

RECORD OF PROCEEDINGS

Minutes of

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held _____ Thursday, August 31, 2017 _____ 20 _____

ITEM 1: CALL TO ORDER:

Mayor Flaute called the Riverside, Ohio, City Council Special 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: Deputy Mayor Curp, present; Mr. Denning, present; Mr. Fullenkamp, present; Mrs. Lommatzsch, present; Mrs. Reynolds, present; Deputy Mayor Smith, present; and Mayor Flaute, present.

Staff present was as follows: Mark Carpenter, City Manager and Brenna Arnold, Clerk of Council.

ITEM 3: EXCUSE ABSENT MEMBERS:

All members were in attendance.

ITEM 4: ADDITIONS OR CORRECTIONS TO AGENDA:

Mayor Flaute: May I just make a suggestion that we move the Resolutions up to right after the Pledge so Brenna can go home? The City Manager has asked if he could stay for his evaluation. I know normally we don't do that, but if it is okay with Council since he has requested to do that is it okay if he stays? Mr. Fullenkamp: I think we should have a session ourselves first, personally. Mayor Flaute: That's what we normally do. Mrs. Reynolds: I'm with Council considering first and then we can bring the City Manager in. Mr. Fullenkamp: Whether we do that tonight or another evening. Mrs. Reynolds: Is there something special he wants to say to us? Mr. Carpenter: Well I know in most evaluations I've been a part of I'm usually there, that's all, so we can get feedback. Mr. Fullenkamp: You can get the feedback later. Mr. Denning: He's a big boy; I don't see any reason why. Mr. Fullenkamp: I want Council to be able to discuss this among themselves first. Mr. Denning: I think they can. Mayor Flaute: The only thing is we don't want to set precedent because like our last City Manager there were reasons we didn't want him in for the first evaluation. I think that was a better way of doing it. Mr. Smith: I think we ought to meet privately and then bring the City Manager in and discuss. Deputy Mayor Curp: I concur that we get together by ourselves, collaborate a little bit, talk about what we want in there and what we don't want in there, and then we will talk to him about what we want to talk to him about. Mrs. Lommatzsch: It's okay with me. Mayor Flaute: Okay, so if we move this up the Manager and Brenna can go home. Mr. Denning: It's 6:00, why can't we do our stuff and then get it done and bring him in and be done? Mr. Fullenkamp: I'm not sure what the rush is. I think we should have a chance to think about what we talk about tonight too. We haven't talked about it at all yet. Mr. Denning: Alright.

There was no further discussion.

ITEM 5: APPROVAL OF AGENDA:

A motion was made by Mayor Flaute to move the Executive Session to the end of the meeting. Mrs. Reynolds seconded the motion.

There was no discussion on the motion.

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

ITEM 6: PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE:

There was a moment of silence for those affected by the floods in Houston, Texas.

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ITEM 7: ACCEPTANCE OF WRITTEN CITIZEN PETITIONS

ITEM 8: NEW BUSINESS:

A. RESOLUTIONS

- 1) Resolution No. 17-R-2301 recognizing Stebbins High School's participation in "Football for Food" Challenge as a function that promotes the public health, general welfare, and contentment of the citizens of the City of Riverside.**

Mr. Carpenter introduced Resolution No. 17-R-2301 recognizing "Football for Food."

Mrs. Reynolds: Mr. Mayor, I think you need to challenge the Mayor of Fairborn to a punt kick that night or something. Mrs. Lommatzsch: Whoever wins. It is going to be every year and will be an ongoing challenge. Mrs. Reynolds: Or does all of Council want to do a tug of war with Fairborn? Mrs. Lommatzsch: I don't want to do a tug of war. Mayor Flaute: Madam Clerk, would you? Mrs. Lommatzsch: What do you want her to do challenge the other Clerk? Ms. Arnold: I know the Clerk in Fairborn pretty well, so I will talk with her and see. Mrs. Lommatzsch: This year it is in Fairborn. Deputy Mayor Curp: You might want to check with the School District first and see if they want to do it. Ms. Arnold: Okay. Mayor Flaute: I know Mayor Dan would just love that. Mrs. Lommatzsch: The Athletic Director might have a different idea, but Chad will be all over it.

Ms. Arnold: I have a question just so I can make sure I tell Tom to cut the check appropriately. I know at the Community meeting there was some discussion. Mrs. Reynolds: It goes to the Lions Club. Ms. Arnold: Are we writing it to the Lions Club? Mrs. Lommatzsch: Yes, because it is easier for the School District not to have to funnel the money through their system. The money will be going for promotion of the event not for buying turkeys. Ms. Arnold: The Lions know that? Mrs. Lommatzsch: Yes. Ms. Arnold: Okay. Mrs. Reynolds: What did you say, ma'am? Mrs. Lommatzsch: The money goes to promote the event, banners, a trophy, and the \$500.00 they needed to do that, not to buy hams. Mayor Flaute: There is a separate one that will come to us. Mrs. Lommatzsch: Initially it will all be the same pot, but we are supporting the promotion of the event and I talked to Chad and the stuff has been ordered and Jenny knows what she has spent.

Mr. Fullenkamp: Why is the check written to the Lions Club? Who is buying the materials? Mrs. Lommatzsch: This is just the way the Superintendent prefers the money be appropriated rather than going through the School District and them having to justify in and out money. Deputy Mayor Curp: As I understand the question, if we are not buying food the money, why would go to the Lions if they are not doing the promotion? If the school districts are doing the promotion, I would think the money would go to the school district instead of to the Lions for food. If we are not buying any food, it shouldn't go to them. Mr. Smith: I don't know where the promotion part comes in at. We've never promoted that. Mrs. Lommatzsch: That's what I told you to begin with were to buy banners and it is all in the minutes. Mr. Denning: That was the original and I was a little bit confused when they said it was going to go for food. Mayor Flaute: That was from Mr. Smith's email. This is something separate. Mr. Denning: This is for the promotions of the two schools raising the food. Mr. Smith: Okay.

Mr. Fullenkamp: Who is writing the check? The Lions are going to write a check for promoting this event? Mrs. Lommatzsch: The Lions Club is the organization that is benefiting from the event and bringing the food. Mr. Fullenkamp: I know, but what does that have to do with the promotion of the event? Mrs. Lommatzsch: All I'm telling you, Mr. Fullenkamp, is that I discussed it with the Superintendent and he said if you are hardcore and you want it to go to the schools he will figure it out. An easier way to account for the money would be to make the check to the Lions Club. It can be made to the School District and he will figure it out. Mr. Fullenkamp: They will buy

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food with it? Mrs. Lommatzsch: It's not for food. Mr. Denning: It's for "Football for Food." Mrs. Lommatzsch: The event is "Football for Food." Mayor Flaute: The event is "Football for Food," but our money is not going for food. Mrs. Lommatzsch: Each team is challenging the other team just like Carroll and Stebbins just did the challenge on Goodwill and it's whoever is going to raise the most food for the food bank. Mayor Flaute: So it has nothing to do with flags? We are buying flags. Mrs. Lommatzsch: Banners and promotion materials and the trophy to be given out for the winning team each year. Mr. Fullenkamp: And the Lions Club is going to buy trophies and banners? Mrs. Lommatzsch: They are the mechanism to benefit from the event, but it is the football team for Fairborn High School and Stebbins High School. They have challenged each other for who can raise the most food for their food banks. Mayor Flaute: Okay.

Mrs. Reynolds: Okay, why don't we look at the Resolution? Mrs. Lommatzsch: The event is called "Football for Food." Mayor Flaute: Would everyone feel better if we wrote the check to the school instead of the Lions? Mr. Denning: The school system has the same issues that we do when people give us funding where they have to pass Resolutions and they have to put it in their budget and they have to go through all the rigamarow with the State Auditor. All they are trying to do is smooth that out a little bit and funnel the money through the Lions Club so that it makes it easier and more money goes towards what it is supposed to rather than them having to go through all of that. Mrs. Lommatzsch: They said if you are hardcore and want to make it out to the school district they will figure it out. It's just a bookkeeping issue that is much easier if it doesn't go through the State-funded School Board. Mrs. Reynolds: Why on the Resolution don't we just issue it to the Lions Club? I think that would probably be better than just to say the Stebbins High School we could just put Lions Club participation in "Football for Food." That way it cleans it up.

Mr. Smith: It cleans it up as long as you don't get it confused with the Project Share. Ms. Arnold: I wrote the legislation that was because I didn't know who we were paying it to. Mr. Fullenkamp: Don't worry, we won't get confused.

A motion was made by Mrs. Reynolds to approve Resolution No. 17-R-2301 recognizing the Mad River Lions Club participation in "Football for Food" Challenge in the amount of Two-Hundred Fifty Dollars (\$250.00.) Mr. Fullenkamp seconded the motion.

There was no further discussion on the motion.

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

II) Resolution No. 17-R-2302 authorizing the City Manager to enter into a contract with the lowest responsive and best qualified bidder, TJ's Property Management, LLC, for the Abatement Services Contract.

Mr. Carpenter introduced Resolution No. 17-R-2302 authorizing a contract for Abatement Services.

A motion was made by Mr. Denning to approve Resolution No. 17-R-2302. Mrs. Reynolds seconded the motion.

Mr. Fullenkamp: How did we finally resolve this? I never really got a good explanation on how we resolved that TJ's was the best bidder over Stanley's. Mr. Carpenter: Stanley's came in and everything was the same except the grass cutting per hour. TJ's was \$40.00 and Stanley's was \$50.00. There was discussion that a lot of the jobs are less than an hour and it was thought that Stanley's charged on the quarter hour from the very beginning. TJ's was clear they charged \$40.00 at the first hour as a minimum. To get clarification we contacted the bidders to clarify that and it was discovered Stanley's minimum charge is .8 hours, which makes them \$40.00, the same as TJ's, so every hour beyond one hour TJ's is less money than Stanley's. Mr. Fullenkamp: Explain that again, TJ's minimum charge is \$40.00. Mr. Carpenter:

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Yes, the minimum charge is an hour and everything after that they charge on a quarter hour. Mr. Fullenkamp: What was the 8th hour thing that you said? Mr. Carpenter: That was Stanley's minimum charge. Mr. Fullenkamp: So Stanley's minimum is \$50.00 plus every 8th of an hour after that? Mr. Carpenter: No, their first hour or the lowest charge, say if a job is 45 minutes or a job is a half hour their charge would be .8 of an hour which is \$40.00. Mr. Fullenkamp: So how did you establish that TJ's was lower? Mr. Carpenter: Their one hour rate is \$50.00.

Mr. Fullenkamp: Alright. I'm concerned about the duration of the renewal and the renewal clause in this contract. This is through 2018, we had talked about and staff seemed to agree that it is a good idea to divide carpentry work from lawn care services; we get a bigger pool of bidders in both pools. This is through 2018 with options for staff just to continue on with this contract and I don't like the wording on that contract of the duration of the contract. I really think we should just run this to the end of the year and rebid it in the spring. I don't know if TJ's would be amenable to that or not. Mr. Carpenter: We could certainly ask them. I would also check with the Law Director if that is something we could do. I'm not sure. The contract is clear as far as the length and to change it on the vendor, I'm not sure we could do that. Mr. Smith: Your bid was through the end of 2018 and that's what they bid, so you would probably have to rebid that. Mr. Fullenkamp: It says and the owner may renew annually or rebid. Mr. Smith: That would probably be after 2018. Mr. Fullenkamp: Well it could be, it's not demanded and it's not required, but it could be. Mr. Carpenter: I could check into that. We certainly agree and you mentioned the possibility of breaking it up into whatever your specialty is and I think that's a good idea worth exploring if we can do that. Mr. Smith: We are not obligated with Stanley's to do carpentry work; it's whatever we send them, correct? Mr. Carpenter: It's in there about hauling. Mr. Fullenkamp: It's both.

Mrs. Reynolds: I think you are because that was part of the bid process. May I ask something to bumper on? Who checked out TJ's past performance? Did we? Mr. Carpenter: I know Mr. Taylor has reached out to the City of Xenia and the City of Fairborn and they told him that they were doing fine. We have also heard and I will say heard because I don't know the official spokesman, but we have heard they have also in Xenia I believe have asked Stanley's to help with that contract because for whatever reason, I don't know if TJ's couldn't keep up, there was too much work, I don't know, but I know we were told at least from Stanley's they were helping out with one of those city contracts. Mrs. Reynolds: So Stanley's has been helping out TJ's in Xenia and Fairborn? Mr. Carpenter: That's what we have heard. I haven't been able to substantiate, but that's what I have heard. Mrs. Reynolds: Okay, did you ask the question though?

Deputy Mayor Curp: Here's the question, if they can't get their work done over there how are we going to rely on them to get the work done here? Mr. Carpenter: That's true. Mrs. Reynolds: If they are running three contracts. Mr. Carpenter: That is something they need to be compliant with the contract. Mrs. Reynolds: Sir, every one of us in here understands that, but if they don't perform we are in a real situation again. Mayor Flaute: We could just break the contract then. Mrs. Reynolds: Is it possible to strike the 2018 and just go through 2017 to see where we are at? Mr. Carpenter: I would have to check with the Law Director on that. Mrs. Reynolds: To me I think then we get an idea of what these people are like and whether they can keep up. Mayor Flaute: In the meantime they grass just gets taller and taller. Mrs. Reynolds: No, we would go through the end of this year with them. Mr. Fullenkamp: We can approve this on the 7th. We have a meeting in a week. Mr. Smith: But your bid was for 2018 as well. Mayor Flaute: So you are going to have to rebid it. I would be willing to bet that. Mr. Fullenkamp: It depends. TJ's may be willing. We need to talk to them. Mrs. Reynolds: I don't know if you would necessarily have to rebid it because you can strike a contract, nothing has been signed has it? Mr. Carpenter: Nope. Mrs. Reynolds: Thank you. That's called a strikeout on a contract. Mr. Smith: You are not talking contract here, you are talking bid. Mrs. Reynolds: A bid doesn't guarantee anything. Mr. Fullenkamp: Correct.

Mrs. Reynolds: I don't know that we should pass the Resolution if we can hold off to the 7th and you can get those answers. Mr. Carpenter: To get the answer whether we

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can cut the contract just through 2017? Mayor Flaute: Without rebidding? Mr. Fullenkamp: Yes. Mr. Carpenter: I'm not sure. I guess I'm just wondering, say we wait a week and if the answer is we can't then we approve it or we reject it at that point? That's my question.

Mrs. Reynolds: You just brought up some concerns you had of what you have heard, so wouldn't it be wise to verify? Mr. Carpenter: We've heard two different stories. We have heard one from people at the City who have said they have done good. Then we have heard others, and I'm not sure I could substantiate where the word came from other than I know Stanley's has said, they have been helping out on the contract. Mayor Flaute: That's not uncommon for contractors. I had my last roofing contractor who said he loves to have his own work, but sometimes when work gets slow he will help somebody else who is behind and he doesn't get paid as good as when he has his own, but he does that just to keep everybody busy. I don't think that's an uncommon thing in the contracting world to do that. Mr. Fullenkamp: I don't know what that point is. Mayor Flaute: They are getting it done; it's just that they are having Stanley's help. Why would we care as long as they are getting the work done? Mr. Fullenkamp: Has it been stated that Stanley's is going to help TJ's? Mr. Carpenter: Not for Riverside. Stanley's has said they were helping I believe it was Xenia. Mayor Flaute: They might have. Mr. Carpenter: I haven't been able to substantiate to what degree.

Mrs. Lommatzsch: So if the contract is going to up his equipment and up his staff to meet this contract, we don't know that they aren't, then they are not want to have their nose cut off in December either. Mayor Flaute: I agree. Mrs. Lommatzsch: Maybe they did the contract and he plans to hire more people and buy more equipment and get the job done and he's not going to be willing to do that if we are going to cut his nose off in December. Mr. Fullenkamp: You don't know that. Mrs. Lommatzsch: You don't know these other this either. Mr. Fullenkamp: It doesn't hurt to ask. Mrs. Lommatzsch: It's grass guys. Mr. Fullenkamp: And it's other things. Mayor Flaute: It's got to get done. Mr. Denning: We need to get it rolling because we have been waiting so long.

Mr. Fullenkamp: So we are going to sign up through 2018 on this contract and direct staff not to go beyond 2018. Mrs. Lommatzsch: Do we have a reason not to have him do it until 2018? Is there a reason not to? You are the one that says we shouldn't do it. Mr. Fullenkamp: We brought up the topic of dividing these things out to lawn care and carpentry work. Mayor Flaute: The reason to do it is because we told the City Manager to go do a bid again, which this is the second time, right? We did a bid again and it came back. Mr. Fullenkamp: No, we did not. Ms. Arnold: This is the first bid. Mayor Flaute: Oh, this is the first time? Okay, then I take that back. We still asked the City Manager to do a bid, he did a bid, we got the bid results back, and I think we ought to go with the best bid. It takes time to rebid this stuff. Mr. Fullenkamp: We did the bids because we should have done the bids the first of this year.

Mr. Denning: There is nothing that stops us from putting the two separate things out for bid to start and do it fairly soon and have it start in January of 2019 and then that part is done or if we run into issues, we have plenty of time to get it taken care of or argue it out or whatever we have to do to figure out what we need to do. We need to get somebody on contract so we can start getting grasses cut and houses boarded up that need taken care of. \$40.00 per hour is the lowest bid. Mayor Flaute: I don't think that is that bad. You are not going to get much cheaper than that. You are paying somebody \$10.00-12.00 per hour and you are giving them benefits and still trying to make money on \$40.00 per hour. Mr. Fullenkamp: Do we know they are giving them benefits?

Mrs. Lommatzsch: If they don't adhere to the terms of the contract, then we can cancel the contract and do something different. Mr. Denning: Right. Mrs. Lommatzsch: If they violate the contract and they are not getting the work done. Mayor Flaute: Why would we care who is doing it, so long as they get their work done? Mr. Fullenkamp: That's a fair question. Mrs. Lommatzsch: Then why don't we cut it off? Mayor Flaute: I agree. The motion stands, if we turn it down we will

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have to rebid or something. Mrs. Reynolds: I don't think we can turn the Resolution down, it is just some concerns that I think at some point some of you all will be looking at this and some of us won't be looking at it next year and I don't want it to be any more difficult for you than necessary.

Mr. Fullenkamp: The question becomes, how do we know if there is non-performance issues? Mayor Flaute: We will know. Mr. Smith: The grass doesn't get cut. Mayor Flaute: I think we will know. How much are we paying them now? Mr. Carpenter: I don't know 100%, but Stanley's bid was \$50.00 per hour and I thought it was the same. Mayor Flaute: So we could be getting it cheaper for \$40.00 per hour. It makes sense to me. Mr. Smith: That's what the City Manager was saying. Mr. Fullenkamp: Let's vote. Mr. Denning: The other side of that is we are charging it back on the taxes. Mr. Fullenkamp: Some of it. Mr. Denning: We have to pay initially though and we may or may not get it back.

A roll call vote was as follows: Mr. Denning, yes; Mrs. Reynolds, yes; Deputy Mayor Curp, yes; Mr. Fullenkamp, yes; Mrs. Lommatzsch, yes; Mr. Smith, yes; and Mayor Flaute, yes.

There was no further discussion on the motion.

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

Mayor Flaute: One last thing I would like to bring up is on September 7th we are going to have Ordinance number 17-O-634 authorizing the City Manager to enter into an Option Agreement. I believe we might have a lot of people here for that September 7th meeting and for public comments I'm wondering if it is going to take a long time, but I would like to have a public hearing for that on September 7th and then have another public hearing which we are required to do on September 17th. It takes a vote of Council to do that is what I'm told. If that's your desire, I would like to have a public hearing on that Ordinance September 7th and then a public hearing again on September 17th. Mrs. Lommatzsch: You want to have two public hearings? Mr. Denning: Why would you do that? You've got a place for public comments on agenda items, so if they have a public comment on agenda items they can make their comments at that point. It doesn't have to be a hearing, okay? If the Ordinance doesn't pass the first reading, we are done and we don't need to worry about the hearing at all. If it does pass, then you can have the hearing. They still even the second time have the chance for public comment.

Mayor Flaute: I guess what I'm thinking is the folks out there will see public hearing and we are reaching out to them twice instead of only reaching out to them once. That was my thought. Mr. Fullenkamp: They are always welcome. Mr. Denning: Having a public hearing, I don't see where that is going to be any more positive or negative than where they have the chance for public comment. If it doesn't pass, there is no reason for a hearing at all. Mrs. Lommatzsch: I'm okay with that. Mayor Flaute: Okay, we will just leave it with the second reading. Mr. Denning: I believe that is why the hearings on the second reading because if the first reading doesn't pass, there is no reason for a hearing. Mayor Flaute: And they do have the opportunity to talk on agenda items. Their might be a lot of them, there might not. I don't know. Ms. Arnold: Not that it would last that long, but public hearing times are limited. If you did have a lot of people that wanted to speak, public hearings are limited to a certain amount of time. If everyone didn't get to speak, I didn't think about that before when we talked about it. Mayor Flaute: We try our best to limit them to three minutes anyway. Ms. Arnold: The public hearing itself is only allowed to last a certain amount of time. Mayor Flaute: Okay, we will just do it on the second reading like we are asked to do.

There was no further discussion on this matter.

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ITEM 9: REPORTS

A) City Manager Goals, Objectives, and Work Plan Approval

Mr. Fullenkamp: I think this can be part of our review. Mayor Flaute: We can come back and talk about it. Mr. Smith: He might have something he wants to add. Mr. Fullenkamp: This is all you have, right? Mr. Carpenter: I do have a copy of the self-evaluation; if you have not brought you copy. Then I have the comments where Mr. Curp talked about the timeframe on a couple of the items, it was related to clarifying the roles and responsibilities in Planning and Program Management. Mayor Flaute: Which one are we on? Mr. Carpenter: It would be Goal #5 talking about the timeframe. I understand that. I didn't make any modifications on there, but if you want to move it up we can do that. Mrs. Reynolds: You can pretty much bet on that, sir. Mr. Carpenter: I just wanted to remind you. Mayor Flaute: Okay.

Mr. Smith: It seems like we do this every two years. We go through the job descriptions and pay rates and so far. It seems like we do that every several years. Mayor Flaute: If we have a consistent Manager, we do it every year. At least that is the goal. We will talk about these dates at a later time then.

ITEM 10: PUBLIC COMMENT ON NON-AGENDA ITEMS

Ms. Arnold: I have a quick question. Since we had legislation, we had to allow for public comment. Can we just make sure we don't have any?

There were no requests for public comment.

ITEM 11: EXECUTIVE SESSION

A) City Manager's Annual Review – Section 103.01(d)(1): *Unless the City employee or official requests a public hearing; to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a city employee or official or the investigation of charges or complaints against a City employee or official.*

A motion was made by Mrs. Reynolds to enter into executive session for the reasons stated on the agenda. Mr. Denning seconded the motion.

There was no further discussion on the motion.

A roll call vote was as follows: Mrs. Reynolds, yes; Mr. Denning, yes; Deputy Mayor Curp, yes; Mr. Fullenkamp, yes; Mrs. Lommatzsch, yes; Mr. Smith, yes; and Mayor Flaute, yes. **Motion carried.**

Council entered at 6:36 p.m. and came out of Executive Session at 8:57 p.m.

ITEM 12: ADJOURNMENT:

Motion to adjourn was made by Mr. Denning. A second to the motion was made by Mrs. Lommatzsch.

Roll call: Mr. Denning: yes; Mrs. Lommatzsch: yes; Deputy Mayor Curp, yes; Mr. Fullenkamp: yes; Mrs. Reynolds: yes; Mr. Smith: yes; Mayor Flaute: yes. **Motion carried.**

The meeting adjourned at 8:58 p.m.



William R. Flaute, Mayor



Brenna Arnold, Clerk of Council