

# RECORD OF PROCEEDINGS

Minutes of

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held \_\_\_\_\_

Thursday, August 19, 2021

20 \_\_\_\_\_

**CALL TO ORDER:** Mayor Williams called the Riverside, Ohio City Council Meeting to order at 6:01 p.m. at the Riverside Administrative Offices located at 5200 Springfield Street, Suite 100, Riverside, Ohio, 45431.

**ROLL CALL:** Council attendance was as follows: Ms. Campbell, present; Mr. Denning, present; Mrs. Franklin, present; Ms. Fry, present; Ms. Lommatzsch, present; Mr. Maxfield, present; and Mayor Williams, present.

Staff present was as follows: Chris Lohr, Assistant City Manager; Tom Garrett, Finance Director; Frank Robinson, Police Chief; Dan Stitzel, Fire Chief; Kevin Miller, Operations Manager; Mark Tilley, Engineering Technician; Community Development Director, Dalma Grandjean, Law Director; and Katie Lewallen, Clerk of Council.

**EXCUSE ABSENT MEMBERS:** No members of council were absent.

**ADDITIONS OR CORRECTIONS TO AGENDA:** There were no changes to the agenda.

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

**PLEDGE OF ALLEGIANCE:** Mayor Williams led the pledge of allegiance.

**SWEAR-IN:** Chief Robinson introduced Tyler Viernes as the newest member of Riverside's police department. He provided a brief bio on Officer Viernes. Tyler Viernes is a graduate of Brookville High School who went on to join the Ohio National Guard as a military police officer and reached the rank of corporal. In 2012, Tyler was hired as a corrections officer for the Montgomery County Sheriff's Office and served eight-and-a-half years. He was recently promoted to deputy after completing the Sinclair Police Academy. Mayor Williams swore in Tyler Viernes.

**MINUTES:** Mr. Denning motioned to approve the minutes from the August 5, 2021 council meeting. Mr. Maxfield seconded the motion. All were in favor; none opposed. **Motion carried.**

**BOARDS AND COMMISSIONS APPLICANTS:** Terri Parrott came forward as an applicant for the open position on the Health & Safety Commission. She stated she has been a resident for over 30 years. She has worked as a public servant for public health for Dayton and Montgomery County for the past 29 years. At the last council meeting, she heard there was a board opening and she applied. She stated she wants to be more involved in the city where she lives and contribute back to the community. She is able to share her knowledge and experiences she has had in public health and bring a different view point to help. Discussion was held on the time and location of the meetings as well as volunteer orientation information. Ms. Parrott asked where the topics for the commission come from. Mrs. Franklin replied she can bring up topics and be a voice for the people around her. Deputy Mayor Lommatzsch motioned to appoint Ms. Parrott to the Health & Safety Commission. Ms. Fry seconded the motion. All were in favor; none opposed. **Motion carried.**

**FINANCIAL REPORT:** Mr. Garrett stated the financial report accurately reflects what they did in July 2021. There was an uptick in income tax in July, but they are still a little below where they hoped to be for the year. CCA has distributed income tax money and the state gave some from their centralized collection. They have received \$546,000 of income tax in August already. Mr. Denning motioned to accept the July 2021 financial report. Mrs. Franklin seconded the motion. All were in favor; none opposed. **Motion carried.**

**WRITTEN CITIZEN PETITIONS:** Mayor Williams stated any citizens who would like to speak should fill out a petition or sheet in the back and turn in to the clerk.

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Mr. Lohr stated that Mr. Garrett will leave after his report to go to the budget committee.

## DEPARTMENT UPDATES:

**A) Finance Department** – Mr. Garrett stated they have a mid-year review for the state treasurer's Ohio Municipal Access Program, which is a credit guarantee for the Wright Point note they renew every year. In the middle of the year, they ask for a status update on the tenant occupancy and rent collection to date. In July, they had the auditors in and they put together a draft report, which gets forwarded to the state auditor so it is in their review process. He registered the city for the American Rescue Plan money; as soon as it gets processed, they should received the first half of the expected revenue, \$1.3 million in the next two to three weeks. In a year, they will receive another \$1.3 million to use according to the bullets of the ARP. There is not a complete agenda on what they will spend it, but they have until the end of 2024 to spend the money. He has received a number of questions about the income tax ballot issue and what it entailed and why they should be interested.

**B) Community Development Department** – Mr. Burkholder reported the Kroger project is moving along nicely; they had the site plan review this week and there is possibly a minor variance that can be approved by staff. The site has been mowed and graffiti has been taken care of. They are still working on Tax Increment Financing legislation with the attorneys. Code enforcement has written over 900 violations for the year thus far and is keeping them busy. The Pro-Champs foreclosed and vacant property program has been helpful regarding the foreclosed properties and contacting banks and getting them to register the properties and to maintain them. They did receive a list of vacant properties equaling 226. Staff will have to go out and verify those properties are actually vacant. Some is vacant land and those are exempt from registration. Some are occupied. Mr. Lunsford reported this afternoon was 153 and has additional ones to still go through. He reports back to Pro-Champs if they qualify for vacant property registration. They will then make attempts to get the properties registered. As they get further into the process, he will report revenues to council. They continue the transition process of the Wright Point properties to Collier's. Having Drew, the maintenance guy, on call has greatly improved response time. He met with Schindler Elevator this week and finalized the interior design of the elevator cab as there will be a refacing with laminate and stainless steel. A partial payment was cut today. The actual construction will take place in late December to early January. They will work with Collier's and possibly go out for bids for the roof replacement on the 5100 building. Given the supply chain and materials, he won't know until he talks with them and gets some bids as to when the project will kick off. It may have to wait until next spring.

Mr. Denning asked about an update on the Circle K project. Mr. Burkholder stated it has gone through site review. He did not have an update on construction, but he could find out. Mr. Denning asked if they could get a general time line out of them.

Deputy Mayor Lommatzsch asked if he knew what was happening at Burkhardt and Spinning at the former Family Video store. Mr. Burkholder stated that Lori followed up today, but they could not disclose at this time. She asked the person dealing with the property to pass along the city's information since there is some work being done in there. They need to have the proper zoning permits and follow the process. He doesn't know if it is a contract, but couldn't get detailed information.

Mr. Denning asked for an update on the Waffle House property on Linden as he saw the for-sale sign back up, Mr. Burkholder stated he has not heard anything. Mr. Denning said it was to go up at Linden and Woodman. Mr. Burkholder stated when he first came it was an active project, but then COVID-19 hit.

Mr. Maxfield asked about the vacant properties and what the process is and their end goal. Mr. Burkholder explained the foreclosed and vacant property process. They are just in the defining process of properties now, but there is a demo 2.0 program with Montgomery

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County Land Bank that we have been able to identify five houses and have some funding to demo some of the homes. He explained how much staff time and legal time it takes to put this in order that helps them define how many vacant properties they have in the city.

Ms. Campbell asked about what was happening with the old Bob Evan's place on Harshman. Mr. Burkholder replied that it was sold. They made contact with them, but they do not know what is going to go in there. The buyer did not want to reveal what would go in there as there may still be contract finalization needing done. This is the one that went to auction.

Deputy Mayor Lommatzsch asked Mr. Burkholder to explain Pro-Champs and what their role is with foreclosed and vacant properties. Mr. Burkholder explained the company and what they do along with the fees they receive and the fees the city receives.

Ms. Campbell asked if there was something going in on the property between the trailer park and McDonald's. Mr. Burkholder stated he does not know. Ms. Campbell stated she saw them digging dirt piles out there. Mr. Burkholder stated he would check into it.

Mr. Denning asked about the construction occurring at the Air View Inn. Mr. Burkholder stated they have been talking with them and with the Montgomery County Building Department as the Air View Inn has active violations against them. They were told to cease and desist on reconstruction of the balcony. It looks like they get extra pieces of wood added every once in a while. They are not in compliance and are not to be doing any construction as of last communication with Montgomery County. They have a very good line of communication with Montgomery County.

**C) Administration Department/City Manager Report** – Mr. Lohr introduced Mark Tilley, Engineering Technician. He stated he has been with them for the past two to three months and is replacing Jay Keeton who recently retired. Mr. Tilley had previously been with ODOT for 17 years and prior to that worked for the city for two years. Mr. Lohr presented council with the working budget and CIP plan. He stated if they would like to discuss any particular project they can have a presentation done at a work session. With regard to the upcoming income tax ballot measure, the city is working on different information pieces to educate the public. Chief Stitzel is working on a video for next week. Mr. Lohr will send out a schedule to council so they can see the different information pieces that will be used to educate the public. Mrs. Franklin asked if the budget committee had been provided with the information. Mr. Lohr replied that they have not yet, but they can do that. Tonight, they are electing officers for the budget committee.

**PUBLIC COMMENT ON AGENDA ITEMS:** There was no public comment.

## NEW BUSINESS

### A. RESOLUTIONS

- I) Resolution No. 21-R-2703 – A resolution authorizing the interim city manager to submit a joint application with Montgomery County Environmental Services to the Ohio Public Works Commission for a grant in the amount of \$248,550 for the Bayside II (Beverly Gardens Cluster) Project.**

Mr. Lohr stated this has to do with the MCES project for Bayside/Beverly Gardens Cluster.

Mr. Denning motioned to approve Resolution No. 21-R-2703. Mrs. Franklin asked if this was minus the additional streets as they received an email there were four additional streets the county was adding, but Ms. Bartlett indicated she was not including those. Mr. Kevin Miller stated that was correct. Mrs. Franklin seconded the motion.

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

**II) Resolution No. 21-R-2704 – A resolution authorizing the interim city manager to enter into a contract for the purchase of an ambulance for use at the department of fire under the State of Ohio Cooperative Bid Program.**

Mr. Lohr stated this is for the purchase of an ambulance for the fire department. He corrected Section 4 of the resolution which said fund 201.201.5251 – vehicles; they need to replace it with fund 703.

Mr. Denning motioned to approve Resolution No. 21-R-2704. Ms. Fry seconded the motion.

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

**III) Resolution No. 21-R-2705 – A resolution authorizing the assessment of delinquent charges for the cutting and removal of weeds, vegetation and/or grass to be placed on the Montgomery County Property Tax Duplicate.**

Mr. Lohr stated this is the annual assessment update for grass and weeds.

Deputy Mayor Lommatzsch motioned to approve Resolution No. 21-R-2705. Mr. Denning seconded the motion.

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

**IV) Resolution No. 21-R-2706 – A resolution authorizing the assessment of delinquent fines imposed for failure to comply with an order made under the Riverside Unified Development Ordinance.**

Mr. Denning motioned to approve Resolution No. 21-R-2706. Mrs. Franklin seconded the motion.

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

**V) Resolution No. 21-R-2707 – A resolution authorizing the interim city manager to enter into a memorandum of understanding with the Communication Workers of America, AFL-CIO/CLC.**

Mr. Lohr stated this legislation references the MOU with the service union that was discussed at the last meeting in executive session.

Mr. Denning motioned to approve Resolution No. 21-R-2707. Mrs. Franklin seconded the motion.

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

**VI) Resolution No. 21-R-2708 – A resolution authorizing a professional education requirement in the area of land use and planning for current appointees and all future appointments to the Board of Zoning Appeals and the Planning Commission.**

Mr. Lohr stated this is per council request related to requiring educational requirements for BZA and planning commission.

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Mrs. Franklin motioned to approve Resolution No. 21-R-2708. Mr. Denning seconded the motion.

Mr. Maxfield stated there is an importance for training and development for any group in the city and moving forward they should look at that as a council for professional development plans for other boards and commissions. Training and understanding are vital if they want the city to continue to move forward. Mr. Denning stated that because they are requiring it they need to make sure they have a line item in the budget to cover it.

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

**VII) Resolution No. 21-R-2709 – A resolution authorizing the City to submit an appeal of the BZA decision in Case Number BZA 21-0009 to the Montgomery County Court of Common Pleas.**

Mr. Lohr stated this legislation authorizes the filing of the appeal with the Common Pleas Court regarding the BZA case discussed in executive session.

Mr. Denning motioned to approve Resolution No. 21-R-2709. Ms. Campbell seconded the motion.

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

**PUBLIC COMMENT ON NON-AGENDA ITEMS:** There was no public comment.

**COUNCIL MEMBER COMMENTS:** Mayor Williams announced that the Air Force Marathon has been canceled and will now be a virtual race. Col. Miller let him know the numbers were not there to safely have a race with 8,000 participants and 2,200 volunteers. Col. Miller appreciates all the partnerships that Riverside brings. Mayor Williams stated that Riverside is a unique city. They have been home to people who have served America from abroad in the 1940s coming from the Philippines, who have served America in Vietnam, and who have fled Cuba in the 1950s. A lot of the things they are seeing in Afghanistan from the last week reminds him of the type of home Riverside has been to a lot of people not born here, but have found a home here. Col. Miller feels passionately about the role the US Air Force will plan in some of the evacuations; the 445<sup>th</sup> Air Lift Wing is ready. Should they get called up, he prays they can serve Americans in Afghanistan and anybody in Afghanistan that is of service to America. He recalled families he knew growing up that left a tyrannical place and made a home in Riverside. He stated that one thing that has been brought up a lot about the decision residents will make in November is that the income tax credit they wish to restore should the vote be in favor of the tax increase that the city council could take that credit away again. He has had conversations with Mr. Maxfield with this, and a lot of the budget projections they make as a group run on roughly a 10-year horizon. He proposed a resolution to place a 10-year moratorium on taking the income tax credit away. He stated that the people of the city feel like they don't have power to decide where a tax credit goes or not, but he says the people have all the power because they decide who is on council. There are avenues for every registered voter to follow if they feel like their voice is not being heard, whether voting someone in office or not or recalling. He supports a 10-year moratorium and encourages any registered voter to hold them accountable to that. Budget projections have shown a 10-year event horizon is what the budget projections have shown them what they think they can get where they need to go. Mr. Maxfield seconded the motion of a 10-year moratorium. He is aware there has been distrust on this council from the past that is why he became part of council. They are moving forward; they are doing the right things. There is no hidden agenda. They want to make sure the credit is restored and that there is money to support police and fire. Hopefully, 10 years from now they extend that out even further. The power should be to the citizens. Council is passionate about the income

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tax they put in place and to understand they are giving the credit back and plan not to take it away in the short or long term. He is in full favor of the resolution.

Mr. Maxfield wished the Stebbins Indians good luck as they play Northwestern tonight.

Mrs. Franklin stated last week when she spoke the intent is all residents will pay 2.5%; he doesn't want to see some residents paying more than others. If they have to put something in place that says they will not take away the credit, she is in favor of it.

Deputy Mayor Lommatzsch stated she has had the unfortunate experience of living through two of these conflicts with America and was personally involved when they left Saigon. She hopes if residents have neighbors or friends that are angry and don't understand what is happening in the world, have patience and understanding. She lost a family member from Vietnam due to PTSD. It was hard for them to understand what they were fighting for. It is a tough pill to swallow when you lose friends and family and then they go home. It is hard to live with; the nightmares don't go away. She congratulated the Jaycees for a successful movie in the park last Saturday. It was fun to see children in the park and families on blankets and chairs enjoying the movie and having a good time.

Ms. Fry stated the next blood drive is August 30, from 3 – 7 pm at City offices. Anyone who wishes to sign up can do so by going to [www.donortime.org](http://www.donortime.org) and look for the City of Riverside. There are lots of openings so anyone eligible is encouraged. Regarding the income tax credit, when she campaigned to run for council the issue that came up anytime was the unfairness of the reduction in that credit. She has campaigned to restore the full credit and find a way. She would be the last person to ever try to take it away again because it is not fair and that is what she has argued. She hesitates to make a promise she may have to take back if the financial situation of the city or something unforeseen happens. That is the situation of being on council. They have weathered the challenge of the pandemic a lot more successfully than anticipated that is to the credit of the city staff being flexible. They understand the pain of it and there is no desire to take that credit away.

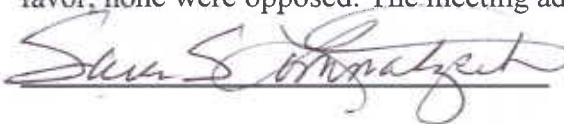

On the vote to bring forward a resolution for a 10-year moratorium on rescinding the tax credit, roll call went as follows: Mayor Williams, yes; Mr. Maxfield, yes; Ms. Campbell, yes; Mr. Denning, yes; Mrs. Franklin, yes; Ms. Fry, yes; and Ms. Lommatzsch, yes. **Motion carried.**

Mr. Denning thanked the community over comments about movie in the park. There were over 100 people there. The local 7-Up supplied a trailer of pop and water. The Jaycees supplied hot dogs, popcorn, sno-cones, and the movie. It was nice to see the community support that. He was happy to see the community support for painting the fire hydrants. That has caught on and is moving forward. He plans to be out Saturday morning painting. Mayor Williams added congratulations to the Jaycees for the event. He also thanked those who have contributed to the back to school backpack drive for Mad River Local Schools.

**EXECUTIVE SESSION:** Mr. Denning motioned to go into Executive Session at 7:03 pm for the reasons listed on the agenda: personnel, 103.01 (4). Ms. Campbell seconded the motion. Roll call went as follows: Mr. Denning, yes; Mrs. Franklin, yes; Ms. Campbell, yes; Ms. Fry, yes; Ms. Lommatzsch, yes; Mr. Maxfield, yes; and Mayor Williams, yes. **Motion carried.**

**RECONVENE:** Council reconvened at 8:14 pm.

**ADJOURNMENT:** Mr. Denning motioned to adjourn. Mr. Maxfield seconded. All were in favor; none were opposed. The meeting adjourned at 8:15 pm.

  
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Clerk of Council