

Pride ~ Progress ~ Possibilities

**Riverside Municipal Building
5200 Springfield Street, Suite 100
Riverside, Ohio 45431**

September 2, 2021

Council Meeting

6:00 P.M.

City Council

PETER J. WILLIAMS, MAYOR

BEVERLY CAMPBELL

MIKE DENNING

APRIL FRANKLIN

BRENDA FRY

SARA LOMMATZSCH

JESSE MAXFIELD

Chris Lohr, Interim City Manager

Katie Lewallen, Clerk of Council

Calendar for Year 2021 (United States)



January

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Please place all cell phones in silent mode before the meeting begins.

RIVERSIDE CITY COUNCIL

**Riverside Administrative Offices
5200 Springfield Street, Suite 100
Riverside, Ohio 45431**

**Thursday, September 2, 2021
Special Meeting 3:45 P.M.
Business Meeting 6:00 P.M.**

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) EXCUSE ABSENT MEMBERS
- 4) ADDITIONS OR CORRECTIONS TO AGENDA
- 5) APPROVAL OF AGENDA
- 6) EXECUTIVE SESSION - PERSONNEL
 - A) Section 103.01 (4) Preparing for, conducting or reviewing negotiations or bargaining sessions with public employees and officials of the City concerning their compensation or other terms and conditions of their employment.
- 7) RECONVENE
- 8) PLEDGE OF ALLEGIANCE
- 9) MINUTES – Approval of minutes from the August 12, 2021 work session, the August 19, 2021 council meeting, and the special meetings of August 23, 2021 and August 25, 2021.
- 10) ACCEPTANCE OF CITIZEN PETITIONS
- 11) DEPARTMENT UPDATES
 - A) Police Department
 - B) Fire Department
 - C) Public Service Department
 - D) City Manager Report
- 12) PUBLIC COMMENT ON AGENDA ITEMS
- 13) PUBLIC COMMENT ON NON-AGENDA ITEMS
- 14) COUNCIL MEMBER COMMENTS
- 15) EXECUTIVE SESSION – PERSONNEL; BUSINESS STRATEGY

*If you need special accommodations to attend this meeting,
please notify the City of Riverside at least 72 hours in advance by calling 937.233.1801.*

- A) Section 103.01 (4) Preparing for, conducting or reviewing negotiations or bargaining sessions with public employees and officials of the City concerning their compensation or other terms and conditions of their employment.
- B) Section 103.01 (7) To receive and consider from an applicant for a permit, license, variance, zoning change or other similar privilege granted by the City, the following information confidentially received from the applicant: **B. Specific Business Strategy.**

16) RECONVENE

17) RESOLUTIONS

- A) Resolution No. 21-R-2711 – A resolution by the council of the City of Riverside, Ohio authorizing the interim city manager to enter into a lease agreement with PE Systems Inc.

18) ADJOURNMENT

**CITY OF RIVERSIDE, OHIO
CITY COUNCIL COMMUNICATIONS**

MEETING DATE: September 2, 2021

AGENDA ITEM CAPTION: Minutes

ADMINISTRATIVE COMMENTS: Consider the approval of the minutes of the August 12, 2021 work session, the August 19, 2021 council meeting, and the special meetings of August 23, 2021 and August 25, 2021.

STAFF RECOMMENDATION: It is respectfully recommended that the Mayor and City Council approve the minutes of the referenced meetings.

EXHIBITS: Draft minutes.

SUBMITTED BY: Katie Lewallen, Clerk of Council

APPROVED FOR COUNCIL CONSIDERATION: Chris Lohr, Interim City Manager

ACTION TAKEN

MOTION:

MADE BY: _____ SECOND BY: _____

FOR: _____

AGAINST: _____

APPROVED () DENIED () TABLED ()

OTHER (EXPLAIN):

COMMENTS/STAFF FOLLOW UP:

Thursday, August 12, 2021

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

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

ROLL CALL: Council attendance was as follows: Ms. Campbell, absent; Mr. Denning, present; Mrs. Franklin, present; Ms. Fry, present (arrived at 6:06 pm); Deputy Mayor Lommatzsch, present; Jesse Maxfield, present; and Mayor Williams, present.

Planning Commission members in attendance: Mrs. Denning, Mr. Hairston (arrived at 6:13 pm), Mr. Owens, Mr. Rodgers, and Mr. Vazquez.

BZA members in attendance: Mr. Childers, Mr. Pultz, Mr. Schneider, and Mr. Timbrook. Absent from BZA: Mr. Richardson.

Staff present was as follows: Chris Lohr, Interim City Manager; Gary Burkholder, Community Development Director, Nia Holt, Zoning Administrator, Jim Miller, and Katie Lewallen, Clerk of Council.

EXCUSE ABSENT MEMBERS: Mr. Denning motioned to excuse absent members. Deputy Mayor Lommatzsch seconded the motion. All were in favor; none opposed. **Motion carried.**

ADDITIONS OR CORRECTIONS TO AGENDA: Mr. Lohr stated Ohio House Representative Andrea White was present to introduce herself to Riverside.

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

INTRODUCTION: Mr. Lohr introduced Ms. Andrea White, who represents Riverside residents in the 41st district at the state level. Ms. White stated that her office is open to any residents, city staff, and any individuals living and working in Riverside. They have received a lot of phone calls related to unemployment issues, fraud issues, and UA assistance. Her email is rep41@ohiohouse.gov. Her phone is 614.644.6008. She has stayed in touch with city leaders to work on the budget to protect income tax and get grants for cities and communities to work on roads and infrastructure and other business needs. Mayor Williams added that Ms. White has always taken his phone call and gotten a hold of him and the previous city manager with the health orders making sure that input of Riverside residents were considered for the portion of Riverside she represents.

WORK SESSION ITEM: Land Use Legal Updates – James D. Miller, Esq., City Law Director’s Office: Mr. Jim Miller provided his background working with public agencies, land use and zoning. The presentation he has prepared is to provide education, updates, and legal frame work to what each of the bodies present does and how their roles contribute to land use in the City of Riverside. He provided a brief overview of what would be covered: zoning overview, role of each body, and case law updates.

Zoning Overview: Zoning is granted to municipalities by the Ohio Constitution. The city has enacted a comprehensive plan and a Unified Development Ordinance (UDO), codified ordinances that administer the zoning provisions thorough out Riverside. He provided an overview of each of the bodies and their role in the city.

Role of Each Body: The **BZA** is outlined in the UDO Section 1103.07. The BZA hears appeals from determinations made by city staff with respect to permits, zoning violation appeals from residents, and other specifics listed in the UDO. The BZA mostly deals with variances on appeals from decisions made by staff. A variance is a deviation from the strict application of the UDO. A property owner has to make a strong showing as to why a variance is appropriate; it is also limited. It is not a vehicle to change the UDO as that is up to council. It is a vehicle to provide a property owner that is facing an unnecessary hardship due to a

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unique situation on a property that is not the fault of or caused by the property owner. Variances are defined in the UDO and are basically dimensional or other type changes that are needed to a parcel with respect to things like parking, set back, height, mass, etc. It is not really aesthetic or design; it is essentially a change that is needed on the property to a dimensional requirement the UDO would otherwise oppose. The burden is on the applicant to show the undue hardship they face because of a strict application of the UDO. They are to address the standards of approval listed in the UDO, and submit an application with all documentation. City staff is responsible for ensuring the application process is properly followed by an applicant. Standards are rigorous because a variance is unlike a conditional use; it is a total deviation from the UDO requirements. It is a heavy burden, and it is on the applicant to prove that. When city staff presents cases to the BZA at the public hearing, staff makes recommendations and reviews the standards of approval, found in the UDO Section 1105.15(E). The BZA's role is quasi-judicial. It is not legislative; it is not administrative; it is acting as a court. It is responsible for reviewing evidence presented, hearing testimony, reviewing exhibits, and taking into account staff's report. It applies all the facts to the standards set forth in the UDO and determines whether or not the applicant has met his/her burden to justify a variance. There is court case law about this because these decisions affect property owners in one of the most personal ways – people's property, their liberty and life. It is a strong due process right. The BZA is to interpret the City's zoning code to determine whether or not to approve the variance based on the specific facts presented to it by the applicant. He stated the UDO is specific on this and staff will always review the seven standards and present to the BZA along with evidence in the public hearing.

The **Planning Commission** is outlined in the UDO Section 1103.05. One of their major areas of authority is for conditional uses and other types of decisions such as plats. Conditional uses are an area with replete case law as courts weigh in on when conditional uses are appropriate or not. The UDO defines a conditional use in Section 1105.09(G). Conditional use has to do with the use of a property. The applicant needs to show there is a reason why he/she needs to engage in a use that is permitted in the zoning district, but needs conditions to be applied to that use in order to make it compliant with that particular zoning district. The burden is on the applicant. There are nine approval standards for conditional uses in the UDO, which the applicant must address along with submitting an application with all documentation. City staff presents cases to the planning commission at a public hearing and comments on all the standards of approval and if conditional use is granted how it will affect the property in question. When the commission examines the conditional use, it goes through a similar process as the BZA by hearing testimony, looking at documents, hearing staff report, and weighing that against the standards of approval in the UDO to determine if enough evidence has been presented by the applicant to justify the conditional use. There is also a lot of case law on conditional use.

The **City Staff** is the administrative arm of enforcement in the city. They work to make sure the BZA and Planning Commission have the tools and information necessary to undergo the independent reviews in the quasi-judicial setting and make the determination based upon what the UDO says. They always refer to standards of approval and provisions of the UDO. Their responsibility is defined in UDO Section 1103.11. There are duties provided to staff such as issuing zoning violations, interpreting the UDO, interpreting the zoning map, reviewing certain permits and other items in their purview, acting as a liaison with residents of the city, helping with the application process, and enforcing the UDO. Code enforcement is responsible for conducting inspections, acting upon complaints and concerns brought to their attention, and issuing violations based on the result of their investigation. They make recommendations to the planning commission and the BZA. City staff has the ability to approve or deny permits based on the relevant provisions of the UDO such as for signs, fences, and other types of matters. They are responsible for issuing zoning violations when they investigate and inspect property and find there is non-compliance with the UDO. They also review applications for conditional uses, variances, site plans, any kind of application that comes before a land use body. The UDO is specific and indicates if the application is not complete or missing items, then it is not to be moved forward. City staff has to follow

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that and work with the applicant and get the necessary information in order for it to move forward. There is a built-in appeals mechanism, UDO Section 1105.07. A zoning violation or permit denial is appealed to the BZA. There is a time frame and if the applicant does not appeal within the time frame, then the city staff decision is final. This is spelled out in a notice of violation how an individual can appeal. Courts have weighed in on how appeals of the administrative arm of zoning enforcement should be considered when on an internal administrative appeal track. Case law indicates the administrative enforcement arm of the code are presumed to be the experts and have investigated all facts. They are to be subject matter experts on the UDO. Their decisions, reports, and recommendations should be deferred to and independently reviewed. Case law indicates their administrative judgments are the product of significant, complex decision making and gathering of evidence, and there is a level of deference that is afforded to those decisions when reviewing the UDO, interpreting it and applying it.

The **City Council** is the legislative arm of code enforcement and zoning. Their role and responsibility are outlined in UDO Section 1103.03. They are responsible for enacting, amending, or repealing ordinances when it is deemed to be in the best interest of the city. He reviewed the powers and duties of City Council for the purposes of the UDO. State law and the Ohio Supreme Court authorizes legislative authority upon municipal city council to adopt and enact legislation within the city.

The four bodies come together in this manner: 1 – City Council enacts the UDO and amends and repeals as necessary, 2 – City Staff enforces and administers the UDO, and 3 – the BZA/Planning Commission review applications in accordance with the UDO and make quasi-judicial determinations upon receipt of evidence and testimony at public hearings that confer legal rights and responsibilities upon the parties, including the right to appeal in court. City staff presents all standards of approval to those bodies during a public hearing so a proper determination can be made. Legal counsel is to protect the city from being in court.

Case Law Update: Administrative appeals under the ORC are appeals from the decision of the BZA. The way the UDO is written, the planning commission's decisions can be appealed to the BZA, but the BZA is the decision-making body of the city that can be appealed to the Court of Common Pleas under an administrative appeals structure of the ORC Section 2506.01. One party is asking the court to review what has happened at the administrative level to see if it met the proper legal standard. The UDO also aligns with state law in Section 1105.17, outlining the appeals procedure. Appeals of BZA decisions go to the Montgomery County Court of Common Pleas under state law structure. When a common pleas court is asked to do this, it can be invoked by any party to the quasi-judicial proceeding. The common pleas court reviews the decision to determine some very specific legal determinations. The court determines if the decision is unconstitutional, illegal, arbitrary, capricious, or unreasonable. These are legal determinations the court will apply the law to the determination made by the body and see if it falls into one of the categories. Then, the court can reverse it, vacate it, or modify it. The court could also look at factual determinations, which are whether or not the decision was supported by a preponderance of substantial, reliable, and probative evidence on the whole record. These are appeals from land use bodies, classified personnel decisions, township trustee decisions, any sort of appeal from an administrative body files this law. There is a plethora of case law specific to zoning appeals. At the end of the review, the common pleas court can affirm the determination, reverse it, vacate – wipes the determination away as if it never happened, or modify the order; or, it can remand it by sending it back to the agency with instruction on how to proceed.

Common Issues Prevalent to the Court – *Legislative vs. Quasi-Judicial Function*: There are case law decisions that overturn a ruling. There is a supreme court case that determined the quasi-judicial nature of the BZA decision did not occur correctly and they ended up doing a legislative determination where the UDO for Richfield Township was legislatively modified by the BZA instead of a determination being made in a quasi-judicial manner. The court reversed that every time. Mr. Miller explained the difference between legislative and quasi-

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judicial, for example, when sitting on BZA and determining a request for a variance, they are determining that particular request for that property owner. It doesn't have an effect on other property owners in the city. The BZA are looking at factors under the standards for approval and applying the facts to those standards like a court does. A legislative change would be coming to a decision that this is what the law says they should do, but they do not feel that is right so they will issue another decision. City council is responsible for that part – a legislative act; to dishonor the standards of approval for what the UDO says. The law is only as strong as it can be enforced. If the UDO is not consistently applied or ignored or applied in a non-uniform manner, it causes due process problems. That is a legislative function. The judicial function is to accept facts, apply them to what the law says (what city council has passed), and make a determination consistent with that. Either the property owner or the city can invoke the administrative appeal to a common pleas court. It is more common for the property owner that is aggrieved to bring a suit, but there is plenty of case law where the public agency has brought it to have the court review it. The common pleas court acts like an appeal court and reviews what an administrative body did under those parameters previously mentioned. The UDO allows for this process.

Evidentiary Support in the Record: Courts will reverse decisions of these bodies if upon review they do not find ample evidence in the record to support the decision that was made by the body. They will remand it back or reverse it for further proceedings. The court will look at what is determined at the end of the public hearing is supported by the evidence that was submitted at the public hearing.

Deference to Municipal Interpretation: This is an area where there is a lot of litigation about how does the city interpret its own zoning code. The law looks at any agency that is interpreting its own codes and regulations as presumed to be expert so deference is provided to the municipal interpretation of its own UDO. This is why staff give reports; this is why the staff attends the public hearing to provide feedback on the factors. The court will look to make sure there was no substitution of judgment and make sure the principle is followed.

Improper Application of City Code: A court will look to see if the administrative body actual followed what its code states. For a variance, there are seven standards. On an administrative appeal, the court will look to see if those standards were followed and if they were applied to the facts presented before the hearing. If it finds otherwise, it will say the decision was arbitrary, capricious, or unreasonable. The court could return it to the body or can just vacate it like it never happened depending on the circumstances.

Mr. Miller stated that all four bodies have a role in the zoning and enforcing their zoning resolutions that carries the full force of the law as any ordinance passed in the city. All bodies have a distinct and interrelated role. The UDO must be applied uniformly, consistently, and evenly to prevent due process arguments, which is one person being treated differently than another for an arbitrary reason. This will get them in court. City staff will always give standards of approval for any particular case it comments on. The UDO may be changed by legislative act only and not a quasi-judicial function.

COUNCIL MEMBER COMMENTS: Mayor Williams thanked legal counsel and staff for taking the time to put together the meeting and providing the legal expertise. He thanked State Representative Ms. White for being in attendance.

Deputy Mayor Lommatzsch thanked everyone for being present and for the time they spend serving as she has done it before and it is not as fun sometimes.

Ms. Fry stated there is another blood drive on August 30, 2021.

Mr. Denning thanked the Lions Club for donating \$2,250 to the Mad River Local Schools for their supply drive. He reminded everyone there is a free movie in the park this weekend at Shellabarger Park. Mrs. Denning stated that seating at 8:30 pm with movie starting

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between 8:45 – 9:00 pm. There will be free hot dogs, chips, sno-cones, popcorn and drinks, courtesy of 7-Up in Riverside.

EXECUTIVE SESSION: At 6:46 pm, Mr. Denning motioned to go into Executive Session for a conference with legal counsel. Mrs. Franklin seconded the motion. Roll call went as follows: Mr. Denning, yes; Mrs. Franklin, yes; Ms. Fry, yes; Ms. Lommatzsch, yes; Mr. Maxfield, yes; and Mayor Williams, yes.

RECONVENE: Council reconvened at 7:42 pm.

MOTIONS: Mr. Denning motioned to bring forth legislation to require training determined by city staff of both the BZA and the planning commission. Ms. Fry seconded the motion. All were in favor, none opposed. Motion carried.

Mr. Denning motioned to bring forth legislation to appeal the BZA decision in Case Number 21-0009 to the Montgomery County Common Pleas Court. Mrs. Franklin seconded the motion. All were in favor, none opposed. Motion carried.

ADJOURNMENT: Mr. Denning motioned to adjourn. Mr. Maxfield seconded the motion. All were in favor; none were opposed. **Motion carried.** The meeting adjourned at 7:44 pm.

Peter J. Williams, Mayor

Clerk of Council

Thursday, August 19, 2021

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 445th 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 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.

Peter J. Williams, Mayor

Clerk of Council

Monday, August 23, 2021

CALL TO ORDER: Mayor Williams called the Riverside, Ohio Special Council Meeting to order at 3:50 pm at the Riverside Administrative Offices located at 5200 Springfield Street, Suite 100, Riverside, Ohio, 45431.

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

Staff present was as follows: Becky Elliot, Administrative Assistant.

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

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

APPROVAL OF AGENDA: Mr. Denning motioned to approve the agenda. Mr. Maxfield seconded. All were in favor; none opposed. **Motion carried.**

EXECUTIVE SESSION: Mr. Denning motioned to go into Executive Session for the reasons listed on the agenda: Personnel. Mr. Maxfield seconded the motion. Roll call went as follows: Mr. Denning, yes; Mr. Maxfield, yes; Ms. Fry, yes; Ms. Lommatzsch, yes; and Mayor Williams, yes. Council went into Executive Session at 3:55 pm.

Council candidate Zachary Joseph was invited to Executive Session.

Ms. Campbell arrive at approximately 4:20 pm.

RECONVENE: Council reconvened at 7:15 pm.

ADJOURNMENT: Mr. Denning motioned to adjourn. Mr. Maxfield seconded the motion. All were in favor; none were opposed. The meeting adjourned at 7:16 pm.

Peter J. Williams, Mayor

Clerk of Council

Wednesday, August 25, 2021

CALL TO ORDER: Mayor Williams called the Riverside, Ohio Special Council Meeting to order at 3:54 pm 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, absent; Ms. Fry, present; Ms. Lommatzsch, absent; Mr. Maxfield, present; and Mayor Williams, present.

Staff present was as follows: Katie Lewallen, Clerk of Council

EXCUSE ABSENT MEMBERS: Mr. Denning motioned to excuse Mrs. Franklin and Deputy Mayor Lommatzsch. Mr. Maxfield seconded. All were in favor; none opposed. **Motion carried.**

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

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

APPROVAL OF AGENDA: Mr. Denning motioned to approve the agenda. Mr. Maxfield seconded. All were in favor; none opposed. **Motion carried.**

EXECUTIVE SESSION: Mr. Denning motioned to go into Executive Session for the reasons listed on the agenda: Personnel. Mr. Maxfield seconded the motion. Roll call went as follows: Mr. Denning, yes; Mr. Maxfield, yes; Ms. Campbell, yes; Ms. Fry, yes; and Mayor Williams, yes. Council went into Executive Session at 3:56 pm.

Council candidate Zachary Joseph was invited to Executive Session.

Deputy Mayor Lommatzsch arrived at 3:59 pm.

RECONVENE: Council reconvened at 7:21 pm.

ADJOURNMENT: Mr. Maxfield motioned to adjourn. Ms. Fry seconded the motion. All were in favor; none were opposed. The meeting adjourned at 7:22 pm.

Peter J. Williams, Mayor

Clerk of Council

MEMORANDUM

Date: September 2, 2021
To: Mayor, City Council & Department Heads
From: Chris Lohr, Interim City Manager
Re: City Manager's Report

The City Manager's report includes the following items:

- (1) FYI
 - a. Council Agenda Calendar
 - b. City Manager's Project and Activities Report

- (2) Monthly Verbal Updates
 - a. Police Department
 - b. Fire Department
 - c. Public Services Department
 - d. City Manager Report

If you have any questions regarding the items listed above, please advise. Thank you for your time and attention to this matter.

September 2, 2021 – Business Meeting

- Monthly Update: Police, Fire, Service, and CM Report
- Resolution: PE Systems, Inc. Lease Agreement

September 9, 2021 – Work Session

- Harshman/Woodman Wall – Kathy Bartlett
- TIF – Gary Burkholder

September 16, 2021 – Business Meeting

- Monthly Update: Finance, Administration, Community Development, and CM Report
- Financial Report
- Ordinance: Amending the fee schedule for permits (1st reading)
- Ordinance: Amending the fee schedule for enforcement and abatement (1st reading)
- Ordinance: Supplemental Appropriations (1st & 2nd reading, public hearing, adoption)
- Resolution: Moratorium on taking back tax credit, 10 years
- Resolution: STP Resurfacing Grant – Spinning Road (Eastman to Burkhardt)
- Resolution: STP Resurfacing Grant – Valley Street West

October 7, 2021 – Business Meeting

- Monthly Update: Police, Fire, Service, and CM Report
- Ordinance: Amending the fee schedule for permits (2nd reading, public hearing, adoption)
- Ordinance: Amending the fee schedule for enforcement and abatement (2nd reading, public hearing, adoption)
- Ordinance: Codification of Ordinances (1st reading)
- Resolution: Wright Point roof
- Resolution: Establish COF TIF
- Resolution: Establish Burkhardt/Woodman TIF

October 14, 2021 – Work Session

October 21, 2021 – Business Meeting

- Monthly Update: Finance, Administration, Community Development, and CM Report
- Financial Report
- Ordinance: Codification of Ordinances (2nd reading, public hearing, adoption)

November 4, 2021 – Business Meeting

- Monthly Update: Police, Fire, Service, and CM Report

MEMORANDUM

TO: Riverside City Council
FROM: Chris Lohr, Interim City Manager
DATE: September 2, 2021
SUBJECT: Bi-Monthly Projects & Activities Report
CC: City Department Heads

HUMAN RESOURCES

Hiring:

- A suitable temporary employee for the front desk has been found through Barry Staffing.

Health Insurance Renewal:

- Preparations for insurance renewal are being made. Per our broker, a market rate renewal is a 12% increase in premiums for next year. The draft budget for 2022 will plan for a 15% increase until the actual rate is confirmed.

PUBLIC SERVICES AND GENERAL CONSTRUCTION:

Major Projects:

East Springfield Reconstruction:

- Barrett Construction has finished paving E. Springfield St as well as applying the rejuvenating agent. Final pavement markings will begin on Friday. (8-27-21)
- The luminaires have not yet arrived to begin setting the street light poles.
- A plan is being discussed by Choice One and AES as to a means to provide power to the street lighting. The closest power drop from AES/DPL is 2300' away from the power service, the power service was installed at the location according to the construction plans. The project completion date remains 9-1-2021.

Woodman Drive Phases 1-4 Conceptual Layouts:

- Choice One will complete a Phase 4 layout for the September work session.

Minor Projects:

Valley/Pleasant Valley Signal Removal:

- Crosswalks are partially installed. Waiting on signs and striping.

School Zone Sign Replacement Project:

- All new school zone signs are completed.

Montgomery County Solid Waste District Incentive Grant:

- The 2022 application is due in September. We plan to submit for a new play structure and rubberized mulch at Community Park.

Building Maintenance:

- Old pole building at 1531 Wake has been removed and new concrete pad has been poured.

POLICE DEPARTMENT

Significant Events

- Road Patrol conducted 26 traffic stops and issued 43 citations/offenses.
- Road Patrol issued 15 traffic warnings
- Officers investigated 32 traffic crashes, 6 being injury accidents.
- Officers responded to 841 total incidents.
- Highest volume calls for the period was suspicious activity (87)
- Swore in new officer, Tyler Viernes. Has begun FTO training.
- Lexipol policy review continued.

Community Interaction

- We are up to 7,377 followers. Officer Schmidt with an iguana, Movie in the park, wanted subject post, lost hound post, Lions club 5K post, employee spot light post, KP Tina post, Fire Hydrant Painting Post, Riverside Fire Fighter donation post, Donuts dropped off for officers post, New officer swear in post, wanted subject post.

FIRE DEPARTMENT

- Attended Riverside National Night Out on August 3rd
- Attended Riverside Manor National Night Out on August 9th
- Began conducting EMS standbys for High School football games
- Crews attended Movie in the park at Shellabarger Park for touch a truck
- New members being trained and checked off on Medic and Engine operations
- On track for 2nd highest calls per month 15.45 per day
- Fire engines being scheduled to have warranty paint work completed.

COMMUNITY DEVELOPMENT

- Source Water Protection Program (SWPP): Next project will be to finalize the Source Water Protection zoning for the City.
- Code Enforcement: To date, over 900 violations have been issued. ProChamps identified 224 vacant properties for registration. Mr. Lunsford is verifying the list in the field.
- Staff received positive comments from members of the Planning Commission regarding our land use legal update session with BZA and Council. The Planning Commission has a work session on August 25th in follow up to our recent training.
- Transition of Wright Point to Colliers Management continues with Colliers taking on more and more duties. A lease renewal is forthcoming.
- Working on the operations budget for 2022. Additional staffing is requested for Community Development.
- Staff is making progress on the draft TIF legislation for consideration by Council.

ECONOMIC DEVELOPMENT

- **Development Projects Summary**

	# of Projects
Total Business Development Projects	17
New Interest, Pre-application	3
Under Staff Review	13
Active	6

- **Contacts, Leads, Follow-ups:**
 - 700 Spinning Plaza: Property in escrow.
 - 1929 Harshman Road: Property in escrow.
 - 5464 Burkhardt: New tenant; the listing agent and new tenant have a non-disclosure agreement.
- **Department Projects:** Completing research and assisting with department projects as requested.
 - JobsOhio Vibrant Community, Inclusive Planning Grant application in review.
 - PE Systems: prepared legislation
 - Brownfield List to Landbank
 - Case preparation: Public Nuisance Abatement

ZONING

Planning and Zoning

- **August Permits** – 45 permits have been issued in August
- **Application Updates** – Waiver has been added to the Development Application
- **Revised Fee Schedule** - Peer Research is complete and Staff has begun drafting legislation with the recommended fee changes.

Planning Commission – August Meeting(s)

- **601 Woodman Drive** - Site Plan & Design Review **have been approved**
- **August 25th Work Session** – PC discussed bylaws, ethics, and text amendment priorities.

Board of Zoning Appeals – August Meeting

- **2714 Valley Pike** – Fence Height/Front Yard Variance **has been approved.**
- **4969 Pepperwood Dr** – Patio Cover; Rear Setback Variance **has been approved.**
- **120 Rohrer Blvd** – Appeal **has been denied.**
- **5363 Robinwood Ave** – Carport; Side Setback Variance **has been approved.**
- **445 Hypathia Ave** – Fence Height/Front Yard Variance **has been approved.**

**CITY OF RIVERSIDE, OHIO
CITY COUNCIL COMMUNICATIONS**

MEETING DATE: September 2, 2021

AGENDA ITEM CAPTION: Resolution No. 21-R-2711 – A resolution by the council of the City of Riverside, Ohio authorizing the interim city manager to enter into a lease agreement with PE Systems Inc.

ADMINISTRATIVE COMMENT:

STAFF RECOMMENDATION:

FISCAL IMPACT:

SOURCE OF FUNDS:

EXHIBITS: Legislation

SUBMITTED BY: Gary Burkholder, Community Development Director

APPROVED FOR COUNCIL CONSIDERATION: Chris Lohr, Interim City Manager

ACTION TAKEN

MOTION:

MADE BY: _____ SECOND BY: _____

FOR: _____

AGAINST: _____

APPROVED () DENIED () TABLED ()

OTHER (EXPLAIN):

COMMENTS/STAFF FOLLOW UP:

21-R-2711

A RESOLUTION BY THE COUNCIL OF THE CITY OF RIVERSIDE, OHIO AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH PE SYSTEMS, INC.

WHEREAS, the City of Riverside is owner of the office building addressed as 5100 Springfield Street; and

WHEREAS, the Interim City Manager has reported to Council that the existing tenant, PE Systems, Inc., wishes to renew its lease and enter into a Lease Agreement with the City for Suite 400, within the 5100 Wright Point Office Park and has signed a Letter of Intent to enter said agreement; and

WHEREAS, the Interim City Manager further reports that a Lease Agreement has been negotiated; and

WHEREAS, it is the recommendation of the Interim City Manager that the City Council authorize the execution of the aforementioned lease agreement with PE Systems, Inc;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RIVERSIDE, STATE OF OHIO, THAT:

Section 1: In accordance with the recommendation of the Interim City Manager, this Council does determine that it is in best interest of the City to enter into the aforementioned lease with PE Systems, Inc. Accordingly, the Interim City Manager is hereby authorized to enter into said lease agreement.

Section 2: That the Clerk be and is hereby authorized and directed to forward a certified copy of this resolution to the Interim City Manager, Director of Finance, and the Community Development Director, who will submit a certified copy to the duly recognized agent of PE Systems, Inc.

Section 3: This Resolution shall take effect and be in force from and after the date of its passage.

PASSED THIS DAY _____.

APPROVED:

MAYOR

ATTEST:

CLERK

CERTIFICATE OF THE CLERK

I, _____, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing is a true and correct copy of Resolution No. 21-R-2711, passed by the Council of the City of Riverside on _____.

IN TESTIMONY WHEREOF, witness my hand and official seal this day _____.

CLERK