wanted to do. They want to do it in sections and we are waiting for them to provide the drawings. We also want to make sure when they pave it, that they restripe it with the correct number of spaces. Mayor Flaute: Is there a requirement for them to put curbs or parking blocks around it? Mr. Taylor: A resurfacing would not be enough to trigger that improvement. Mayor Flaute: That's a shame, it is a safety concern. Mr. Lohr: I think staff can suggest that be a part of the project but it is not required.

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Police Department Update – Chief Frank Robinson: Sargent Jimmy Vance is doing well in his first year as Sargent and he just completed the STEP program which is a program to further his education. I try to send everyone to those trainings as much as possible. I attended the Police Memorial at Riverscape and it was a very good event. Mrs. Safreed with her daughter, granddaughter, and great granddaughter were there – four generations of the Safreed family. Office Decker walked her down the aisle during the ceremony.

I attended the Ohio Chief's Conference a few weeks ago. There were a lot of interesting topics and one they have every year is records retention which is very prevalent right now. Other topics were highlighted and I attend every year.

We had our officers attend a free interview class to up their skills when they are talking to the folks out on the street. It's how to talk to people so you can glean information by showing respect.

Detective Krueger attended NIBIN (National Integrated Ballistic Information Network) training. You can take spent ammunition, send it in, and see if it has been spent in other places. We will be the first department in Montgomery County to do this. We sent her to the free training and we are going to try to incorporate all the other departments so we can exchange information for future evidentiary purposes in the entire area. When she is back, we are going to reach out to every department.

Mr. Denning: It's an ammunition DNA database. Chief Robinson: Yes, basically.

Chief Robinson: A month or so ago we had a lot of daytime burglaries and things pick up around this time of year. Daytime burglaries happen so if you can reach out to your neighbors and tell them to be careful during the day, this happens. We had a lot of these in Forest Ridge about a month and a half ago; the people were arrested and they got sentenced to 3 years apiece. We are definitely working that hard. At the end of 2017, we had both the BP stations got broken into right around the same time. We were able to solve that with DNA and a subsequent confession from the folks. So we are making progress on these things.

We've had trailer thefts with the big one being the Shriners. I can't give you all the details because the investigation is ongoing but I had to change the Officer of the Year schedule from tonight because he is out working this case. Major Colon and Officers Abney and Cooper were working pretty hard on this and we ended up in Huber Heights arresting six people. It was a good find and we continue to look for other vehicles.

Mr. Fullenkamp: Are we filling the database for the crime mapping system you have; I'm not seeing reports on that website. Chief Robinson: That information got wiped.

Ms. Fry: With all the data recovery problems you've been having, are we doing anything different in the event that we lose data again? Do we have hard copies we are maintaining of our police reports? Mr. Lohr: We may need to limit our discussion on that because there is an ongoing investigation and it may expose us to further risk with future attacks. We are making sure our backups are occurring daily and they are quality backups. We recently had another incident which had minimal impact because we made sure the backups are adequate. We are also looking at replacing some of our anti-virus software; we have that on our network but unfortunately it did not catch the malware that got us. There are a number of other things; we have evaluated the way our system works and any vulnerabilities that may be there and at this point we are confident that we do have it secured. In the meantime we are working on enhancements to the system.

Fire Department Update – Chief Daniel Stitzel: Chief Turner went up to do inspection of our new medic and finish out the punch list on anything we find that still needs to be done. We are expecting it to be brought back into the area in the next couple weeks for striping and to have its radios and equipment installed. We are progressing nicely on that, maybe a little ahead of schedule.

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The crews have been really busy lately. We started the hydrant flushing and notified the residents that will be going on until mid-June. It takes about a month to go through all of the City and check those hydrants. We are also trying to finish up our annual EMS certification and that is almost wrapped up.

For our full time vacancy we've extended the application period for one month. We had a low turnout with the shortage of Fire Fighters/Paramedics in the region and we are trying to provide more opportunities for people to apply. We want to establish an eligibility list that will be good for 6 to 12 months.

Recently we participated with Wright Patterson Fire Department in a joint standby with the fly in – the Memphis Belle event, the B17s and the B51s. Nothing went as planned because of the weather so things were altered at the last minute. We were pre-staged and ready with the 80 year old planes flying around our city. We've been working on that, attending meetings and working with the incident action plan.

The Fire Fighters Union contract has been completed and they are signing their part of it. We should have that wrapped up tomorrow.

Lastly, community Para-medicine has a new element. I met someone who works for RTA and they have a Para-transit Service; it's a service we are going to start incorporating into our program where if somebody needs a ride to a doctor's office, as opposed to an emergency, since ambulances are not permitted to transport to those facilities, we can call the Para-transit. It's \$3.50 for a one-way trip and if they can't afford it, we are looking into alternative funding and fundraising through the Union. I don't suspect that will be a very frequent event but it's nice to know we have that option.

Service Department Update – Mr. Jay Keaton: We've been busy in the service department with 90% of the main roads swept and I scheduled a couple crews to come in at midnight and sweep around the wall as well as cleaning the pork-chop islands. Kudos to the guys because dumping sweeper debris has a lot of contaminants and each load costs about \$300 to dump. We did some research to find who takes this kind of debris and I believe we've saved \$20,000 with that research. We also did a lot of in-house crack sealing; using 2017's money, I was able to secure a crack sealing machine along with the rubberized material with which to seal with this year. We did Pleasant Valley, Rohrer, about 95% of the Valley View Plat is done and we also did Spaulding Road. Again, that was using last year's money so it didn't impact us in our budget for this year. We are catching up on the mowing and the potholes.

Before we move into the residential areas with our sweeper, the thing is fantastic. It is a regenerative air sweeper and we wanted to get away from the vac-style sweepers that produce a lot of exhaust and dust in the neighborhoods. Regenerative air is old technology but very effective; it shoots air onto the road to get debris out of the cracks. The air recovers within itself, goes up, regenerates, and is shot back down again. Again there is no exhaust to this so you have a lot less dust as you are moving through the residential areas. We'll hit the campaign trail when we get ready to do that so we can get the cars off the streets.

We are reviewing applications for the maintenance worker.

We are ahead of schedule on some of the projects. Brantwood overlay for phase I and II are complete; there are a few items left undone by CESO – no parking signs on the hydrant side of all the streets in phase II as well as a broken catch basin lid that needs replaced.

The crack sealing project is done ahead of schedule; our in house is done and our permissive tax crack sealing which involved Burkhardt Rd., Harshman North, and Beatrice Drive is done. Union Schoolhouse Road has the surface milled off; I have non-performed some items in that to try to save the city some money on things that did not need to be repaired. There were things I was better able to look at in the construction phase such as catch basins that were set to be repaired but it was found repairs were not needed. That helped save a little money towards the guard rail ends

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our engineer specked incorrectly. I was also able to glean from this project all the catch basin lids and we recovered 11 of those to use in other places in the city which would have cost \$600/each when broken. There was also several yards of full depth base repair in this project we were able to non-perform because once we milled the top off there were no signs of base failure in the intermediate coarse or the base. That saved us \$25,816.

The micro surface is scheduled for the first of July; we've gotten the word out to the residents on that. The crew hand delivered to 200 residents along these streets info with websites to look at and phone numbers to call. I also had Ms. Minnich work up an article on what other infrastructure projects are going on in the city so they will know what their tax dollars are being spent on. The residents will be able to go to American Pavements website and see exactly when their street is going to be taken care of. We will get the paint/stripping project done early; probably in June or July instead of August.

Mr. Lohr: I just have one thing; Mr. Carpenter sent out some information in regards to the Service Director position. I would like to get that into the Dayton Daily News for next weekend, so if you have any comments, get them to me the early part of next week.

Mr. Curp: I have a question about information the manager sent out yesterday about the code enforcement software. It said the money was going to come from budget account 100.107.5289, money that was budgeted for architect and planning but unless the chart of accounts has changed, 5289 is contracted services. 5283 is architect and planning, so my question is where is the money coming from? Mr. Lohr: It is the architect and planning account, 5283. Mr. Curp: My next question is if we were planning on hiring an architect or planners or whatever for some project, what projects are not going to get done because we are taking this money? Mr. Lohr: Not having been involved with that decision, I would like to get some information and answer that question tomorrow by email if that is all right.

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

ITEM 17: NEW BUSINESS

A) ORDINANCES

- I) Ordinance No. 18-O-658 approving a change in the district boundaries as shown on the zoning map of the City of Riverside, Ohio as initiated by a resolution of Council for the properties located at 2100 Brandt Pike, Parcel ID Nos. I39 003610 0015 and I39 00610 0016, from B-1 to R-3 zoning district.**

Ordinance No. 18-O-658 was removed from the agenda following the public hearing.

B) RESOLUTIONS

- I) Resolution No. 18-R-2368 appointing the Clerk of Council as the Riverside City Council's representative for Ohio Public Records Training.**

Mr. Lohr: This is the annual resolution to appoint the clerk as the public records training representative.

A motion was made by Mr. Denning to approve Resolution No. 18-R-2368. Mr. Fullenkamp seconded the motion. All were in favor; none were opposed. **Motion carried.**

- II) Resolution No. 18-R-2369 authorizing the City Manager to enter into a contract with the lowest responsive and best qualified bidder to L.J. Deweese Co. Inc., for the Community Development Block Grant Project, ADA Curb Ramp Replacements.**

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Mr. Lohr: this is the resolution to award the bid for the CDBG Project to do the sidewalk replacement; there have been some alternates added and I'll ask Mr. Taylor to fill us in on that.

Mr. Taylor: The original bid you got in your packets was \$76,992; when got that base bid we looked at the alternates to have a continuous flow of the ramps so you wouldn't have a ramp on one side of the street and no ramp on the other side of the street. These add-alternates complete the intersections and as you'll see tonight we have a request to do the rest of the ramps with the other CDBG Grants. About 50% is what we are getting with those add-alternates. We originally planned this to be a \$100,000 project which was a 50/50 grant, so this \$87,000 will keep us under that \$100,000 threshold.

Mr. Fullenkamp: For future reference, it would be helpful to me if I knew what the base bid was and what intersections were being done. I may have that in some old paperwork some place, but all I see here are the alternates and the base bid all in one bid. We're talking about putting an application in for next year to do the rest of them but I don't know what the rest are; the base bid and what intersections are included. Mr. Lohr: I can send out a map we have. Mr. Fullenkamp: That's good but for future reference, I'm interested in the alternates but I'm also interested in a reminder about what exactly we are doing. When you talk base bid maybe include more than just the alternates.

Mr. Curp: Where is the city funding coming from; have we had a certification from the Finance Director that the funds are available? I'm trying to find it in this budget document and I'm not sure I see it. It might be more than \$42,000 for us because if CDBG awarded a certain dollar amount, anything over and above, the CDBG match might not go up. That aside, the question is where is the money coming from? I looked in account 107 and I don't see it; I looked in CBDG and I don't see it; so I'm trying to figure out where the money is coming from because we are operating in the red. Mr. Garrett: The CDBG project was built into the original budget that was approved with \$50,000 in the grant award and we are also transferring in money from the general fund. I don't have the exact figures in front of me. Mr. Curp: I would think that money would have already been transferred in from the general fund; at least show up on here as part of the transfers when the budget and the appropriation were put together. We shouldn't be having supplemental appropriations in the middle of the year for things we budgeted and appropriated for in January. For example, I see 107.5311, Neighborhood Revitalization for \$55,000 and 5391, Nuisance Abatement for \$49,000; our nuisance abatement might fit under our neighborhood revitalization, but my question is where it is? Mr. Garrett: The CDBG project was budgeted in the CDBG Fund with a transfer coming in from the General fund for the city's share, fund 223. 53...I'm not quite sure which one. Mr. Curp: 223.5391, Community Park Beautification, \$100,000; 5810, Advances Out \$50,000; maybe this wasn't budgeted. Mr. Garrett: We might not have changed the name but the park was last year's project. Mr. Curp: I'm just telling you what I'm reading off a piece of paper; so my question is where is the money coming from because I want to make sure it's covered and we aren't going to come back here in another week or so and do a supplemental appropriation because we forget to account for this money. It's kind of like rezoning to R-3 for something that doesn't fit and then coming back and doing a variance later to fix the mistake. We have financial problems in this city.

Mr. Lohr: We won't be asking for a supplemental; it is coming out of the line item Mr. Garrett referenced that is earmarked for CDBG projects. Mr. Fullenkamp: Are you saying it is misnamed as a Community Park Project? Mr. Lohr: I think what Mr. Curp was referring to maybe the excel spreadsheet that was used. What was the line item again? Mr. Curp: 223.5391. Mr. Garrett: We might not have updated the title on the line but the ADA ramps were built into the original budget. We can look that up and confirm tomorrow. Mr. Lohr: I think it is misnamed on the excel spreadsheet but in our budget it is named appropriately.

A motion was made by Mr. Denning to approve Resolution No. 18-R-2369. Ms. Fry seconded the motion. Four were in favor; Ms. Campbell and Mr. Curp were opposed.
Motion carried.

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III) Resolution No. 18-R-2370 authorizing the City Manager to submit an application to Montgomery County for a Community Development Block Grant for the City of Riverside's Sidewalk Curb Ramp Access Improvement Program.

Mr. Lohr: We are able to submit to the county for more than one CDBG project; that said, we typically expect to get \$80,000 to \$100,000 submitting one application for that dollar amount. We have two options that we think are very good projects; we can submit one or the other or both. I'll let Mr. Taylor explain.

Mr. Taylor: If you were to decide you wanted to submit both project applications, we would have to prioritize one over the other. The first is the ADA ramps which would complete all the ramps in the Tall Oaks neighborhood. There were 64 ramps there; we are doing about 30 in the one you just approved and 34 ramps in this other application. The cost is about \$90,000 and we would ask for a 50/50 split to increase our chances, so we are looking at a \$45,000 ask and a \$45,000 local match. These are good projects; the ramps and the sidewalks in that neighborhood are in really bad shape and this would finish that neighborhood out.

The other project is the Valley Street sidewalk. We have quite a bit of money wrapped up in that already and this should score really well because you have federal funds on it through the TA and we already have local matching funds. This second project is asking for \$100,000 from CDBG and our match would be what we are already paying. We wouldn't be adding any more money from the general fund. When I talked to Ms. Jones from the County, she talked about her recommendation would be to prioritize the Valley Street project because it is a project we already have programed and we are not expanding our budget. She also likes projects that are scalable meaning if they don't have the money we request, they will award us the money they have. It is similar to the CBDG ADA ramps we had last year; we asked for \$80,000 and they gave us \$50,000. The benefit of submitting both projects is that there is a chance we may get a bonus or extra money for them.

Ms. Fry: When you say prioritize; if they say they are only going to award one, it will be the Valley Street project. Mr. Taylor: Yes, there is a spot on the application where we put either a 1 or a 2. Ms. Fry: So there would be zero chance they would award the other project and not Valley Street. Mr. Taylor: I would like to say yes but it's been my experience that they kind of do what they want. Mr. Lohr: My understanding is prioritization is taken into account when they award the funds but if they did not think the number one project was appropriate and thought the two was great, they will award the number two and ignore the one. It's merely a suggestion on our part.

Mr. Fullenkamp: So where are we on the sidewalk assessment program in that neighborhood or the ADA ramps? Mr. Taylor: It was unfunded in the budget and what the City Manager has asked me to do is put together what we would do for next year. I haven't worked on that yet but we have the research done so basically we would need to identify where we want to do those, we would need to create an estimate, we would need to notify the people what we are going to do, then there would be several resolutions we would have to pass, and award a contract. There is quite a bit of work that needs to be done; so we would put together a construction package, do a bid package, do a bid, do an award, and notify the residents. There is a 30 day process there. Mr. Fullenkamp: So we don't know how much sidewalk needs to be replaced in the plat? Mr. Taylor: No; I asked for money to have Choice One measure that up and check that out; it was unfunded.

Mr. Curp: As part of that discussion on whether to fund that, we discussed there are some things we could do just from a staff standpoint. Zoning enforcement could go around and communicate with residents that have some significant safety problems with the sidewalks that we'd like for them to fix those. They don't have to wait for a formal program for that to get done. We had that discussion, so my question would be what progress have we made towards that? Mr. Taylor: We cited some folks in that area and the cost for that section was \$20,000 plus for the resident to replace that length of sidewalk. We contemplated taking them to court which would end up as guilty with a \$5 fine; it would come down to if they don't do it, we could do it and

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charge it to them. So I would need the money either way whether we try to force people to do it or not.

Mr. Fullenkamp: So I assume there are a lot of property owners that need to make repairs on their sidewalks. Mr. Taylor: Hundreds. Mr. Fullenkamp: Have we approached any of them other than this one person? Mr. Taylor: I'll have to look at how many we've cited for aprons, driveways, and approaches. Mr. Fullenkamp: In that area. Mr. Taylor: Throughout the city it has been quite a few but in that area it has been 2 or 3 residents. Mr. Fullenkamp: Is that all we can cite or all that we've dared to cite? Some people will just repair it. Mr. Taylor: Some people will and again it comes down to prioritization of man power; we have one code enforcement officer. Writing a violation is very easy but we can write more violations than we can follow up on. Mr. Lohr: I think having the history of not enforcing that aggressively there is probably some hesitancy on staff to do that. Is that something council as a whole would like us to pursue? Mr. Fullenkamp: Is there any risk of doing the ADA ramps and then dropping the project; once you go down this road of installing ADA ramps then comes the expectation of doing the ramps in the whole neighborhood. Have we looked into that at all? If we just say no, we are going to stop; then you run into those intersections where you have ADA ramp on one side and there's no place for them to go. Mr. Taylor: From a staff standpoint, we want to finish projects all the way through; but then we have our constraints with funding and prioritization. Mr. Fullenkamp: My concern is we are about half way done and the consideration tonight is how we prioritize that project. The project on Valley, other than spend money, we have done nothing; right? We haven't built any sidewalk anywhere. Mr. Taylor: We built the other sections of the sidewalk as part of the Safe Routes to School program. Mr. Fullenkamp: I understand but this is a separate project from those other projects, so in terms of prioritization, is there any liability in terms of having an ADA ramp on one corner of the street and no ADA ramps on the other corner. Mr. Lohr: I would assume there is no legal liability but I can check with the Law Director.

Mr. Fullenkamp: So your recommendation is to prioritize Valley Street as number one and the ADA ramps as number two. Mr. Taylor: Before I spoke to Ms. Jones at the county, I liked the ADA ramps because I like finishing projects. Mr. Denning: But if she recommended this would be the best answer. Mr. Taylor: It comes down to if you want to appropriate another \$50,000 in projects for next year and follow through with a project, or do you feel more comfortable waiting to do it another year. Mr. Denning: I hope they both come through. Mr. Taylor: That would be my hope but again as it's been pointed out, we are in a spending deficit so do we want to spend more money on another project or do we want to complete one.

Mr. Curp: I would consider applying it to Valley Street as completing that project and we are already on a hook for money there. Mayor Flaute: So we should do Valley Street and we should pass both resolutions. Mr. Denning: And make Valley Street priority number one. Ms. Fry: If we pass the first resolution, that means we are on the hook for \$45,000. Mr. Denning: If it gets approved. Mr. Fullenkamp: Are we on the hook for CDBG funds or can we turn them back in if we don't have the money to finish the project; is there a penalty for not spending the money? Mr. Taylor: There is a subjective penalty for everything we do but I'm not aware of a nominal penalty. Mr. Lohr: Do we do a resolution to accept that funding or do we just do this one resolution at the beginning. We could refuse to sign the agreement but Mr. Taylor is right in that it would probably leave a bad taste in their mouth.

Mr. Taylor: But that's also how we got the money to tear down Sparky's; there was extra money. Mayor Flaute: So they will find a use for it.

Mr. Fullenkamp: So we are going for 50/50 because it increases our scoring. Mr. Taylor: It's my understanding that it increases your chances. Mr. Fullenkamp: So why not just go all in for everything? They've always cut back on the amount of the reward. That's what they did to the CDBG grant. Mr. Taylor: I'm game on whatever you want me to do. Mr. Lohr: I think they like to see the municipality take part in good faith.

Mr. Fullenkamp: I recommend we increase the share to 80/20 on both projects and see what happens. Mayor Flaute: It could decrease our chances. Mr. Denning: I think

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on Valley Street since we don't have to add anything additional to the budget, we need to leave it alone and make it priority one. If we want to go 80/20 on the ADA ramps, I'm game for that. Mayor Flaute: I agree with that.

A motion was made by Mr. Denning to approve Resolution No. 18-R-2370 submitting a grant for 80% funding with a 20% local match. Mr. Fullenkamp seconded the motion. All were in favor; none were opposed. **Motion carried.**

IV) Resolution No. 18-R-2371 authorizing the City Manager to submit an application to Montgomery County for a Community Development Block Grant for the City of Riverside's MOT-RIVERSIDE IFS 2, Valley Street Sidewalk Project.

A motion was made by Mr. Denning to approve Resolution No. 18-R-2371 Ms. Fry seconded the motion.

Mr. Fullenkamp: Why not increase that number? Mr. Lohr: We're asking for \$100,000. Mr. Fullenkamp: Is there a maximum? Mr. Lohr: It's just based on history; there is only \$750,000 in their bank this year. Mr. Denning: So we're asking for \$100,000 at 50/50 and we're already on the hook for the money; what this really does if they give us the money is it decreases our input by \$50,000. Mr. Lohr: Right. Mr. Denning: I would leave this one alone and make it the first priority.

Ms. Campbell: Did you already put the applications in? Mr. Taylor: No; they are due tomorrow and I can put these changes in. Ms. Campbell: Did you put in for the Safe Routes to School because you can get more. Mr. Lohr: Absolutely.

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

ITEM 18: PUBLIC COMMENT ON NON-AGENDA ITEMS:

Mr. Frank Smith of Byesville Boulevard: This is an old issue; you have sprayed Jerry's lot once and it needs it again. I would like to put in a request to see if Mr. Salmons reimbursed the city for the expense of that spraying and I would like it in writing.

Mr. Lohr: To add to this, we have inspected Mr. Salmons property a number of times recently because we want to stay on top of it. We haven't seen a significant dust problem out there. We spoke to Mr. Salmons today and he is still working on acquiring equipment which he expects to have next week, then we are planning to send staff out to educate him on how to make the mixture to spray. We will definitely be communicating with him next week to make sure that gets done.

Mr. Steve Massa of Planters Avenue: Two things; one, it's not been beneficial for staff to sit up here and say they have seen no dust. You've treated once for it and yes, it has worked very well but it has been four weeks and it has worn off. We can't keep going around and around about if there is dust; it's been established there is dust and it's already been established we have a solution for the problem and it just needs to be implemented. Residents shouldn't have to keep coming up here and asking about it; it angers the staff and it angers the folks at Salmons Trucking.

Secondly, I noticed the job posting for Zoning Administrator and Code Enforcement Officer on the city's website. I'm greatly concerned about who will examine the applicants and make the hiring decision. I believe this council before me should be very informed and involved concerning the hiring of these applicants. Leaving this decision solely to Mr. Taylor and Mr. Lohr would further nurture underhanded behavior.

Mayor Flaute stopped Mr. Massa and told the audience we would not have bashing.

Mr. Massa: Our city needs now more than ever, qualified people with a solid, moral foundation. People willing to do the right thing in spite of adversity. Are we going to continue to ignore the elephant in the room? Harsh words, yes; but if I didn't say these words, who would. If you think I'm wrong and you have information supporting your claim. I'm listening.

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Ms. Jan Pitzer of Wake Forest Road: This is to piggy back on Mr. Massa's comments; I'm greatly concerned that the Code Enforcement Officer and Zoning Administrator, who are under Mr. Taylor, have both decided to leave our city. I am greatly concerned that Mr. Taylor will be the person choosing who replaces them. For your information, I am the resident that called Mr. Fullenkamp regarding that public hearing regarding it being in the paper on the 13th and the hearing being on the 16th. Did the letters go out to the surrounding 300 feet of residents and businesses notifying them of the hearing? I knew something was wrong because Ms. Arnold is very proficient in her position as far as putting in advertisements. This advertisement did not have her name or her title. I feel we are dealing with underhanded, shady circumstances and to know Mr. Taylor is going to be the one who will be interviewing for the new Code Enforcement and Zoning Administrator, I feel that City Council or someone should be involved in that process as well.

Mr. Lohr: I would just like to point out that Mr. Taylor nor I, neither of us have the authority to hire anyone. That decision is made solely by the City Manager and I do know that City Council is involved with the approval process of appointed Department Heads. For those positions, it is Mr. Carpenter's authority to hire those without any approval. If there are any questions about the hiring process, I would be glad to answer them.

Ms. Bernadette Baker of Mentor Avenue: I'm concerned about the project that is going in on Harshman. They have one project just being completed for 55 and older. I have great concerns about the water runoff and I have talked to Mr. Keaton about it. He is going to walk with us to see what we are talking about; he knows pretty much what is going on, but we are going to show him right now and what is going on. Now they are talking about selling a property right next to mine, I am at the end of Mentor, and there is a lot of water coming down there. They are trying to put in another 2 or 3 story, 3 to 4 bedroom HUD housing right beside me. We have a little community down there that has a lot of seniors, we each have an acre so we're far and few between, and I have concerns of people coming through the woods and coming through that area if they do build that project. We already have traffic and it's getting ridiculous.

I went down to Valencia the other day to talk to Mrs. Jergens about what's going in and I was there for a half hour with the police blocking the street. Four cruisers and two unmarked cars, it didn't look like a lot of action, but that is right beside where you guys are trying to put this other HUD stuff. We have all kinds of apartments on Harshman beside us and now they are trying to put in more. There are a bunch of HUD apartments on Taylorsville and the neighbors are having problems; people and the traffic. The property values have gone down and there are a whole lot of issues with this.

My house is nice, I try to keep it up and I've put a lot of money in this house. I want to say that you have to consider the people of Riverside. I don't know how this got zoned what it is; when it changed or how it changed, but we don't get advised of anything. We didn't even know the 55 and older building was going in until after it was built. Now we have people running around in the woods and we are wondering who these people are? When they started bulldozing I stopped by and talked to them. I talked to Mr. Taylor a couple times on this project and he said the city didn't have any drawing or plans yet and it was just in the planning to get some kind of reimbursement or something. I talked to the guy who installed them and he said he did put the plans in but I talked to Mr. Taylor again and he said he didn't. I'm just really concerned and I want to know how we are going to find out what's going on with this. A lot of older people are not computer savvy.

Mayor Flaute: Someone will be in touch with you. Ms. Baker: Somebody better be in touch with me because I'm not going to give up either. The residents should be the priority here and the seniors should have a view and a say-so. Thank you.

ITEM 19: COUNCILMEMBER COMMENTS: Mr. Curp: I would like to get a list of the properties that have been cited for sidewalks.

Ms. Fry: It seems to me that we have residents that come back to our meetings every two weeks looking for something new to be done and they are not getting addressed.

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They should be able to express themselves and we might not like what they have to say but this is the only recourse they have. When they come here they are asking for us to follow through with what we said we are going to do. Our answers should reflect whether we did what we said we were going to do and if not, when we are going to do it. That's all it has to be.

Ms. Campbell: I worked for 21 years at Jergens and we had similar complaints in regards to the dust. They put in some sprinkler systems to dampen the dirt and it helped a lot.

Mr. Fullenkamp: I want to add onto what Ms. Fry said; one of the infuriating parts of having people talk to members of staff after the meeting is we don't get any feedback. They speak to the residents and we don't know what the nature of the conversation was and whether any solutions were offered. That is a flaw in not encouraging staff to respond on the record as to what the solutions are. I'm not saying you have to respond that night but Council is often not aware of the conversations that take place between staff and the residents and that's after they come before us and ask us to "fix this for us". I think it's important for us to close that loop. Ms. Fry made a very good point, we don't have to like what we hear but we do have to demand solutions from staff and make sure these problems are resolved. She made a good point and I think there are ways to accomplish this.

Mr. Denning: I may have a suggestion for that, Ms. Arnold already gives us a list of the speakers and their phone numbers. I would suggest that if conversations go on after Council meetings that a summary comes with the list of names so we have an idea of what happened and if the answer is we are going to get back with them, then I would suggest when that happens, we get an email so we are well informed of what happened both ways. I think we need that. We are assuming you are doing your job but maybe not. We need to know what's going on. Mr. Lohr: We can definitely do that for you.

Mayor Flaute: I did 7 weddings in the last 2 weeks. I was also interviewed by Channel 7 for the Stebbins project at 2257 Hazelton. It was a very good piece they did and we will be sending that to the National League of Cities so they can put that on their website. Mr. Denning: Is it on our website? Mayor Flaute: Not yet, but I'm working on it. Thanks to everyone who did work on the Bike Rodeo at Rohrer Park, I appreciate everyone's work on that, especially the Police and the Health and Safety Commission. The next one is on June 2nd at Beverly Gardens and if anyone needs bike helmets for your kids, please bring them over – free bike helmets and the kids get to talk to the Officers and do some bike exercises. Last night I went to the Memphis Belle celebration and it was a class act. Family members of the crew on Memphis Belle were there to give talks and it was very emotional. Very nicely done. I don't know if anyone else got any questions from 629 Little Meadow Drive, if you do, please see me or the staff so we can tell you what is going on with that. IN Crowd is at Community Church on Wednesday, May 23rd, at 6:30 and everyone is welcome. It's going to be Cajun, we'll even be having alligator to eat.

Mr. Denning: I drove down Springfield Street and I saw these nice signs that I assume we put out but I'm a little confused on what it is supposed to say; it says "Welcomes Memphis Belle" and some of them say "Welcome Memphis Belle" and some say "Salutes to Memphis Belle". My thought was we really messed up when we ordered these or whoever we ordered them from messed up. I think it's great we are putting something out there but when we put something out there I think it should give the correct message. It should say "Riverside Welcomes" or "We Welcome You". I'm curious and it frustrated me.

Mr. Murray: We did have a short turn around; we used DanCo which is right down the street from us and he used a process he hadn't done before but those were \$81 and we are used to spending \$156 per banner. The Chamber did half and we did half; they did welcomes and we did salutes. Mr. Curp: You don't have a noun. Mr. Murray: The noun was the company at the bottom. We'll do better next time.

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ITEM 20: ADJOURNMENT: A motion was made by Ms. Campbell to adjourn. Ms. Fry seconded the motion. All were in favor; none were opposed. The meeting was adjourned at 8:54 p.m.

William R. Flaute, Mayor

Clerk of Council