

# Pride ~ Progress ~ Possibilities

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

**January 5, 2023**

**Council Meeting**

**6:00 P.M.**

**City Council**

**PETER J. WILLIAMS, MAYOR**

**MIKE DENNING  
APRIL FRANKLIN  
BRENDA FRY  
ZACHARY JOSEPH  
SARA LOMMATZSCH  
JESSE MAXFIELD**

**Josh Rauch, City Manager**

**Katie Lewallen, Clerk of Council**

# Calendar for year 2023 (United States)



## January

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Council meetings in aubergine.

Work sessions in pale yellow.

**Jan 1** • New Year's Day  
**Jan 2** • 'New Year's Day' day off  
**Jan 16** • Martin Luther King Jr. Day  
**Feb 20** • Presidents' Day  
**May 29** • Memorial Day

**Jun 19** • Juneteenth  
**Jul 4** • Independence Day  
**Sep 4** • Labor Day  
**Oct 9** • Columbus Day  
**Nov 10** • 'Veterans Day' day off

**Nov 11** • Veterans Day  
**Nov 23** • Thanksgiving Day  
**Dec 25** • Christmas Day

# AGENDA

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, January 5, 2022  
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) PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE - Remembrance of Corporal Derek C. Dixon and Private First-Class Lavern C. Ullmer.
- 7) MINUTES – Approval of minutes from the December 15, 2022, council business meeting.
- 8) ESTABLISH DATE AND TIME FOR MEETINGS
- 9) ELECTION OF DEPUTY MAYOR
- 10) LIQUOR CONTROL – Renewal Springpass Road LLC DBA BP Woodman Dr., 501 Woodman Dr.
- 11) ACCEPTANCE OF CITIZEN PETITIONS
- 12) DEPARTMENT UPDATES:
  - A) Finance Department
  - B) Administration Department
  - C) Community Development Department/City Manager Report
- 13) PUBLIC COMMENT ON AGENDA ITEMS
- 14) NEW BUSINESS
  - A) ORDINANCES
    - I) **Ordinance No. 23-O-815** – An ordinance amending Section 182.26 of the Regional Income Tax Agency (RITA) Rules and Regulations of the

*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.*

Administrative Code of the Codified Ordinances of the City of Riverside, Ohio.  
(1<sup>st</sup> reading)

- II) **Ordinance No. 23-O-816** – An ordinance amending chapter 1115.01 Accessory Buildings and Use Standards of the Unified Development Ordinance (UDO) of the City of Riverside, Ohio. (1<sup>st</sup> reading)
- III) **Ordinance No. 23-O-817** – An ordinance providing for the issuance of not to exceed \$4,735,000 Building Acquisition and improvements Special Obligation Bond Anticipation Notes, 2023 renewal, by the City of Riverside, Ohio in anticipation of the issuance of bonds, providing for the pledge of revenues for the payment of such notes, and declaring an emergency. (1<sup>st</sup> reading)

#### B) RESOLUTIONS

- I) **Resolution No. 23-R-2815** – A resolution appointing the City of Riverside's 2023 representatives to the First Suburbs Consortium of Dayton Ohio Council of Governments.
- II) **Resolution No. 23-R-2816** – A resolution appointing the City of Riverside's 2023 representatives to the Miami Valley Regional Planning Commission (MVRPC).
- III) **Resolution No. 23-R-2817** – A resolution by the council of the City of Riverside, Montgomery County, Ohio approving the City Manager's appointment of two members to the Tax Incentive Review Council (TIRC).
- IV) **Resolution No. 23-R-2818** – A resolution authorizing the city to submit an appeal of the Board of Zoning Appeals decision in BZA Case No. 22-0024 to the Montgomery County Court of Common Pleas.
- V) **Resolution No. 23-R-2819** – A resolution by the council of the City of Riverside, Ohio advancing \$50,000 from the General Fund to the General Assessments Fund.
- VI) **Resolution No. 23-R-2820** – A resolution by the council of the City of Riverside, Ohio advancing \$420,000 from the General Fund to the Capital Infrastructure Fund.
- VII) **Resolution No. 23-R-2821** – A resolution authorizing the city manager to enter into an agreement with Julian & Grube Inc. to provide services to convert cash basis financial information into accrual basis information at a cost not to exceed \$9,000 per year for years 2023 and 2024.

#### 15) PUBLIC COMMENT ON NON-AGENDA ITEMS

#### 16) COUNCIL MEMBER COMMENTS

- 17) EXECUTIVE SESSION – 103.01(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; and 103.01(2) To consider the purchase of property for public purposes, or for the sale of public property, if premature

disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal or private interest is adverse to the general public interest.

18) RECONVENE

19) ADJOURNMENT

MINUTES

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

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

Staff present was as follows: Josh Rauch, City Manager; Tom Garrett, Finance Director; Frank Robinson, Police Chief; Dan Stitzel, Fire Chief; Kathy Bartlett, Public Services Director; Steve Bacon, Legal Counsel; and Katie Lewallen, Clerk of Council.

**EXCUSE ABSENT MEMBERS:** No one was absent.

**ADDITIONS OR CORRECTIONS TO AGENDA:** No changes were made to the agenda.

**APPROVAL OF AGENDA:** Ms. Lommatzsch moved, seconded by Mr. Maxfield, to approve the agenda. All were in favor. **Motion carried.**

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

**FIREFIGHTER SWEAR-IN:** Mayor Williams administered the oath of office of firefighter/paramedic to Bradley Carter.

**MINUTES:** Deputy Mayor Denning moved, seconded by Mrs. Franklin, to approve the minutes of the December 1, 2022, council business meeting. All were in favor. **Motion carried.**

**WRITTEN CITIZEN PETITIONS:** Mayor Williams stated any citizen wishing to speak should fill out a petition found at the back of the room and turn it in to the clerk.

**DEPARTMENT UPDATES:**

**A) Police Department** – Chief Robinson stated they are still going through the hiring process. One candidate has gone through the whole process and will be starting on December 27 and will be sworn in. Another candidate is right behind him and almost finished, so they will be doing two at one time. Sgt. Vance is off work due to surgery; he should be back by the end of January. One officer had Covid, and they have not had that happen in a while. They have done a lot over the Christmas season participating in ‘Shop-with-a-Cop’ and had 60 kids in the school district that received assistance. They collected \$900 in donations from the police department and other businesses and the Jaycees. They are expecting a check from the FOP Lodge for \$700, so they received \$1,600 in total. They went live two days ago with the CAD system, unfortunately, it is chaotic. They are having some issues.

Mr. Rauch added that their ability to respond to calls is not impaired.



**B) Fire Department** – Chief Stitzel stated continuing with the CAD system, they do have the ability to revert back to talking on the radio even though the technology today improves their efficiency. They are able to respond to calls and there are no issues at all. The issue is with all the data entry and computer stuff after the call; they have been working the last few days with getting the CAD integration up. It was 99 percent done today. They have one more time stamp that will be done on January 10, 2023. It doesn't really affect anything. They just have to manually type in the time until January 10, and then it will all be automatic. All mobile computers are up and running. The chief was alluding to having connectivity issues through the system. It is not just a Riverside issue; it is a county-wide issue. Right now, they are well past the curve and are closer to the home stretch where everything will be working and all the benefits they will receive from the new system will be realized very soon. They are still working on year end maintenance. There is an engine over at the Dayton garage. The appropriation finalized tonight will help them take care of all the maintenance issues found over the last month and a half to two months in their apparatus. The new medic that was delivered, the replacement, it is fully in service and operating. The other new medic has a delivery date of March or April.

**C) Public Services Department** – Ms. Bartlett stated the deadline for the request for qualifications for their five-year general engineering contract was December 2, 2022; they received four proposals for consideration. They are reviewing those and hop to get a new contract next month. They received a final score for the OPWC grants, and it appears that all three of their projects will be funded. These grants will be in addition to other grants that they have already received on these projects. The OPWC grant total is \$1.2 million. The Olentangy Bridge Project was bid a couple of Thursdays ago by ODOT and came in \$81,000 under budget. She stated they were notified in late November that the Highway Safety Improvement Program Grant was approved for approximately \$750,000; this will put a signal at Beatrice and Harshman. It will also modify the Valley-Harshman signal. They are finishing up a lot of construction projects, and there are fewer orange barrels on the road. The new maintenance worker has completed his background check; an offer will go out to him tomorrow. Crews have been busy trimming trees and picking up trash. The trucks are all ready for snow.

Deputy Mayor Denning asked when the light at Beatrice and Harshman will go in. Ms. Bartlett stated design will start in 2023, but the project won't be completed until 2026. Mr. Joseph asked why the process takes so long. Ms. Bartlett replied it takes at least a year to design. Then, it goes through the ODOT process, which takes a lot of time on their end.

**D) City Manager Report** – Mr. Rauch presented the quarterly income tax update and recapped the four quarters of the year. He stated that they were a little under the first quarter, but a bit over for second and third quarter. They are a bit under for fourth quarter by a half-million dollars, but in total, it is \$8.5 million. Their budget target was \$8.6 million. The good thing is that while the fourth quarter shows an advanced payment for December, the city has not received the actual payment, so if a payment is received within the next week to week-and-a-half, they may exceed their budgeted amount. This is good news for the income tax collection. He added that what is included in the supplemental ordinance is to do distributions to the police and fire departments. He also spoke with the news reporter from

the Dayton Daily News about next year's budget and how the voters changed the methodology on how they would do income tax with percentages and charge backs, so this year is just the beginning of a new collections methodology. They have good numbers this year, and will hold all of these assumptions flat going into next year to see what happens. He thanked the voters and their support. They are in a much better financial position.

Mr. Rauch thanked staff for the number of successes this year including the PUD and the new software rollout. He thanked police and fire and the crews for responding to all of the calls they receive. Economic development continues in the city. He thanked Ms. Bartlett and her team of shepherding the infrastructure projects, keeping the roads clear and the parks mowed. He looks forward to continuing the trend over the next 12 months.

Mayor Williams stated he recalls where they were a year ago and how they had to have a lot of faith in their brand-new city manager along with a lot of promises to keep with the voters. It is a great feeling where they are now. He thanked staff as well. He stated that at the recent workshop he attended with many planning professionals how he heard from others how much they enjoy working with Riverside people. Both Ms. Holt and Mr. Rauch are building a great reputation of the city in the community. He believes 2023 will be a year of progress.

**PUBLIC COMMENT ON AGENDA ITEMS:** Mayor Williams stated that no one turned in a slip to speak on an agenda item. One slip has been turned in for a non-agenda item and that will be heard later in the meeting.

## **OLD BUSINESS**

### **A. ORDINANCES**

- I) Ordinance No. 22-O-811 – An ordinance to make supplemental appropriations for current expenses and other expenditures of the City of Riverside, State of Ohio, for the period January 1 through December 31, 2022, and declaring an emergency. (2<sup>nd</sup> reading, public hearing, adoption)**

Deputy Mayor Denning moved, seconded by Ms. Lommatzsch, to approve the second reading of Ordinance No. 22-O-811. The clerk read the ordinance by title only.

Mayor Williams opened the public hearing at 6:23 pm. No one came forward. He closed the public hearing at 6:23 pm.

Mr. Joseph asked Chief Robinson if he knew when the cameras would be delivered. Chief Robinson stated he did not have a date.

Roll call went as follows: Mr. Denning, yes; Ms. Lommatzsch, yes; Mrs. Franklin, yes; Ms. Fry, yes; Mr. Joseph, yes; Mr. Maxfield, yes; and Mayor Williams, yes. **Motion passed.**

**II) Ordinance No. 22-O-812 – An ordinance to make permanent appropriations for current expenses and other expenditures of the City of Riverside, State of Ohio, for the period January 1 through December 31, 2023, and declaring an emergency. (2<sup>nd</sup> reading, public hearing, adoption)**

Deputy Mayor Denning moved, seconded by Mrs. Franklin, to approve the second reading of Ordinance No. 22-O-812. The clerk read the ordinance by title only.

Mayor Williams opened the public hearing at 6:24 pm. No one came forward. He closed the public hearing at 6:24 pm.

Mr. Joseph thanked the city manager for putting the budget together along with the budget committee and their input. It is a 38-page document and very well thought out. Mr. Rauch thanked staff and the citizen's budget committee for their input. Once adopted, he will finalize the numbers and check for any typos before posting on the website.

Roll call went as follows: Mr. Denning, yes; Mrs. Franklin, yes; Ms. Fry, yes; Mr. Joseph, yes; Ms. Lommatzsch, yes; Mr. Maxfield, yes; and Mayor Williams, yes. **Motion passed.**

**III) Ordinance No. 22-O-813 – An ordinance establishing a Stormwater Management Utility in the City of Riverside, Ohio. (2<sup>nd</sup> reading, public hearing, adoption)**

Deputy Mayor Denning moved, seconded by Mrs. Franklin, to approve the second reading of Ordinance No. 22-O-813. The clerk read the ordinance by title only.

Mayor Williams opened the public hearing at 6:26 pm. No one came forward. He closed the public hearing at 6:26 pm.

Roll call went as follows: Mr. Denning, yes; Mrs. Franklin, yes; Ms. Fry, yes; Mr. Joseph, yes; Ms. Lommatzsch, yes; Mr. Maxfield, yes; and Mayor Williams, yes. **Motion passed.**

**IV) Ordinance No. 22-O-814 – An ordinance repealing the process of adopting the Personnel Manual of the City of Riverside, Ohio. (2<sup>nd</sup> reading, public hearing, adoption)**

Deputy Mayor Denning moved, seconded by Mr. Joseph, to approve the second reading of Ordinance No. 22-O-814. The clerk read the ordinance by title only.

Mayor Williams opened the public hearing at 6:27 pm. No one came forward. He closed the public hearing at 6:27 pm.

Roll call went as follows: Mr. Denning, yes; Mr. Joseph, yes; Mrs. Franklin, yes; Ms. Fry, yes; Ms. Lommatzsch, yes; Mr. Maxfield, yes; and Mayor Williams, yes. **Motion passed.**

## **NEW BUSINESS**

### **A. RESOLUTIONS**

- I) Resolution No. 22-R-2812 - A resolution authorizing the city manager to ENTER INTO A CONTRACT WITH Parsons equipment through the Source Well Cooperative Bid Program for one new Bomford Falcon Mower and Head for use by the service department.**

Mr. Rauch stated this authorizes them to purchase a new mower that replaces a broken one.

Deputy Mayor Denning moved, seconded by Mrs. Franklin, to approve Resolution No. 22-R-2812.

All were in favor. **Motion carried.**

- II) Resolution No. 22-R-2813 – A resolution adopting a personnel policy manual for the City of Riverside, Ohio.**

Mr. Rauch stated this allows them to adopt the revised policy manual which includes the insurance and holiday updates discussed by council earlier this year.

Ms. Lommatzsch moved, seconded by Mr. Maxfield, to approve Resolution No. 22-R-2813.

All were in favor. **Motion carried.**

- III) Resolution No. 22-R-2814 – A resolution authorizing the city manager to enter into agreements with Enterprise Fleet Management, Inc., to establish and maintain a vehicle lease and maintenance program for the City of Riverside, Ohio.**

Mr. Rauch stated this allows him to enter into an agreement with Enterprise to do their pilot lease program for fleet vehicles of most departments and including the data tracking and other analytics.

Deputy Mayor Denning moved, seconded by Mr. Maxfield, to approve Resolution No. 22-R-2814.

All were in favor. **Motion carried.**

**PUBLIC COMMENT ON NON-AGENDA ITEMS:** Mayor Williams stated one person wished to speak on a non-agenda item. He invited Ms. Kelly Bush to come forward, state her name, address, and to keep comments to three minutes.

Ms. Kelly Bush, 7240 Union Schoolhouse Road, asked when the first meeting for the proposal of 90 townhouses on 18 acres proposal be. Mr. Rauch stated that materials were

formally submitted. The applicant plans to go to the January Planning Commission meeting. As long as there are no internal staff obstacles to that, they will be put on that agenda, which will be posted on the website. He stated he would get the information to her as well. She stated that she and her neighbors received letters on Tuesday regarding the development proposal. There are concerns, and they have started a petition to stop this. She asked how long it takes for something new to be developed. Mr. Rauch replied there is no real deadline; it is a rezoning request to a planned unit development (PUD). The planning commission will govern how fast the process moves. At the first meeting they will have dialogue with the applicant and the public. They will then make the decision to move it forward or continue the case. There is no set deadline, but it starts with planning commission. Mayor Williams stated in January it will be on the 18<sup>th</sup> at 6:30 pm. They normally meet on a Monday, but in January that falls on a holiday so they will meet on the Wednesday.

**COUNCIL MEMBER COMMENTS:** Mr. Maxfield thanked police and fire. He knows that Officer Riordan, Officer Anderson, and Sgt. Kriegler were in his neighborhood helping out a neighbor in need around Thanksgiving delivering a basket from the Angler's Lodge. He appreciates all that police and fire do to interact with the community. He wished everyone a happy holidays, Merry Christmas, and Happy New Year.

Mrs. Franklin wished every well over the holidays and stay safe. Enjoy time with family.

Mr. Joseph stated this wraps up his first year on council. He thanked staff for being open and telling him the truth when he had questions. He thanked Mr. Rauch for being accommodating to meet them where they are at and being so responsive. He thanked council and the clerk for being so welcoming when he came on board. Even if they don't see eye-to-eye, they can still be friendly and work together to accomplish great things.

Mayor Williams thanked all his fellow councilmembers. People may not think based on their backgrounds that they would have anything in common, but when they work together they get a tremendous amount of progress made for the city. He thanks each one of them for taking the time for being an elected official. He believes they are all there for the right reasons. Seeing the spread sheet and bar graph Mr. Rauch put together is a gratifying moment for them. They have a wonderful staff and their group has shown a lot of good progress for the city. The seven of them work well together even if they don't always agree and there can be healthy debate on issues. He congratulated Mr. Joseph on his first year and discussed how they first came to talk and know about each other. He added that they may not have the same political leanings on things, but they have become great friends. It has become a great collaboration with the seven of them. They can do a lot of good.

Ms. Lommatzsch stated they have all learned to accept each other's differences and work together. They have a wonderful staff led by a terrific young man, who is the first time on this kind of a job. She is proud of a local guy. She asked citizens to get vehicles off the streets if the plows need to come for snow. It makes the job for staff so much easier. She wished everyone a Merry Christmas and Happy New Year, and thanked her fellow councilmembers for all working together.

Ms. Fry stated it has been wonderful working with each of the councilmembers, and staff has been amazing. She is proud of the city she works for and lives in. She added there is one final blood drive for the year on Tuesday, December 27, 2022. She stated it is difficult this time of year with everyone having time commitments to maintain the blood supply that is necessary for the hospitals. The drive is from 3:00 – 7:00 pm in the city offices parking lot. The website is [www.donortime.com](http://www.donortime.com) and search for Riverside. Appointments are still available; if there is availability, walk-ins will be taken though appointments are preferred.

Deputy Mayor Denning thanked staff, specifically the city manager. Staff has a good leader, and they do good things. He wished everyone a Merry Christmas. He stated the reason they work well together is that they believe in the city. They may not agree with the methods on how to get there, but they all want what is best not just for the city but for the community. That is what makes them a good team. They are working together as a team to make things happen for this community.

Ms. Lommatzsch stated there is a ribbon cutting tomorrow at the Kroger gas station on Burkhardt at 11 am. Mayor Williams added they are hopeful that before the end of the first quarter of 2023, they will be there for the ribbon cutting for the new Kroger store.

Ms. Lommatzsch asked about the sign on Burkhardt for the gas station as it is very large. Mr. Rauch stated that is the sign that will stay at that location.

**EXECUTIVE SESSION:** Deputy Mayor Denning moved, seconded by Mr. Maxfield, to go into executive session for the following: 103.01(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; and 103.01(2) To consider the purchase of property for public purposes, or for the sale of public property, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal or private interest is adverse to the general public interest. Roll call went as follows: Mr. Denning, yes; Mr. Maxfield, yes; Mrs. Franklin, yes; Ms. Fry, yes; Mr. Joseph, yes; Ms. Lommatzsch, yes; and Mayor Williams, yes. Council went into executive session at 6:44 pm.

**RECONVENE:** Council reconvened at 7:55 pm

**ADJOURNMENT:** Deputy Mayor Denning moved, seconded by Mr. Maxfield, to adjourn. All were in favor. **Motion carried.** The meeting adjourned at 7:56 pm.

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Peter J. Williams, Mayor

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Clerk of Council

# LIQUOR CONTROL



# City of Riverside

Police Department

December 20, 2022

Chief Robinson:

We have received a request from the Division of Liquor Control for a background check to renewal liquor permit 8453407 for SpringpassRoad LLC dba BP Woodman Dr .

This check was conducted on December 20, 2022

The following was found:

No local records were found for Dexter A. Peters

For the address of 501 Woodman Dr:

The contact with this property is basic and no unusual criminal activity has been noted..  
At this time, I do not believe there is any reason for the permit to not be issued.

A handwritten signature in blue ink, appearing to read "Anne Wood".

Anne Wood

Records Clerk

City of Riverside Police Department





# City of Riverside

## Police Department

## MEMORANDUM

**TO:** Katie Lewallen, Clerk of Council  
**FROM:** Frank Robinson, Police Chief  
**DATE:** December 20, 2022  
**SUBJECT:** Liquor Permit- Springpass Road dba BP 501 Woodman Dr

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Springpass Road LLC dba BP Woodman Dr has requested a renewal permit to dispense liquor at their location at 501 Woodman Drive, Riverside, Ohio. A background check for the address and the applicant, Dexter A. Peters has returned clean, with no results.

Please let me know if you need additional information or have any questions

Thank you.

## POLICE NOTIFICATION

OHIO DIVISION OF LIQUOR CONTROL  
6606 TUSSING ROAD  
P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005

TO

8453407		STCK	SPRINGPASS ROAD LLC DBA BP WOODMAN DR 501 WOODMAN DRIVE RIVERSIDE OH 45431
PERMIT NUMBER		TYPE	
ISSUE DATE			
04 18 2022			
FILING DATE			
C1 C2 D6		PERMIT CLASSES	
57	154	A	F28858
TAX DISTRICT		RECEIPT NO.	

FROM 12/15/2022

PERMIT NUMBER		TYPE
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT	RECEIPT NO.	



This notice is sent to you in compliance with Section 4303.26 of the Ohio Revised Code and will serve as official notification of the filing of a permit application.

Depending on the applicant's business entity, enclosed please find a copy of the pending applicant's ownership disclosure form 4029 (Non Profit Entity Disclosure), Form 4030 (Stockholder Disclosure), Form 4031 (Partnership Disclosure), or Form 4032 (Limited Liability Company Disclosure) which lists those individuals who will have an interest in the above captioned permit.

In some instances, the Division will require a background check to be completed by your agency. If enclosed, please complete the Personal History Police Check(s), and return it/them in the enclosed postage paid envelope. If needed, we will submit the forms once received from the applicant at a later date for completion.

The chief police officer of each political subdivision may appear and testify in person or through a representative at any hearing held on the advisability of the issuance or transfer of a permit. However, Section 4303.26 O.R.C. DOES NOT give the police officer the right to request a hearing. If a hearing is desired, the chief police officer should contact the legislative authority (City or Village Council, or Board of County Commissioners, or Board of Township Trustees) and have that entity request a hearing.

The police department may submit any information to the Division relevant to the issuance or transfer of the permit, even if a formal hearing is not requested and conducted. This should be done by a separate letter with supporting documentation. The Division appreciates your statements and concerns regarding the pending application.

Licensing Section

RIVERSIDE POLICE DEPT  
1791 HARSHMAN RD  
DAYTON OHIO 45424

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

# CITY COUNCIL CALENDAR

# 2023 COUNCIL CALENDAR

## January 5, 2023

- Monthly Update: Finance, Administration, Community Development, and CM Report
- Remembrance of Corporal Dixon/PFC Ulmer
- Establish Date and Time for Meetings
- Election of Deputy Mayor
- Liquor Control: Stock transfer – Springpass Rd LLC DBA BP Woodman Drive, 501 Woodman
- Ordinance: Amending Section 182.26 of the City of Riverside Administrative Code (Katie)1st
- Ordinance: Text Amendment (Nia) 1st
- Ordinance: Wright Point Note Renewal (Josh) 1st
- Resolution: First Suburbs Representatives
- Resolution: MVRPC Representatives
- Resolution: Tax Incentive Review Members
- Resolution: Advancing from General Fund to General Assessment fund (Tom)
- Resolution: Advancing from General Fund to 702 (Tom)
- Resolution: Appealing BZA Decision (Josh/Nia)
- Resolution: Julian & Grube financial services (Tom)
- Executive Session: Personnel, Property

## January 12, 2023 – Work Session

- Proclamation Policy/Council Policy Manual
- Aggregation Update
- Street Lights – Beatrice and Lighting Districts in general
- Property Tax Renewal – Police

## January 19, 2023

- Monthly Update: Police, Fire, Public Services, and CM Report
- Monthly Financial Report
- Liquor Control: NEW – One of a Kind Dining LLC, DBA OKDS, 3937 Linden Avenue
- Ordinance: Amending Section 182.26 of the City of Riverside Administrative Code (Katie)2nd
- Ordinance: Text Amendment (Nia) - 2<sup>nd</sup>
- Ordinance: Wright Point Note Renewal (Josh) - 2<sup>nd</sup>
- Resolution: Urban Paving Program (Kathy)
- Resolution: Police Property Tax Renewal (Frank)
- Resolution: Property Tax Assessment (Josh)

## February 2, 2023

- Monthly Update: Finance, Administration, Community Development, and CM Report

## February 9, 2023 – Work Session

- Strategic Plan

# LEGISLATION



**MEETING DATE: January 5, 2023**

**AGENDA ITEM: New Business**

**TO:** Riverside City Council

**FROM:** Katie Lewallen, Clerk of Council

**SUBJECT:** Ordinance No. 23-O-815 – An ordinance amending Section 182.26 of the Regional Income Tax Agency (RITA) Rules and Regulations of the Administrative Code of the Codified Ordinances of the City of Riverside, Ohio.

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**EXPLANATION:**

This ordinance simply corrects language currently found in our code and makes it such so that the name of an entity or firm does not need to be inserted into our code language.

**RECOMMENDATION**

It is respectfully recommended that the Mayor and City Council approve the attached ordinance.

**FISCAL IMPACT**

None

**SOURCE OF FUNDS**

N/A

**EXHIBIT**

Legislation and Exhibit A

23-O-815

**AN ORDINANCE AMENDING SECTION 182.26 ADOPTION OF THE REGIONAL INCOME TAX AGENCY (RITA) RULES AND REGULATIONS OF THE ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE CITY OF RIVERSIDE, OHIO.**

WHEREAS, the City of Riverside adopted by Ordinance No. 15-O-586 on November 5, 2015, the Regional Income Tax Agency (RITA) Rules and Regulations for use as the City of Riverside's income tax rules and regulations; and

WHEREAS, the City has changed agencies for income tax collections; and

WHEREAS, there is need to update language so that the adoption of income tax rules and regulations of any agency used follows the City of Riverside Administrative Code; and

WHEREAS, Council of the City of Riverside, Ohio has held a public hearing thereon after notice of the time and place thereof had been given as required by law.

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

Section 1: That Section 182.26 Adoption of RITA Rules and Regulations of the Administrative Code be amended as set forth in Exhibit "A" attached hereto and incorporated herein as is fully set forth is hereby enacted.

Section 2: That this Ordinance shall take effect and be in force from and after the earliest date allowed by law.

PASSED THIS DAY OF \_\_\_\_\_.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CLERK

23-O-815

CERTIFICATE OF THE CLERK

I, \_\_\_\_\_, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance No. 23-O-815 passed by the Riverside City Council on \_\_\_\_\_.

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

\_\_\_\_\_  
CLERK



**SECTION 182.26      ADOPTION OF ~~RITA~~ RULES AND REGULATIONS.**

~~The Municipality hereby adopts the Regional Income Tax Agency (RITA) Rules & Regulations, including amendments that may be made from time to time, for use as the Municipality's Income Tax Rules and Regulations. In the event of a conflict with any provision(s) of the Municipality Income Tax Ordinance and the RITA Rules & Regulations, the Ordinance will supersede. Until and if the contractual relationship between the Municipality and RITA ceases, Section 182.26 will supersede all other provisions within Chapter 182 regarding promulgation of rules and regulations by the Tax Administrator.~~

The Municipality hereby adopts the rules and regulations of the contracted income tax agency, including amendments that may be made from time to time, for use as the Municipality's Income Tax Rules and Regulations. In the event of a conflict with any provision(s) of the Municipality Income Tax Ordinance and the contracted income tax agency's rules and regulations, the Ordinance will supersede. Until and if the contractual relationship between the Municipality and the contracted income tax agency ceases, Section 182.26 will supersede all other provisions within Chapter 182 regarding promulgation of rules and regulations by the Tax Administrator.

**MEETING DATE: January 5, 2023**

**AGENDA ITEM: New Business**

**TO:** Riverside City Council

**FROM:** Nia Holt, Zoning Administrator

**SUBJECT:** Ordinance No. 23-O-816 – An ordinance amending Chapter 1115.01 Accessory Buildings and Use Standards of the Unified Development Ordinance (UDO) of the City of Riverside.

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**EXPLANATION:**

Staff initiated the text amendment process to review the current regulations. This review included considering additional standards to improve the clarity of the regulations and standards for accessory uses not covered in the current regulations. Staff reviewed the accessory standards from several cities in region.

Additional research on fences was conducted by Planning Commission members and submitted to staff. The Planning Commission reviewed drafts of the text amendments during two work sessions until they were ready to make a formal recommendation to the City Council.

**Summary of Text Amendment:**

The following is a summary of the draft UDO amendments presented in Exhibit A.

**General:**

- Replaced PPMD/DPPM with Zoning Administrator.
- Clarified permitted location of accessory buildings.
- Established a 5 ft. side setback for accessory structures.
- POD requirements updated.
- Prohibited accessory uses identified.
- Setback for residential driveways established.

**Fences:**

- Shadowbox fences are permitted, and fence materials clarified.
- Front yard height limit increased to 48 inches (4 feet); 50% open fences permitted in front yard.
- Fence waiver standards for chain link/solid board in front yard updated.
  - Applicant can only apply for a waiver if more than 60% of the lots on the block have a similar fence type.

**Garage Sales:**

- Signs advertising garage sales must be removed 48 hours after conclusion of sale.

**New Sections:**

- Solar Energy Devices,
- Flag Poles, and
- Outdoor Display, Sales, and Storage (nonresidential).



**RECOMMENDATION**

It is respectfully recommended that the Mayor and City Council approve the attached ordinance.

**FISCAL IMPACT**

None

**SOURCE OF FUNDS**

N/A

23-O-816

**AN ORDINANCE AMENDING CHAPTER 1115.01 ACCESSORY BUILDINGS AND USE STANDARDS OF THE UNIFIED DEVELOPMENT ORDINANCE (UDO) OF THE CITY OF RIVERSIDE, OHIO.**

WHEREAS, the City of Riverside Planning Commission has recommended amending the Unified Development Ordinance Chapter 1115.01 Accessory Buildings and Use Standards; and

WHEREAS, the Planning Commission has held at least one public hearing thereon, after notice of the time and place thereof had been given as required by law; and

WHEREAS, the Council of the City of Riverside, Ohio has held a public hearing thereon after notice of the time and place thereof had been given as required by law.

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

Section 1: That Chapter 1115.01 Accessory Buildings and Use Standards be amended as set forth in Exhibit “A” attached hereto and incorporated herein as is fully set forth is hereby enacted.

Section 2: That this Ordinance shall take effect and be in force from and after the earliest date allowed by law.

PASSED THIS DAY OF \_\_\_\_\_.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CLERK

23-O-816

CERTIFICATE OF THE CLERK

I, \_\_\_\_\_, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance No. 23-O-816 passed by the Riverside City Council on \_\_\_\_\_.

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

\_\_\_\_\_  
CLERK

**1115.01 - Accessory buildings and use standards.**

- A. *Purpose.* Accessory buildings or structures including a private garage ~~may~~ **shall** be erected upon a lot where a principal building already exists. The use of the accessory building must be secondary and incidental to the principal structure and use. An accessory building that is attached to the main building shall comply with all the requirements of these regulations that are applicable to the principal building.
- B. *Permit Required.* A permit is required to be issued before an accessory building may be constructed or an accessory use may occur on a parcel or in a building (See [Chapter 1105](#), Development Procedures). A major accessory building or use shall be approved by Planning Commission and a minor accessory building or use shall be approved by the ~~Planning and Program Management Department~~ **Zoning Administrator**.
- C. *General Provisions.* The following general provisions shall apply:
1. Provisions Applicable to All Districts.
    - a. No accessory building, **use**, or structure ~~having a permanent foundation~~ shall be located in a recorded easement;
    - b. ~~No accessory building shall be erected in any front yard or the required minimum side yard of a lot;~~ **All accessory structures, unless otherwise permitted within this section, shall be located within rear and side yards only and shall be located no closer to any public street than its corresponding principal structure, unless such structure serves a substantial public purpose as determined by the Zoning Administrator. Examples of structures serving a substantial public purpose include, but are not limited to, bus shelters, benches, flag poles, little libraries, and public art.**
    - c. An accessory building or structure shall have a minimum rear yard setback of three feet **and a minimum side yard setback of five feet** ~~from any lot line~~;
    - d. No accessory building or structure shall be erected or constructed prior to the erection or construction of the principal or main building, except in conjunction with the same. **An accessory use or structure shall be located on the same lot as the principal use;**
    - e. Portable Storage Units may be permitted on a premises subject to the following:
      - 1) A maximum of one portable storage unit per dwelling unit **and must be placed on the property in a manner which does not obstruct the public right-of-way.**
      - 2) Certificate of Zoning Compliance required prior to installation.
      - 3) A portable storage unit **(temporary storage containers, shipping containers, or similar storage structures)** is intended to be used only for temporary storage. It is not intended to be used for long term on site storage and any such use in any zoning district is expressly prohibited.
      - 4) The outside dimensions shall not exceed 16 feet in length, eight feet in width, and nine feet in height.

- 5) The unit must be placed on a paved surface in accordance with the [Section 1113.11](#) of the **Unified Development Ordinance (UDO)**.
- 6) A portable storage unit may be placed in conjunction with a residential dwelling unit for a period of time not to exceed 14 consecutive days in duration from the time of delivery to the time of removal, up to a maximum of two times per calendar year.
- 7) A portable storage unit may be placed on a nonresidential zoned premises provided:
  - i. It is located for a period of time not to exceed 30 consecutive days in duration from the time of delivery to the time of removal, up to maximum of two times per calendar year; and
  - ii. The unit is located in a manner which does not hinder pedestrian or vehicular access to the premises and does not obstruct intersection sight distance.
- 8) In emergency situations, the **DPPM Zoning Administrator** may extend the length of time a portable storage unit can be located on a site.
- 9) The **DPPM Zoning Administrator** is authorized to grant temporary exceptions to or modifications in writing of this section in special circumstances where a necessity exists for the use of a temporary building or structure. Such special circumstances may include, but are not limited to, the location of a field office required for a construction project. Such permission shall be limited to the time during which the use of such temporary structure is reasonably necessary for the project for which such exception was granted.
- f. ***Prohibited Accessory Uses.*** Except as provided in this code, the use of inflatable garages, portable garages, temporary structures, temporary carports, portable containers, shipping containers, and semi-tractor trailers used for storage (with or without wheels) shall not be used as permanent accessory structures in any zoning districts.

## 2. Provisions Applicable to Residential Districts.

- a. No accessory building or structure located in a residential district shall exceed 15 feet in height or the height of the principal building, whichever is less;
- b. The total floor area of all accessory buildings and structures on a single family or two family residential premises shall not exceed the principal structures footprint square footage or exceed the maximum lot coverage in accordance with [Chapter 1107](#);
- c. Accessory buildings or structures located on residential premises and greater than 100 square feet in floor area shall be architecturally consistent with the character of the house on the premises and include the following:
  - 1) A finished pitched roof surface of standing seam metal, seal tab asphalt shingles, clay tile, slate or wood shingles **and overhang, window and door styles, trim features, and other architectural features**;
  - 2) All other finish surfaces shall be either wood, brick, stone, metal, vinyl siding, vinyl screen or any combination thereof.

- i. All accessory structures, except temporary structures, shall compliment the principal structure in design, this includes, but is not limited to, color, siding or finish materials, trim work, doors, window frames, and roofing materials.
  - d. A driveway, in accordance with [Section 1113.11](#) of the Unified Development Ordinance (UDO) shall be required for any private garage;
    - 1) A residential driveway shall be a minimum of two (2) feet from any property line.
  - e. An Open Sided Structure including a Gazebo or a Trellis shall meet the minimum standards stated in Section 1115.01.C above and the floor shall not exceed 200 square feet;
3. Provisions Applicable to Nonresidential Districts.
- a. No accessory building or structure located in a nonresidential district shall exceed 20 feet in height or the height of the principal building whichever is less;
  - b. No accessory building or structure located in a nonresidential district shall exceed 50 percent in floor area of that of the principal structure.
  - c. Accessory buildings or structures located on nonresidential premises and greater than 100 square feet in floor area shall be architecturally consistent with the character of the principal structure on the premises.
  - d. A driveway, in accordance with [Section 1113.11](#) of the Unified Development Ordinance (UDO) shall be required for any accessory structure;

**D. Private Swimming Pools and Hot Tubs.**

- 1. Location, Area and Height.
  - a. All hot tubs shall be located within the buildable area of a rear yard and completely covered while not in use. In the event a proposed hot tub has more than 150 square feet of area on the water surface when filled to capacity, all regulations for swimming pools shall apply;
  - b. Any swimming pool or part thereof shall be setback a minimum of ten feet to a side or rear lot line and outside of any required easement.
  - c. A swimming pool shall not be located underneath or within ten feet of an overhanging electric power line.
  - d. Swimming pool accessories are limited to diving boards, slides and lights designed to illuminate the pool and the immediate surrounding area. None of these accessories may exceed ten feet in height from grade, such height to include handrails, supports and other safety devices.
- 2. Fence of Swimming Pools.
  - a. A swimming pool having a depth that exceeds 18 inches shall be completely enclosed by a fence of sturdy construction not less than 48 inches in height, measured from the level of the ground where located and be of such design and construction as to effectually prevent a child from crawling or otherwise passing through or under such fence. Above ground pools with apparatus surrounding the entrance more than 48 inches off the ground shall be deemed sufficient to meet this requirement.
  - b. Any gate shall be self-locking and secured when not in use.
  - c. Any fence shall comply with all other provisions of this UDO.



3. **Lights.** All lights used for illuminating a swimming pool, hot tub or surrounding area shall be so designed, located and installed as to confine the direct beams thereof to the lot or parcel on which the pool is located.
4. ***Application of Requirements.*** All provisions of this UDO shall apply to private or noncommercial swimming pools and hot tubs.
5. ***Permits.*** All permits shall be obtained for the construction or installation of any swimming pool in accordance with the provisions of this UDO.

#### E. Fences, Walls, and Ornamental Features.

##### 1. General Requirements.

- a. The height of a fence or wall shall be measured from the ground level of the outward face to the highest part of the fence or wall.
- b. A fence or wall that is supported by posts on the side of the fence shall be erected so that exposed posts and supporting cross elements face into the property where the fence or wall is constructed and the finished surface outward to adjoining parcels, lots or public right-of-way. This section shall not apply if the fence is the same on both sides such as split rail fences, ~~or~~ ornamental iron fences, **or shadowbox fencing.**
- c. **Intersection Clearance:** On a corner lot, the intersection clearance zone is an area between the curb line or edge of pavement of the two intersecting streets and a diagonal line connecting the curb or edge of pavement of intersecting streets at a point 30 feet from their point of intersection. In this intersection clearance zone, no fence/wall, ornamental feature, snow fence, mound or hedge shall exceed 36 inches in height above the grade of the edges of the pavement or street gutter except as permitted below.
- d. In an intersection clearance zone, a plant or tree not exceeding two feet in diameter at a point 36 inches above the grade of the edges of the pavement or street gutter and whose foliage is kept trimmed to such diameter up to at least seven feet above the grade, shall be permitted.
- e. **Construction on Mound:** Where a fence, wall, or ornamental feature is constructed on a mound, the permissible height of the fence, wall, or ornamental feature shall be reduced by the height of such mound or raised surface.
- f. **Safety:**
  - 1) A fence or wall having wire or metal barbs, prongs, spikes, cutting points or edges of any kind or any fence that is charged with electric current, shall be prohibited.
  - 2) No person shall install or cause to be installed along or adjacent to the boundary line of the front yard of any lot or parcel of ground in this City of Riverside, any barrier composed of one or more strands of wire, rope, cord, plastic or other type of line, stretched between stakes, poles, trees or other supports, located as above described. However, a temporary barrier of such type, so constructed or marked as to be readily visible, may be installed to prevent damage to a newly planted lawn, or other new planting or new driveway/sidewalk. The temporary barrier is to be maintained only for such length of time as is reasonably necessary.

## 2.Types of Fences or Walls.

- a. A fence or wall shall be constructed using traditional or natural materials such as wood, brick, stone, wrought iron, chain link, vinyl, aluminum, or other similar material unless specifically prohibited elsewhere in this UDO. Additionally, plastic, vinyl, or aluminum may be used for any picket or post and rail fence and poured concrete may be used for any post and rail fence.
- b. The use of poured concrete, concrete masonry unit, metal panel, corrugated metal, rebar, or other similar product where the surface of such material is exposed and visible from any direction, shall be prohibited unless specifically permitted elsewhere in this Ordinance.
- c. Where 60% or more of the existing lots within the same block face are occupied by a nonconforming fence type in the front yard (i.e., chain link or solid board fences) the following infill standards shall apply to a proposed fence on an existing lot rather than the standards listed in Part 3. For the purposes of these infill regulations a block face is defined as the frontage on a public street located between intersecting public or private streets or alleys.
  - 1) The proposed fence shall fall within the range of fence setbacks of the two nearest lots containing fences within the same block face.
  - 2) If the proposed fence does not meet the standards of Part 3 then a waiver is required in accordance with Chapter 1105.19.

## 3.Location and Height of Fences or Walls.

- a. A fence or wall having a height of ~~36 inches~~ 48 inches or less may be located in any yard. Fence posts may exceed this height of the fence by six inches.
    - 1) Retaining walls that exceed 48 inches high shall be benched so that no individual retaining wall exceeds a height of 6 feet.
  - b. Chain link, solid board privacy fence or any wall, except as provided in this code, shall be prohibited in a front yard. Welded wire may be used as backing. Fencing in the front yard shall be at least 50% transparent (e.g. split rail or picket).
  - c. A fence or wall having a maximum height of eight feet may be located in any rear or side yard.
  - d. A fence or wall shall not project into a public right-of-way.
  - e. Fences predating the adoption of this Unified Development Ordinance shall be considered preexisting, nonconforming and allowed provided they are kept in sound structural condition.
- ## 4. Ornamental Features.
- a. Ornamental features including retaining walls or short sections of walls or fences that are primarily of a decorative rather than an enclosing nature may be located in any yard.
  - b. Ornamental features placed in the front yard shall not exceed 20 feet in length and 48 inches in height ~~are subject to the intersection clearance requirements.~~

- c. Ornamental features are subject to the intersection clearance zone requirements as defined in 1113.13.C.9.

#### 5. Mounds.

- a. The grading and drainage of mounds shall follow the requirements of [Section 1113.17](#), Stormwater Drainage Standards.
- b. No mound exceeding 36 inches in height shall be erected in the intersection clearance zone on corner lots as defined in 1113.13.C.9.

#### 6. Decks, Porches, Patios, and Balconies.

- a. All decks, porches, and balconies shall be attached or continuous to the principal structure or principal building.
  - 1) Exception: A deck surrounding an above ground pool shall be considered a structural part of the pool and as such considered an extension of the total footprint of the accessory use associated with the pool.
- b. ~~A deck surrounding an above ground pool shall be considered a structural part of the pool and as such considered an extension of the total footprint of the accessory use associated with the pool.~~ A deck, porch or balcony that is covered or extends more than three (3) feet above the average grade shall meet the setback requirement for principal buildings in the applicable zoning district. Covered decks, porches, or balconies in the front entrance of the principal structure shall be architecturally integrated or consistent with the overall design and style of the principal structure.
  - 1) Roofing material shall match that of the principal structure in color, dimension and material
  - 2) Trim, framing, and fascia shall be consistent with the principal structure in color, dimension and material.
  - 3) All supports, such as columns or posts, shall be consistent with the principal structure in color, materials, style and proportion.
- c. ~~A deck is permitted in the side or rear yard of a premises only.~~ A deck, porch, or balcony where the platform surface is greater than thirty (30) inches above the existing grade must provide handrails.
- d. ~~A deck where any portion of the platform surface is 12 inches or more above the existing grade shall be setback a minimum of three feet from the side and rear property lines and shall not occupy any part of a recorded easement.~~ All decks, porches and balconies are subject to permitting requirements of Sections 1301.04 and 1115.01.B.
- e. ~~A deck where the platform surface is greater than 12 inches above the existing grade shall be subject to the DPPM.~~ A porch and balcony may be permitted in any yard subject to all applicable sections of the UDO.
- f. ~~A balcony may extend into a required yard in accordance with subsection E.9 below.~~ A deck or patio is permitted in the side or rear yard of a premises only, subject to all applicable sections of the UDO.

- g. A deck, porch or balcony where any portion of the platform surface is twelve (12) inches or more above the existing grade shall be setback a minimum of three (3) feet from the side and rear property lines and shall not occupy any part of a recorded easement.
- h. A balcony may extend into a required yard in accordance with subsection E(9) below.
- i. An uncovered deck or porch may not encroach into the required front yard more than one-fourth (1/4 ) of the required front yard setback distance applicable to that zoning district or 8 feet, whichever is less.
- j. The width of decks, porches and balconies permitted to extend into the required front yard setback area must be less than one-third (1/3) the width of the principal structure.
- k. The permitted building materials for decks, porches, balconies and patios may be concrete, wood, stone, or wood composite. Materials not architecturally consistent with the principal structure will be subject to the CDD review.

## 7. Ramps.

- a. All ramps shall be attached or continuous to the principal structure or principal building.
- b. A ramp is permitted to be in the side or rear yard of a premises. ~~and~~ It shall be setback a minimum of three (3) feet from the side and rear property lines and shall not occupy any part of a recorded easement.
- c. A ramp may be permitted in a front yard and shall not occupy any part of the required front ~~or side~~ yard setback.
- d. All portions of a ramp that have level platform surfaces, required or otherwise, shall conform to 1115.01.E.6., ~~Decks.~~
- e. Ramps intended and designed for the use of handicapped persons are allowed to encroach into any required yard in any zoning district as long as they are constructed in accordance with ADA (Americans with Disabilities Act) standards and the Ohio Building Code for width, height and materials, and a building permit is issued by the appropriate permitting agency.
  - 1) One ramp for each entrance to the structure shall be permitted.
  - 2) In no case shall this section be construed to permit any other structure (e.g. deck or elevated patio) to encroach into any required yard. The sole intent of this regulation is to ensure that access to housing for handicapped or disabled persons is not impeded due to a lack of adequate ramps.

## 8. Temporary Ramps.

- a. All temporary ramps shall be attached or continuous to the principal structure in accordance with the manufacturer's specifications.
- b. A temporary ramp is permitted to be in the front, side or rear yard of a premises and shall be setback a minimum of three feet from the side and rear property lines.

c. A temporary ramp or portion of the temporary ramp shall not be permitted in any public Right-of-Way.

d. All portions of a temporary ramp that have level platform surfaces, required or otherwise, shall conform to 1115.01.E.6., ~~Decks.~~

9. Projection of Architectural Features.

a. A cornice, canopy, eaves, or other architectural feature of a principal building may project into a required yard a distance not exceeding ~~four feet~~ **two (2) feet**.

b. A bay window, ~~balcony~~, or chimney may project into a required yard a maximum distance of ~~four feet~~ **two (2) feet**, provided such features do not occupy, in the aggregate, more than one-third (1/3) of the length of the building wall on which they are located.

~~c. Architectural features shall not project into a public right-of-way.~~ **A balcony may project into a required rear yard a maximum distance of four (4) feet, provided such feature does not occupy, in aggregate, more than one-third (1/3) of the length of the building wall on which it is located.**

**d. Architectural features, including balconies, bay windows, chimneys, and other similar structures, shall not project into a public right-of-way and cannot occupy a recorded easement.**

**e. Entry steps and platforms four (4) feet or less above grade and four (4) feet or less in width, which are necessary for access to a permitted building or for access to a lot from a street are permitted within any yard.**

F. Garage Sales.

1. *Home Sale.* Means a sale of personal property to the general public conducted in or on any property within a residential zoning district, to include, by way of example, garage sales, patio sales, yard sales, porch sales, driveway sales, motor vehicle sales, and the sale of boats, trailers, motorcycles, motor homes and the like.

2. *Prohibitions.* No person shall sell or offer for sale at such home sale any merchandise that has been purchased, cosigned or otherwise acquired for purposes of resale. The offering of new merchandise for sale shall be evidence that such merchandise was acquired by the resident for purpose of resale. No person shall sell or offer at such sale any personal property except such as has been owned and maintained by such person or members of his family on or in connection with the premises on which such sale is held. **The provisions of this paragraph shall not apply to not-for-profit corporations, churches, temples, schools, fraternities, sororities, associations, clubs, or lodges. Such organizations may conduct sales of personal property donated to them on real estate owned or occupied by such organizations subject to the provisions of Section 1105.13, Temporary Uses.**

3. *Frequency and Duration of Home Sales.* Only one such sale may be conducted by permit on any parcel of property once per quarter of a calendar year for a maximum of three consecutive days. No sale may commence before the hour of 8:00 a.m. or extend later than 8:00 p.m. This subsection shall not apply to the sale of motor vehicles, boats, trailers, motorcycles or motor homes.

4. **Personal property offered for sale may be displayed in the front, side, street side, or rear yard of any home provided that such personal property is not located within a public right of way or otherwise obstructs the clear vision of traffic.**

5. All signs advertising such sales shall be subject to the provisions of Chapter 1115.09, Sign Standards, and must be removed within 48 hours of the conclusion of the sale.
- G. *Sale of Motor Vehicles, Boats, Trailers, Motorcycles and Motor Homes.* The following provisions shall apply in the case of any motor vehicle, boat, trailer, motorcycle or motor home offered for sale:
1. Such vehicles may be displayed for sale only upon a private driveway provided that the vehicle is not parked in the City of Riverside's right-of-way. Only one such item may be displayed at any time;
  2. No person shall park or leave standing the above named vehicles upon any property not owned or controlled by such person for the principal purpose of advertising or displaying it for sale.
- H. *Parking of Motor Vehicles.* Refer to Section 1113.11.B, Off Street Parking Standards of the UDO.
- I. *Outdoor Storage, Residential.* A person shall not place, store, or maintain outside, for a continuous period in excess of 24 hours, an item which is not customarily used or stored outside or made of a material that is resistant to damage or deterioration from exposure to the outside environment.

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- J. *Residential Recreational Equipment Tree Houses, Playhouses, and Swing Sets.* In residentially zoned districts, pet enclosures, dog houses and other types of animal structures, playhouses, gazebos, tree houses, open play systems (swing sets), recreational equipment (excluding basketball standard backboard, and basket assemblies) and similar structures shall be located in the rear yard only, a minimum of seven feet from any lot line, a minimum of three (3) feet from another building or structure and shall not encroach into any recorded easement.
1. If a playhouse, treehouse, or trampoline has more than 200 square feet of enclosed play area, the use shall be reviewed in the same manner as a detached accessory structure.
- K. *Solar Energy Devices.* Solar panels, as defined in this section, shall be permitted, provided that the panels conform to the following provisions:
1. *General provisions for all panels.*
    - a. All mounting brackets and related structural supports extending more than three inches above the roof surface shall be covered in a manner architecturally compatible with the building to screen from public visibility and/or abutting properties.
    - b. All solar equipment, except portions of the collectors that must be black or clear glass or plastic to allow light transmission or heat absorption, including mounting brackets and/or screening materials, shall match the abutting surface color.
    - c. No portion of any roof-mounted solar equipment may extend above the ridge line or below the gutter line.
    - d. Solar panels shall be designed and located in order to prevent reflective glare toward any occupied structure on adjacent properties as well as any adjacent right-of-way.
  2. *General provisions for panels visible from street.* Solar panels and related equipment mounted on roofs clearly visible from the street shall conform to the following:

- a. The collectors shall be generally mounted parallel with the roof pitch;
- a. The distance between the roof and the uppermost portion of the solar panels shall not exceed 18 inches; and
- b. Roof penetration shall be used to conceal supply/return heating/cooling water lines and/or electrical wiring from public visibility.

3. *General provisions for panels not visible from street.* Solar panels and related equipment mounted on roofs not clearly visible from the street shall conform to the following:

- a. The collectors shall be generally mounted parallel with the roof pitch;
- b. The distance between the roof and uppermost portion of the collectors shall not exceed 24 inches; and
- c. Exposed supply/return heating/cooling lines shall be permitted provided:
  - 1) The covering insulation is colored to match that of the roof and wall surfaces to which they are attached; and
  - 2) Eave penetration is used for perpendicular descent of heating/cooling lines from the roof to the exterior building wall surfaces.

4. *Ground mounted panels.* Ground-mounted panels shall conform to the following:

- a. The collectors and all related mechanical equipment shall be located in the side or rear yard only;
- b. Shall not exceed eight feet in height above the adjacent grade; and
- c. All related mechanical equipment, other than the actual photoelectric panels, shall be fully screened from the adjacent properties by fencing or hedges.

5. *Permit required.* An accessory structure permit must be approved prior to the installation of any solar panels or related equipment and must also meet the same setback requirements.

#### L. Flag Poles

1. Flag Poles associated with non-residential lots shall be permitted subject to the following standards:

- a. Flag poles are permitted in all yards.
- b. Flag poles located upon property of Governmental Facilities and Places of Worship shall be limited to 50' in height, all other non-residential uses shall be limited to 30' in height. Height shall be measured from the lowest adjoining grade for the pole or the lowest adjoining grade for the building to which it is mounted. Flag poles may be mounted to flat roof structures only.
- c. The fall zone of any pole shall not encompass any neighboring structures or lie outside of the property where it is located.
- d. Flag poles shall be limited in number as specified below:
  - 1) For lots less than one acre in area, flag poles shall be limited to one pole per lot.
  - 2) For lots one acre or larger in area, flag poles shall be limited to one pole per each whole acre of lot area, not to exceed 5 poles in total.

2. Flag Poles associated with residential lots shall be permitted subject to the following standards:

- a. Flag poles are permitted in all yards.
- b. Flag poles shall be limited to 25' in height within residential districts. Height shall be measured from the lowest adjoining grade for the pole or the lowest adjoining grade for the building to

which it is mounted. Flag poles attached or mounted on buildings shall be limited to these same height limitations. No flagpole shall be attached to the roof of a building.

- c. The fall zone of any pole shall not encompass any neighboring structures or lie outside of the property where it is located.
- d. Flag poles shall be limited in number to one pole per lot.

M. *Outdoor Display, Sales, and Storage.* Non-residential facilities or areas that are intended to be used permanently for outdoor display, sales, and storage (e.g., garden supply sales, outdoor product display, materials storage, and similar uses) that are accessory to the principal use may be permitted in non-residential zoning districts upon compliance with the following:

- 1. Such uses shall not be placed within the right-of-way, within a vehicular use area, or in a location which will interfere with the intersection clearance zone requirements.
- 2. Outdoor displays, sales and storage areas shall be shown on the plan approved as part of the zoning certificate application.
- 3. Outdoor displays, sales, and storage shall be related to the principal use of the site and shall clearly be accessory and incidental to the principal use. Outdoor displays, sales, and storage shall be prohibited when the principal building is vacant.
- 4. Outdoor display, sales and storage may be permitted within an area not greater than 800 square feet or 20% of the ground floor area of the building, whichever is greater, and shall be located at least 25 feet from any residentially used or zoned property.
- 5. Outdoor display and sales areas may be permitted in the front yard provided that the merchandise is displayed along the sidewalk or walkway adjacent to the building. Outdoor display and sales areas may also be permitted in the side or rear yard without being located adjacent to the building. In all cases, the displays and sales areas shall be spaced a sufficient distance from the building, as dictated by the Fire Department, to satisfy all fire safety requirements.
- 6. Outdoor Storage Additional Standards:
  - a. Outdoor storage shall be screened from view from any abutting property.
  - b. Outdoor storage may be permitted in areas that are designated for employees only and made inaccessible to the general public by means of a fence, wall or other permanent, secured enclosure or in areas that are set back a distance of not less than 50 feet from any public building entry, parking lot, pedestrian facility or similar publicly used area.
  - c. Storage areas shall be spaced a sufficient distance from the building, as dictated by the Fire Department, to satisfy all fire safety requirements.





**MEETING DATE: January 5, 2023**

**AGENDA ITEM: New Business**

**TO:** Riverside City Council

**FROM:** Tom Garrett, Finance Director

**SUBJECT:** Ordinance No. 23-O-817 – An ordinance providing for the issuance of not to exceed \$4,735,000 Building Acquisition and improvements Special Obligation Bond Anticipation Notes, 2023 renewal, by the City of Riverside, Ohio in anticipation of the issuance of bonds, providing for the pledge of revenues for the payment of such notes, and declaring an emergency.

---

**EXPLANATION:**

The attached ordinance authorizes our annual renewal of bond anticipation notes for the Wright Point facility. This note renewal is required because the City does not have sufficient funds to pay off last year's note renewal in full. However, the City will continue to draw down the principal amount of the notes: in FY2022 the City issued \$4.9 million in debt for Wright point; in FY2023 this amount decreases to \$4.735 million.

**RECOMMENDATION**

It is respectfully recommended that the Mayor and City Council approve the attached ordinance.

**FISCAL IMPACT**

The issuance of these notes will repay a portion of last year's note principal and interest. The remaining amount will come from budgeted monies in the Wright Point Fund.

**SOURCE OF FUNDS**

Fund 402 – Wright Point Fund

**EXHIBIT**

Legislation

**CERTIFICATE OF MEMBERSHIP**

**CITY OF RIVERSIDE, OHIO**

hereby certifies that the following were the officers and members of Council during the period proceedings were taken authorizing the issuance of not to exceed \$4,735,000 Building Acquisition and Improvements Special Obligation Bond Anticipation Notes, 2023 Renewal, dated their date of issuance:

Mayor	<u>Peter J. Williams</u>
City Manager	<u>Joshua Rauch</u>
Finance Director	<u>Thomas Garrett</u>
Deputy Mayor	<u>Mike Denning</u>
Member of Council	<u>April Franklin</u>
Member of Council	<u>Zachary Joseph</u>
Member of Council	<u>Brenda Fry</u>
Member of Council	<u>Sara Lommatzsch</u>
Member of Council	<u>Jesse Maxfield</u>
Solicitor	<u>Dalma Grandjean</u>

Katie Lewallen  
Clerk of Council

**TRANSCRIPT CERTIFICATE**

The undersigned, Clerk of Council of said City, hereby certifies that the following is a true and complete transcript of all proceedings relating to the authorization and issuance of the above identified notes.

\_\_\_\_\_  
Clerk of Council

CITY OF RIVERSIDE, OHIO

ORDINANCE NO. 23-O-817

**AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$4,735,000 BUILDING ACQUISITION AND IMPROVEMENTS SPECIAL OBLIGATION BOND ANTICIPATION NOTES, 2023 RENEWAL, BY THE CITY OF RIVERSIDE, OHIO IN ANTICIPATION OF THE ISSUANCE OF BONDS, PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF SUCH NOTES, AND DECLARING AN EMERGENCY.**

WHEREAS, the fiscal officer (hereinafter called "Finance Director") of the City of Riverside (hereinafter called the "City") has heretofore estimated that the life of the hereinafter described improvements is at least five (5) years, and certified that the maximum maturity of the bonds is twenty-five (25) years, and of the notes to be issued in anticipation thereof is ten (10) years;

WHEREAS, the City has previously issued bond anticipation notes which are outstanding in the amount of \$4,900,000, which are about to mature and which should be renewed in a reduced principal amount; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Riverside, County of Montgomery, Ohio (the "Council") at least five (5) members elected thereto concurring:

SECTION 1. That it is hereby declared necessary to issue bonds of the City of Riverside, County of Montgomery, Ohio, in the principal amount of not to exceed \$4,735,000, bearing interest estimated at six and one half per centum (6.50%) per annum and maturing over a period of twenty-five (25) years for the purpose of (i) refinancing outstanding notes originally issued for the purpose of acquiring and improving buildings for economic development in the City; and (ii) improving buildings for economic development in the City, under authority of the general laws of the State of Ohio, and all necessary costs in connection therewith.

SECTION 2. That it is hereby determined that notes (hereinafter called the "Notes") in the principal amount of not to exceed \$4,735,000 shall be issued in anticipation of the issuance of said bonds.

SECTION 3. Said anticipatory Notes of the City of Riverside shall be issued under the provisions of the Ohio Revised Code, in the principal amount of not to exceed \$4,735,000. Said Notes shall be dated as of their date of issuance, be payable at maturity, and shall mature on such date, not later than one year from their date of issuance, as is selected by the Finance Director, without call for prior redemption. Said Notes shall bear interest at such rate not to exceed six and one half percent (6.50%) per annum, as accepted by the City Manager or the Finance Director, and shall be of such number and denomination as requested by the purchaser; however, such denomination shall be \$100,000 or integral multiple of \$5,000 in excess of \$100,000. The final terms of the Notes shall be set forth in a certificate of award (the "Certificate of Award") which is

hereby authorized and which shall be executed by the Finance Director without further legislative action of this Council.

SECTION 4. That the Notes shall be executed by the City Manager and the Finance Director and may but shall not be required to bear the seal of the corporation provided that either (but not both) of such officers' signatures and the seal may be facsimiles. The Notes shall be designated "Building Acquisition and Improvements Special Obligation Bond Anticipation Notes, 2023 Renewal", and shall be payable at the office of the Finance Director or such bank or trust company designated by the Finance Director and acceptable to the purchaser, to act, as paying agent, registrar and transfer agent (the "Paying Agent and Registrar") for the Notes, as set forth in the Certificate of Award, and shall express upon their face the purpose for which they are issued and that they are issued in pursuance of this Ordinance.

The principal amount of each Note shall be payable at the office of the Paying Agent and Registrar, and interest thereon shall be paid at maturity.

The Notes shall be transferable by the registered holder thereof in person or by his attorney duly authorized in writing at the principal office of the Paying Agent and Registrar upon presentation and surrender thereof to the Paying Agent and Registrar. The City and the Paying Agent and Registrar shall not be required to transfer any note during the 15-day period preceding the maturity date, and no such transfer shall be effective until entered upon the registration records maintained by the Paying Agent and Registrar. Upon such transfer, a new note or notes of authorized denominations of the same maturity and for the same aggregate principal amount will be issued to the transferee in exchange therefor.

The City and the Paying Agent and Registrar may deem and treat the registered holder of the Notes as the absolute owner thereof for all purposes, and neither the City nor the Paying Agent and Registrar shall be affected by any notice to the contrary.

SECTION 5. That the Notes shall be sold at public or private sale by the Finance Director of the City, at a price of not less than ninety-seven percent of the par value of such notes together with accrued interest thereon, if any, and the proceeds from such sale, except any premium or accrued interest hereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose.

SECTION 6. That the Notes shall be special obligations of the City, and only revenue of the City received from sources other than moneys raised by taxation and lawfully available for such purpose, including proceeds realized from the rental of the property, (the "Revenues") are pledged for the payment of the same. The Revenues are hereby pledged for the payment of the principal of and interest on the Notes. The par value received from the sale of bonds anticipated by the Notes, and any excess funds resulting from the issue of the Notes, shall, to the extent necessary, be used only for the retirement of the Notes at maturity, together with interest thereon and is hereby pledged for such purpose.

In order to better secure the payment of the principal of, premium, if any, and interest on the Notes as the same shall become due and payable, the City Manager and the Finance Director

are each authorized and directed to take any and all actions and to execute such documents, financing statements, assignments, certificates and other instruments that may be necessary or appropriate in the opinion of Dinsmore & Shohl LLP, as Bond Counsel, in order to perfect the pledge of and to secure the Revenues for the benefit of the Noteholders and to effect the issuance of the Notes and the intent of this Legislation.

The Notes are not general obligations of the City; Noteholders shall have no right to have any taxes levied or collected for the repayment of the Notes.

Anything in this legislation or the Notes notwithstanding, neither this legislation nor the Notes constitute a debt, or a pledge of the faith or credit, or taxing power of the City, the State or any political subdivision thereof, and the holders or owners of the notes shall have no right to have taxes levied by the City, the General Assembly of the State, or the taxing authority of any political subdivision of the State for the payment of the principal of and interest on the Notes, and the Notes shall contain on their faces a statement to that effect. Nothing herein shall be deemed to prohibit the City from lawfully using, of its own volition, any of its general resources for the fulfillment of any of the terms and conditions of this legislation or the Notes.

SECTION 7. The final terms of the Notes, which shall not be inconsistent with this Ordinance, shall be set forth in a Certificate of Award herein authorized in Section 3. The execution of such Certificate of Award by such authorized official shall evidence acceptance of the final terms of the Notes and that such terms are consistent with this Ordinance.

SECTION 8. The funds derived from the sale of the Notes and bonds authorized by this ordinance become and they are hereby set aside and appropriated for the payment as described in this ordinance.

SECTION 9. The proceeds of the sale of the Notes, plus other lawfully available funds of the City as set forth in the Certificate of Award, and except for accrued interest, shall be used to retire the outstanding notes and to be used to pay all costs and items of expense incurred by the City in connection with the issuance of the Notes, including without limitation costs of bond counsel and other legal, accounting and management services and services of other consultants and professional and related charges, fees and disbursements; bond rating fees; costs of issuance; printing and reproduction costs; filing and recording fees; initial fees and charges of the Paying Agent and Registrar; and costs of preparation, execution, transportation and safekeeping of the Notes (the "Cost of Issuance"). The City shall transfer to the Note Retirement Account any moneys remaining from the proceeds of the Notes upon determination by the Finance Director that all the costs described above have been received and paid by the City.

Any accrued interest on the Notes shall be transferred to the Note Retirement Account and shall be applied only to the payment of the interest and principal of the Notes and for no other purpose.

SECTION 10. From and after the date of issuance of the Notes, the annual Revenues shall first be used to pay Annual Debt Service, as defined herein, on the Notes and then shall be used for any legal purpose of the Revenues.

Annual Debt Service shall be the annual interest due on the Notes plus an amount equal to a principal payment as if the Notes had been issued as 25 year Bonds.

SECTION 11. That sums which are expended from the above appropriations and which are proper charges against and are repaid by any other department, any firm, person or corporation, shall be considered reappropriated for such original purpose; provided that the total appropriation as increased by any such repayment shall not be exceeded.

SECTION 12. That the Finance Director of the City of Riverside be and he is hereby authorized to draw his warrants of the City Treasury or Depository for payments from any of the foregoing appropriations upon receiving proper approval in accordance with the Charter, the Administrative Code, or other ordinances of the City of Riverside.

SECTION 13. That this Council hereby authorizes the City to participate in the Ohio Market Access Program – Note Wrap - offered by the Treasurer of the State of Ohio (the “Program”), provided that (a) participation in the Program is in the best interests of the City and (b) the City Manager or the Finance Director affirmatively elects to participate in the Program in the Certificate of Award.

SECTION 14. That the Standby Note Purchase Agreement (the “Note Purchase Agreement”) required as part of the Program is hereby authorized in the form presented to this Council with such changes not materially adverse to the City as may be approved by the authorized signatories of the City executing the Note Purchase Agreement, as provided in this ordinance. The City acknowledges the agreement of the Treasurer of State in the Standby Note Purchase Agreement that, in the event the City is unable to repay the principal amount and accrued and unpaid interest of the Notes at maturity, whether through its own funds or through the issuance of other obligations of the City, the Treasurer of State agrees (a) to purchase the Notes from the holders or beneficial owners thereof upon their presentation to the Treasurer of State for such purchase at a price of par plus accrued interest to maturity or (b) to purchase renewal notes of the City in a principal amount not greater than the principal amount of the Notes plus interest due at maturity, with such renewal notes bearing interest at a rate of the lower of the maximum interest rate provided by law or the 1-year MMD (Municipal Market Data) Index for “AAA”-rated obligations plus 400 basis points (or such other rate methodology in effect as part of the Program), maturing not more than one year after the date of their issuance, and being prepayable at any time with 30 days' notice, provided that in connection with the Treasurer of State's purchase of such renewal notes the City shall deliver to the Treasurer of State an unqualified opinion of nationally recognized bond counsel that (i) such renewal notes are the legal, valid, and binding special obligations of the City, and the principal of and interest on such renewal notes, unless paid from other sources, are to be paid from the Revenues defined herein.

In addition, the City acknowledges that the Treasurer of State will establish an “After Maturity Interest Rate,” as generally provided for as part of the Program and as specifically provided for within the Note Purchase Agreement.

The City Manager and the Finance Director, as the officers signing the Notes, are authorized to take all actions that may in their judgment reasonably be necessary to provide for

such Note Purchase Agreement, including but not limited to the inclusion of a notation on the form of the Notes providing notice to the holders or beneficial owners of the existence of such Note Purchase Agreement and providing instructions to such holders or beneficial owners regarding the presentation of the Notes for purchase by the Treasurer of State at stated maturity.

This Council hereby authorizes further representations, warranties, and/or covenants to be made regarding the City's participation in the Program by virtue of the Certificate of Award and/or other Program documents, subject to review and approval by legal counsel to the City.

SECTION 15. Interest on the Notes hereby authorized shall be subject to federal income taxation under the Internal Revenue Code of 1986, as amended, unless the Notes are accompanied by an opinion of nationally recognized bond counsel to the effect that such interest is exempt from federal income tax.

SECTION 16. So long as any Notes are outstanding, the City shall have the right to issue, on a parity with the Notes, any additional notes, bonds or other obligations payable from the sources enumerated in Section 6 above so long as such sources of revenue are at least 1.25 times the annual debt service on the Notes and any additional notes. The City shall also have the unrestricted right to issue additional notes, bonds or other obligations subordinate to the Notes, or payable from taxes or other revenues of the City, other than the sources enumerated in Section 6 above.

SECTION 17. The City hereby covenants and agrees with the holders of the Notes from time to time, so long as any notes are outstanding, as follows:

- (a) The City will, at any and all times, cause to be done all such further acts and things and cause to be executed and delivered all such further instruments as may be necessary to carry out the purpose of the Notes and this legislation.
- (b) All of the obligations set forth and covenants made under this legislation are hereby established as duties specifically enjoined by law and resulting from an office, trust or station upon the City within the meaning of Section 2731.01 of the Ohio Revised Code.
- (c) The City will observe and will satisfactorily and punctually perform all its agreements and obligations provided for by the notes and this legislation.

SECTION 18. That the Finance Director is hereby authorized to apply, if he deems it appropriate, for a rating on the Notes from either Standard & Poor's Corporation or Moody's Investors Service, and to pay the fee for said rating to the extent authorized by law and approved by bond counsel.

SECTION 19. The Finance Director is hereby further authorized to take such actions as may be reasonably requested by the purchaser of the Notes in order to make the Notes eligible for the services of The Depository Trust Company, New York, New York.

23-O-817

SECTION 20. All appropriate officers of the City are further authorized to make, execute, acknowledge and deliver such closing certificates, financing statements and other instruments or agreements as are, in the opinion of bond counsel, necessary or appropriate, in order to effect the issuance of the Notes and to carry out the purposes of this Ordinance, including a note purchase agreement between the City and the purchaser of the Note, if requested by said purchaser.

SECTION 21. That the firm of Dinsmore & Shohl LLP (“Dinsmore”) or their successor is hereby engaged as the City’s “bond counsel” pursuant to the engagement letter of Dinsmore on file with the City.

SECTION 22. That the Finance Director is hereby directed to forward a certified copy of this ordinance to the County Auditor.

SECTION 23. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

SECTION 24. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety in the City for the reason that the immediate issuance of said Notes is required to provide for the timely refinancing of the project including obtaining a favorable interest rate, and it shall take effect immediately upon its adoption.

ADOPTED: \_\_\_\_\_.

\_\_\_\_\_  
Presiding Officer

Attest:

\_\_\_\_\_  
Clerk of Council



23-O-817

**CERTIFICATE**

The undersigned, Clerk of Council, Riverside, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 23-O-817 adopted \_\_\_\_\_.

\_\_\_\_\_  
Clerk of Council

**CERTIFICATE**

The undersigned, Finance Director, Riverside, Ohio, hereby certifies that Ordinance No. 23-O-817 was filed with the County Auditor of Montgomery County, Ohio, on \_\_\_\_\_.

\_\_\_\_\_  
Finance Director

**RECEIPT**

The undersigned, County Auditor of Montgomery County, Ohio, acknowledges receipt of Ordinance No. \_\_\_\_\_ of the City of Riverside, Ohio, on \_\_\_\_\_, 2023.

\_\_\_\_\_  
County Auditor

**CERTIFICATE AS TO MAXIMUM MATURITY OF  
BONDS AND BOND ANTICIPATION NOTES**

Based upon information provided by and in reason to the request of the City Council of the City of Riverside, Ohio, the Finance Director of the City of Riverside, Ohio, being the fiscal officer of the City of Riverside, Ohio, within the meaning of Section 133.01 of the Uniform Public Securities Law of the Ohio Revised Code, hereby certifies that the estimated life of the improvements to be acquired with the proceeds of the sale of not to exceed \$4,735,000 of bonds, for the purpose of (i) refinancing outstanding notes originally issued for the purpose of acquiring and improving buildings for economic development in the City; and (ii) improving buildings for economic development in the City, and related costs, is at least five (5) years and that the maximum maturity of said bonds, calculated in accordance with Section 133.20 of the Uniform Public Securities Law of the Ohio Revised Code, is twenty-five (25) years and notes issued in anticipation thereof is ten (10) years.

IN WITNESS WHEREOF, I have hereunto set my hand this day \_\_\_\_\_.

\_\_\_\_\_  
Finance Director

**EXTRACT FROM MINUTES OF MEETING**

The Council of the City of Riverside, Ohio, met in regular session, at 6:00 p.m., on January 5, 2023, at 5200 Springfield Street, Suite 100 in council chambers, with the following members present: Mayor Pete Williams, Mike Denning, April Franklin, Brenda Fry, Zachary Joseph, Sara Lommatzsch, and Jesse Maxfield.

There was presented and read to Council Ordinance No. 23-O-817, entitled:

**AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$4,735,000 BUILDING ACQUISITION AND IMPROVEMENTS SPECIAL OBLIGATION BOND ANTICIPATION NOTES, 2023 RENEWAL, BY THE CITY OF RIVERSIDE, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS OF THE CITY, PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF SUCH NOTES, AND DECLARING AN EMERGENCY.**

M\_\_ . \_\_\_\_\_ moved to suspend the rule requiring each ordinance to be read on two different days. M\_\_ . \_\_\_\_\_ seconded the motion and, the roll being called upon the question, the vote resulted as follows:

M\_\_ . \_\_\_\_\_ then moved that Ordinance No. \_\_\_\_\_ be adopted. M\_\_ . \_\_\_\_\_ seconded the motion and, the roll being called upon the question, the vote resulted as follows:

The Ordinance was declared adopted on \_\_\_\_\_.

**CERTIFICATE**

The undersigned, Clerk of Council of the City of Riverside, hereby certifies that the foregoing is a true and correct extract from the minutes of a meeting of the Council of said city, held on the day of \_\_\_\_\_, to the extent pertinent to consideration and adoption of the above-entitled obligation.

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Clerk of Council



**MEETING DATE: January 5, 2023**

**AGENDA ITEM: New Business**

**TO:** Riverside City Council

**FROM:** Katie Lewallen, Clerk of Council

**SUBJECT:** Resolution No. 23-R-2815 – A resolution appointing the City of Riverside’s 2023 representatives to the First Suburbs Consortium of Dayton Ohio Council of Governments.

---

**EXPLANATION**

Annual appointment for the First Suburbs. The current representatives are Brenda Fry and Zachary Joseph with April Franklin as the alternate representative.

**RECOMMENDATION**

It is respectfully recommended that the Mayor and City Council approve the attached legislation

**FISCAL IMPACT**

N/A

**SOURCE OF FUNDS**

Not Applicable

**EXHIBITS**

Legislation

23-R-2815

**A RESOLUTION APPOINTING THE CITY OF RIVERSIDE'S 2023 REPRESENTATIVES TO THE FIRST SUBURBS CONSORTIUM OF DAYTON OHIO COUNCIL OF GOVERNMENTS.**

WHEREAS, the City Manager does report the need to appoint the City of Riverside's representatives for 2023 to the First Suburbs Consortium of Dayton Ohio Council of Governments.

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

Section 1: That \_\_\_\_\_ and \_\_\_\_\_ are hereby appointed as representatives of the City to the First Suburbs Consortium and \_\_\_\_\_ is appointed an alternate representative. Said appointments to expire on December 31, 2023.

Section 2: That the Clerk of Council be and is hereby authorized and directed to forward a certified copy of the within resolution to the City Manager and the City's representatives.

Section 3: That this resolution shall take effect and be in force from and after the date of its passage.

PASSED THIS DAY OF \_\_\_\_\_.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CLERK

CERTIFICATE OF THE CLERK

I, \_\_\_\_\_, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. 23-R-2815 passed by the Riverside City Council on \_\_\_\_\_.

IN TESTIMONY WHEREOF, witness my hand and official seal this day of \_\_\_\_\_.

\_\_\_\_\_  
CLERK



**MEETING DATE: January 5, 2023**

**AGENDA ITEM: New Business**

**TO:** Riverside City Council

**FROM:** Katie Lewallen, Clerk of Council

**SUBJECT:** Resolution No. 23-R-2816 – A resolution appointing the City of Riverside’s 2023 representatives to the Miami Valley Regional Planning Commission (MVRPC).

---

**EXPLANATION**

Annual appointment for the MVRPC. The current representatives are Sara Lommatzsch as the City’s voting member to the MVRPC Board and the MVRPC Transportation board with April Franklin as the alternate representative for both. Ms. Kathy Bartlett serves as the City’s representative to the MVRPC Transportation Technical Advisory Committee; an alternate will also need to be selected.

**RECOMMENDATION**

It is respectfully recommended that the Mayor and City Council approve the attached legislation

**FISCAL IMPACT**

N/A

**SOURCE OF FUNDS**

Not Applicable

**EXHIBITS**

Legislation

23-R-2816

**A RESOLUTION APPOINTING THE CITY OF RIVERSIDE'S 2023 REPRESENTATIVES TO THE MIAMI VALLEY REGIONAL PLANNING COMMISSION (MVRPC).**

WHEREAS, the City Manager does report the need to appoint the City of Riverside's representatives for 2023 to the Miami Valley Regional Planning Commission (MVRPC).

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

Section 1: That \_\_\_\_\_ is appointed the City's voting member and \_\_\_\_\_ is appointed the City's alternative voting member to the MVRPC Board.

Section 2: That \_\_\_\_\_ is appointed the City's voting member and \_\_\_\_\_ is appointed the City's alternative voting member to the MVRPC Transportation Committee.

Section 3: That \_\_\_\_\_ is appointed as the City's representative to the MVRPC Transportation Technical Advisory Committee and \_\_\_\_\_ is appointed as the City's alternate.

Section 4: That the Clerk of Council be and is hereby authorized and directed to forward a certified copy of the within resolution to the City Manager and the City's representative.

Section 5: That this resolution shall take effect and be in force from and after the date of its passage.

PASSED THIS DAY OF \_\_\_\_\_.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CLERK

23-R-2816

CERTIFICATE OF THE CLERK

I, \_\_\_\_\_, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. 23-R-2816 passed by the Riverside City Council on \_\_\_\_\_.

IN TESTIMONY WHEREOF, witness my hand and official seal this day of \_\_\_\_\_.

\_\_\_\_\_  
CLERK





**MEETING DATE: January 5, 2023**

**AGENDA ITEM: New Business**

**TO:** Riverside City Council

**FROM:** Katie Lewallen, Clerk of Council

**SUBJECT:** Resolution No. 23-R-2817 – A resolution by the council of the City of Riverside, Montgomery County, Ohio approving the City Manager’s appointment of two members to the Tax Incentive Review Council (TIRC).

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**EXPLANATION**

Annual appointment for the Tax Incentive Review Council. The current representative is Lori Minnich. Two representatives are to be appointed.

**RECOMMENDATION**

It is respectfully recommended that the Mayor and City Council approve the attached legislation

**FISCAL IMPACT**

N/A

**SOURCE OF FUNDS**

Not Applicable

**EXHIBITS**

Legislation

23-R-2817

**A RESOLUTION BY THE COUNCIL OF THE CITY OF RIVERSIDE, MONTGOMERY COUNTY, OHIO APPROVING THE CITY MANAGER'S 2023 APPOINTMENT OF TWO MEMBERS TO THE TAX INCENTIVE REVIEW COUNCIL (TIRC).**

WHEREAS, Section 5709.85 of the Ohio Revised Code designates that the Chief Executive Officer of a municipality corporation shall hereby serve as a member of a TIRC in a county-designated Enterprise Zone; and

WHEREAS, Section 5709.85 of the Ohio Revised Code designates the Chief Financial Officer, or his designee shall hereby serve as a member of a TIRC in a county-designated Enterprise Zone.

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

Section 1: That the Council of the City of Riverside, Ohio hereby approves the appointment of \_\_\_\_\_ and \_\_\_\_\_ to the Tax Incentive Review Council for such term as is provided by law.

Section 2: That the Clerk of Council be and is hereby authorized and directed to forward a certified copy of the within resolution to the City Manager and the City's representatives.

Section 3: That this resolution shall take effect and be in force from and after the date of its passage.

PASSED THIS DAY OF \_\_\_\_\_.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CLERK

23-R-2817

CERTIFICATE OF THE CLERK

I, \_\_\_\_\_, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. 23-R-2817 passed by the Riverside City Council on \_\_\_\_\_.

IN TESTIMONY WHEREOF, witness my hand and official seal this day of \_\_\_\_\_.

\_\_\_\_\_  
CLERK



**MEETING DATE: January 5, 2023**

**AGENDA ITEM: New Business**

**TO:** Riverside City Council

**FROM:** Josh Rauch, City Manager  
Nia Holt, Zoning Administrator

**SUBJECT:** Resolution No. 23-R-2818 – A Resolution authorizing the City to submit an appeal of the Board of Zoning Appeals’ decision in BZA Case No. 22-0024 to the Montgomery County Court of Common Pleas.

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**EXPLANATION:**

The property owner inquired about placing a new shed at 1407 Deerland Street in late October. His plan was to place the shed the southwest corner of the property. The Zoning Administrator observed the proposed location was on a separate parcel. The property owner was then advised that a lot consolidation would be required to place the shed in the location he proposed due per UDO §1105.01. The property owner appealed this decision on November 07, 2022, to the Board of Zoning Appeals (BZA). The BZA found that the nonconforming rights continued to exist contrary to UDO § 1105.01 and §1103.13L:

*Should such nonconforming structure or nonconforming portion of a structure be destroyed, by any means, to the extent of more than 50 percent of the cost of the replacement at the time of destruction of such structure, it shall not be reconstructed except in conformity within the provision of this Ordinance.*

**RECOMMENDATION:**

It is respectfully recommended that the Mayor and City Council approve the attached legislation in order to uphold a consistent application of the Unified Development Ordinance.

**EXHIBITS:**

NONE

23-R-2818

**A RESOLUTION AUTHORIZING THE CITY TO SUBMIT AN APPEAL OF THE BOARD OF ZONING APPEALS DECISION IN BZA CASE NO. 22-0024 TO THE MONTGOMERY COUNTY COURT OF COMMON PLEAS.**

WHEREAS, Section 9.07 of the City Charter of the City of Riverside, Ohio and Section 145.01 of the Codified Ordinances of the City of Riverside, Ohio, authorize City Council to approve the City to submit an appeal of a determination by the Board of Zoning Appeals to the Montgomery County Court of Common Pleas pursuant to the relevant state law; and

WHEREAS, the City Council has reviewed the determination made by the Board of Appeals in Case Number BZA 22-0024 and determined that it meets the criteria for appeal as set forth in the City Charter and the Codified Ordinances of the City of Riverside, Ohio; and

WHEREAS, upon such review, City Council finds it appropriate and in the best interest of the residents of the City of Riverside to authorize the City to appeal the determination made in Case Number BZA 22-0024 to the Montgomery County Court of Common Pleas for administrative review pursuant to the relevant state law; and

WHEREAS, authorizing such an appeal would serve to improve the health, safety, and wellness of the community by promoting uniform, consistent, and legally supported application of land use standards as set forth in the City of Riverside, Ohio, Unified Development Ordinances.

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

Section 1: That the City Law Director is hereby authorized to take appropriate legal actions necessary to submit an administrative appeal pursuant to state law of the determination of the Board of Zoning Appeals in Case Number BZA 22-0024 to the Montgomery County Court of Common Pleas.

Section 2: That the Community Development Department staff provide the necessary file documents to the City Law Director required to submit such as appeal.

Section 3: That this resolution shall take effect and be in force from and after the date of its passage.

PASSED THIS DAY OF \_\_\_\_\_.

23-R-2818

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CLERK

CERTIFICATE OF THE CLERK

I, \_\_\_\_\_, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. 23-R-2818 passed by the Riverside City Council on \_\_\_\_\_.

IN TESTIMONY WHEREOF, witness my hand and official seal this day of \_\_\_\_\_.

\_\_\_\_\_  
CLERK



**MEETING DATE: Jan 5, 2023**

**AGENDA ITEM: New Business**

**TO:** Riverside City Council

**FROM:** Tom Garrett, Finance Director

**SUBJECT:** Resolution 23-R-2819, Advance of Funds to General Assessments Fund

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**EXPLANATION**

The City assesses property owners for cost of operating street lighting. Assessment funds collected are distributed from Montgomery County as part of the real property tax distribution, usually occurring in late April. The City is billed for street lighting costs monthly and needs funds to cover invoices until Montgomery County distributes tax funds.

**RECOMMENDATION**

It is respectfully recommended that the Mayor and City Council approve the attached legislation

**FISCAL IMPACT**

Funds advanced are repaid upon receipt of tax collections.

**SOURCE OF FUNDS**

General Fund

**EXHIBITS**

Resolution 23-R-2819

23-R-2819

**A RESOLUTION BY THE COUNCIL OF THE CITY OF RIVERSIDE, OHIO  
ADVANCING \$50,000 FROM THE GENERAL FUND TO THE GENERAL  
ASSESSMENTS FUND.**

WHEREAS, the Finance Director does report the need to advance money from the General Fund to the General Assessments Fund to maintain proper cash flow until amounts assessed for lighting are received from Montgomery County.

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

Section 1: \$50,000 is hereby advanced from the General Fund, Fund 100, to the General Assessments Fund, Fund 212, to be repaid upon receipt of amounts assessed for lighting by Montgomery County, which is to be received by the City of Riverside no later than May 31, 2023.

Section 2: That this resolution shall take effect and be in force from and after the date of its passage.

PASSED THIS DAY OF \_\_\_\_\_.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CLERK

CERTIFICATE OF THE CLERK

I, \_\_\_\_\_, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. 23-R-2819 passed by the Riverside City Council on \_\_\_\_\_.

IN TESTIMONY WHEREOF, witness my hand and official seal this day of \_\_\_\_\_.

\_\_\_\_\_  
CLERK





**MEETING DATE: Jan 5, 2023**

**AGENDA ITEM: New Business**

**TO:** Riverside City Council

**FROM:** Tom Garrett, Finance Director

**SUBJECT:** Resolution 23-R-2820, Advance of Funds to Capital Infrastructure Fund

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**EXPLANATION**

The Capital Infrastructure Fund is funded by fuel taxes and motor vehicle registration fees. The City receives tax distributions monthly from the State but needs funds available early in the year to start planned projects. This resolution advances funds from the General Fund until tax collections accumulate.

**RECOMMENDATION**

It is respectfully recommended that the Mayor and City Council approve the attached legislation

**FISCAL IMPACT**

Funds advanced are repaid upon receipt of tax collections.

**SOURCE OF FUNDS**

General Fund

**EXHIBITS**

Resolution 23-R-2820

23-R-2820

**A RESOLUTION BY THE COUNCIL OF THE CITY OF RIVERSIDE, OHIO  
ADVANCING \$420,000 FROM THE GENERAL FUND TO THE CAPITAL  
INFRASTRUCTURE FUND.**

WHEREAS, the Finance Director does report the need to advance money from the General Fund to the Capital Infrastructure Fund to maintain proper cash flow until tax amounts are received.

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

Section 1: That \$420,000 is hereby advanced from the General Fund, Fund 100, to the Capital Infrastructure Fund, Fund 702, to be repaid upon receipt of distributed tax amounts.

Section 2: This Resolution shall take effect and be in force from and after the date of its passage.

PASSED THIS DAY OF \_\_\_\_\_.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CLERK

CERTIFICATE OF THE CLERK

I, \_\_\_\_\_, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. 23-R-2820 passed by the Riverside City Council on \_\_\_\_\_.

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

\_\_\_\_\_  
CLERK



**MEETING DATE: Jan 5, 2023**

**AGENDA ITEM: New Business**

**TO:** Riverside City Council

**FROM:** Tom Garrett, Finance Director

**SUBJECT:** Resolution 23-R-2821, Financial Statement Conversion

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**EXPLANATION**

The City is required by the State Auditor to file annual financial statements in the accrual format mandated by Generally Accepted Accounting Principles (GAAP). The City maintains its financial records on a cash basis throughout the fiscal year and must convert those records into GAAP statements for filing at year end. Conversion is a demanding and time-consuming process, and the City does not have in-house resources to perform the conversion. Since 2018, Julian & Grube has assisted with financial statement preparation. This resolution authorizes the City to renew its contact with Julian & Grube through 2024.

**RECOMMENDATION**

It is respectfully recommended that the Mayor and City Council approve the attached legislation

**FISCAL IMPACT**

Cost of \$9,000 in years 2023 and 2024.

**SOURCE OF FUNDS**

General Fund

**EXHIBITS**

Resolution 23-R-2821

Exhibit A, Financial Statement Compilation Agreement

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH JULIAN & GRUBE INC TO PROVIDE SERVICES TO CONVERT CASH BASIS FINANCIAL INFORMATION INTO ACCRUAL BASIS INFORMATION AT A COST NOT TO EXCEED \$9,000 PER YEAR FOR YEARS 2023 AND 2024.**

WHEREAS, the City Manager and Finance Director do report that it is necessary for the City to convert its current cash basis financial information to accrual basis information to comply with the reporting model set forth in GASB Statement No. 34, “Basic financial Statements and Management’s Discussion and Analysis for State and Local Governments”; and

WHEREAS, the City Manager and Finance Director do recommend that the City contract with Julian & Grube, Inc to provide technical assistance with this conversion.

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

Section 1: That the City Manager be and is hereby authorized to enter into a Letter Agreement with Julian & Grube, Inc to provide the services hereinabove described as set forth in Exhibit “A” attached hereto. The costs of said services shall not exceed the sum of \$9,000 annually for work performed in years 2023 and 2024 without further authorization by this Council and shall be paid from the appropriate fund.

Section 2: That the Clerk be and is hereby authorized and directed to forward a certified copy of this Resolution to the City Manager and Finance Director.

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

PASSED THIS DAY OF \_\_\_\_\_.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CLERK

23-R-2821

CERTIFICATE OF THE CLERK

I, \_\_\_\_\_, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. 23-R-2821 passed by the Riverside City Council on \_\_\_\_\_.

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

\_\_\_\_\_  
CLERK



December 2, 2022

Mr. Thomas Garrett, Finance Director  
City of Riverside  
5200 Springfield Street, Suite 100  
Riverside, Ohio 45431

Dear Ms. Garrett:

We greatly appreciate the opportunity to submit our proposal to assist the City of Riverside (the “City”) in preparing the City’s basic financial statements (BFS) in compliance with accounting principles generally accepted in the United States of America (GAAP) for the year ended December 31, 2022, including the related notes to the financial statements, and to perform a compilation engagement with respect to those financial statements. We are pleased to confirm our understanding of this engagement by means of this proposal.

Julian & Grube, Inc. (J&G) takes pride in its commitment to providing quality accounting and advisory services to the public sector. Your request represents a significant opportunity for us as well as a cost-effective means for the City to achieve excellence in financial reporting. We have enclosed for your information a complete list of our public-sector clients; please feel free to contact any of them.

The following proposal explains the GAAP reporting rules issued by the Auditor of State. We then set forth the approach and scope of our assistance based on our understanding of your needs, and finally, the fee schedule.

### **Rules for Reporting on a GAAP-Basis**

The City is preparing its Annual Financial Report (AFR) in accordance with GAAP. GAAP-basis reporting provides users of the financial statements with a comprehensive view of the City’s overall financial position as well as the results of operations. GAAP-basis reporting also provides significant details as to the City’s accounting policies and activities.

In order to comply with the Auditor of State's requirement to issue a GAAP-basis AFR, there are two options. The first option is to issue basic financial statements (BFS) which consist of a management discussion and analysis (MD&A), both government-wide and fund financial statements, appropriate note disclosures, and any required supplementary information. The second option is to prepare an Annual Comprehensive Financial Report (ACFR). The ACFR, prepared under the guidelines of the GFOA's Certificate of Achievement for Excellence in Financial Reporting program, would include the BFS mentioned above as well as an introductory section, combining statements and schedules and a statistical section. This proposal was prepared under the assumption that the City plans to issue BFS for the year ended December 31, 2022, which is consistent with 2021.

The City should experience various benefits from preparing GAAP-basis BFS in addition to complying with the requirements set forth by the Auditor of State.

These benefits include:

- a. The City's elected officials and managers will benefit from the improved quality of the financial information available.
- b. Improved financial information will be available to the public.
- c. The City will be perceived to be more accountable for its actions by the public.
- d. Should the City enter the capital funds market in the future, it could benefit from improved bond and note ratings as a result of improved accountability and quality of financial information. It should be noted that when issuing bonded debt GAAP-basis financial information is often requested and necessary.
- e. Since the City is preparing GAAP-basis statements for 2022, a more accurate analysis of results of operations from year to year will be possible.

## **Project Approach**

Although the preparation of the GAAP-basis BFS is the responsibility of the City Finance Director, the project will require the cooperation of almost all City departments. Cooperation is essential to the success of the GAAP-conversion. The key to bringing about cooperation is proper planning and coordination of all aspects of the project.

We consider meetings of those City personnel involved with various aspects of the project, shared information, and on-going status updates of project completion to be the most important aspects in a successful conversion. In addition to being valuable planning tools for the project, the above will help identify any additional resources or information that may be needed.

Our suggested approach to preparing your GAAP-basis financial statements can be summarized in three basic phases:

### **I. Basic Information Gathering and Preliminary Planning**

Obtain and read the City's current accounting and financial reporting procedures for compliance with GAAP for governments. Define the procedures and resources necessary to convert the City's financial report from its cash-basis format to compliance with GAAP.

## II. Specific Task Planning

Using the information obtained during the previous phase, we will identify specific tasks necessary for the completion of the BFS. The City should delineate responsibility for completing all tasks and specify a timetable for completion of the tasks.

## III. BFS Preparation

The year-end cash-basis financial statements (reports) will be converted to GAAP-basis through analysis of (1) financial transactions necessary to prepare accrual entries (2) the effect of reversing prior year accrual entries, and (3) other information pertinent to the BFS (debt transactions, capital asset activity, investment activity, etc.).

At the completion of this phase, an unaudited BFS with appropriate note disclosures will have been prepared. Additionally, various workpapers and schedules will have been prepared to assist the Independent Public Accountant (IPA) to review and audit the adjustments.

## **Project Scope**

J&G would assist the City in the preparation of its BFS. Our role would be primarily to:

- a. Perform a review of the City's current accounting and financial reporting procedures and determine changes necessary to comply with GAAP.
- b. Delineate responsibility for completing tasks and develop a timetable for completion of the project after meeting with the City management and other personnel.
- c. Prepare and post all current year adjusting accrual entries to the cash-basis financial statements and reverse the prior year's adjusting accrual entries.
- d. Prepare all footnote disclosures and assist with the preparation of the MD&A and other required supplementary information.
- e. Submit to your auditors a complete, ready-for-audit BFS, and file the BFS with the Auditor of State on or before May 29, 2023.
- f. Act as the City's liaison with its auditors on matters related to the compilation of the GAAP-basis BFS. We will assist the auditors by answering various inquiries and explaining our procedures and workpapers. Should the auditors request additional assistance or work to be performed by J&G beyond the scope of our engagement, we would only perform such tasks with the approval of the City Finance Director.



## **J&G Employees**

The employees of J&G are not “public employees” for the purpose of the Ohio Public Employees Retirement System or the Ohio Police and Fire Pension Fund.

## **Timing**

In accordance with Ohio Revised Code Section 117.38 and Ohio Administrative Code Section 117-2-03 (B), the City is required to file the BFS by May 29, 2023. Failure to do so may result in a maximum penalty of \$750 assessed by the Auditor of State. In order to meet this required deadline, J&G *must* receive all requested source data from the City by April 10, 2023 to ensure completion by May 29, 2023. We would like to have a preliminary meeting in early January 2023 with those who will be involved in this project. Final 2022 revenue, expenditure, appropriation/budget and cash position reports will be needed as soon as possible after 2022 is closed and reconciled. We will complete the compilation of the 2022 BFS for the City and, after the City’s approval, we will file the report with the Auditor of State on or before May 29, 2023.

## **Our Responsibilities**

The objective of our engagement is to:

- a. Prepare financial statements in accordance with GAAP based on information provided by you, and
- b. Apply accounting and financial reporting expertise to assist you in the presentation of financial statements without undertaking to obtain or provide any assurance that there are no material modifications that should be made to the financial statements in order for them to be in accordance with GAAP.

We will conduct our compilation engagement in accordance with Statements on Standards for Accounting and Review Services (SSARSs) promulgated by the Accounting and Review Services Committee of the AICPA and comply with the AICPA’s Code of Professional Conduct, including the ethical principles of integrity, objectivity, professional competence, and due care when preparing the financial statements and performing the compilation engagement.

We are not required to, and will not, verify the accuracy or completeness of the information you will provide to us for the engagement or otherwise gather evidence for the purpose of expressing an opinion or a conclusion. Accordingly, we will not express an opinion or a conclusion nor provide any assurance on the financial statements.

Our engagement cannot be relied upon to identify or disclose any financial statement misstatements, including those caused by fraud or error, or to identify or disclose any wrongdoing within the entity or noncompliance with laws and regulations.

We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities since performing those procedures or taking such action would impair our independence.

## **The City's Responsibilities**

The engagement to be performed is conducted on the basis that you acknowledge and understand that our role is to prepare financial statements in accordance with GAAP and assist you in the presentation of the financial statements in accordance with GAAP. You have the following overall responsibilities that are fundamental to our undertaking the engagement in accordance with SSARs:

- a. The selection of GAAP as the financial reporting framework to be applied in the preparation of financial statements.
- b. The preparation and fair presentation of financial statements in accordance with GAAP and the inclusion of all informative disclosures that are appropriate for GAAP.
- c. The design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.
- d. The prevention and detection of fraud.
- e. To ensure that the entity complies with the laws and regulations applicable to its activities.
- f. The accuracy and completeness of the records, documents, explanations, and other information, including significant judgments, you provide to us for the engagement.
- g. To provide us with:
  - Access to all information of which you are aware is relevant to the preparation and presentation of the financial statements, such as records, documentation, and other matters.
  - Additional information that we may request from you for the purpose of the compilation engagement.
  - Unrestricted access to persons at the City of whom we determine it necessary to make inquiries.

You are also responsible for all management decisions and responsibilities and for designating an individual with suitable skills, knowledge, and experience to oversee our preparation of your financial statements. You are responsible for evaluating the adequacy and results of the services performed and accepting responsibility for such services.

**Our Report**

As part of our engagement, we will issue a report that will state that we did not audit or review the financial statements and that, accordingly, we do not express an opinion, a conclusion, nor provide any assurance on them. There may be circumstances in which the report differs from the expected form and content. If, for any reason, we are unable to complete the compilation of your financial statements, we will not issue a report on such statements as a result of this engagement.

The supplementary information accompanying the financial statements will be prepared and presented for purposes of additional analysis. Such supplementary information is the responsibility of management and will be subject to our compilation engagement. Our report will not express an opinion, a conclusion, nor provide any assurance on such information.

You agree to include our accountant’s compilation report in any document containing financial statements that indicates that we have performed a compilation engagement on such financial statements and, prior to inclusion of the report, to ask our permission to do so.

**Professional Fees**

You may choose between a one-year or multi-year contract. In either case, this is a fixed fee (i.e., you **will not** be billed additional amounts for any out-of-pocket expenses we may incur). You will be billed one-third of the appropriate amount below on January 15, March 15, and upon report completion each year.

- 1. 2022 BFS .....\$9,200
- 2. Two-year engagement .....\$9,000
- 3. Three-year engagement .....\$8,800

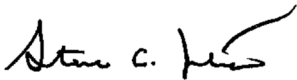
We at J&G are dedicated to quality service and client satisfaction. If, during the course of a multi-year contract, the City is dissatisfied with our services, and it is a situation that cannot be rectified, the City may cancel the remaining portion of the contract. Both J&G and the City reserve the right to cancel the remaining portion of any contract period with a 90 day written notice to the other party.

We greatly appreciate the opportunity to be of assistance to the City. We believe there are many benefits to converting to GAAP-basis financial reporting. The City will not only be in compliance with the requirements set forth by the Auditor of State, but the public should perceive better accountability of the City's financial resources.

Mr. Thomas Garrett, Finance Director  
City of Riverside  
Page 7 of 7

The terms as stated in this proposal will remain open until January 31, 2023. If the proposed terms are acceptable, please sign and return one copy of this letter to indicate your acknowledgement of, and agreement with, the arrangements for our engagement to prepare the financial statements described herein and to perform a compilation engagement with respect to those same financial statements, and our respective responsibilities. Should you have any questions please contact me at (614) 846-1899. Thank you again!

Very truly yours,



Steven C. Julian, CPA  
Julian & Grube, Inc.

We accept your proposal to assist the City of Riverside in preparing its BFS and to performing a compilation engagement with respect to those same financial statements for the year ended December 31, 2022. We have chosen fee option \_\_\_\_\_ (1, 2, or 3). Acknowledged and agreed on behalf of the City by:

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Finance Director, City of Riverside / Date

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City Manager, City of Riverside / Date

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Mayor, City of Riverside / Date

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Law Director, City of Riverside/Date

CITY MANAGER

PREVIOUS

UPDATES

# MEMORANDUM

**TO:** Honorable Mayor and Councilmembers  
**FROM:** Josh Rauch, City Manager  
**DATE:** December 16, 2022  
**SUBJECT:** Weekend Update  
**CC:** Department Directors, City Clerk, Law Director

## City Manager's Office

- With the passage of the supplemental and FY2023 Budget, we are ending the year strong and in a good position to continue tackling key initiatives next year.
- I'll continue to keep an eye on income tax revenue through December and will follow up with an update if/when we get additional payments from CCA.
- Many thanks to members of our Property Maintenance Appeals Board who heard their first case in a long time this past Wednesday.
- I'll be out of the office next week but will return when City Hall opens on January 27<sup>th</sup> after observing Christmas. I should be accessible by phone/email but may be a bit delayed responding. If you need immediate assistance, please contact Chris.
- Due to staff vacations and the upcoming holiday, there will be no Weekend Update next week. I'll compile a short year-end update and send it prior to New Year's to cap the year.

## Administration

- No key update this week. We continue to focus on closing out the year.

## Community Development Department

- **Planning and Zoning** – We received a draft of the revised Property Maintenance code from Raftelis today. The draft has been circulated among staff for review and comment.
- **Economic Development** – Staff have scheduled an update with MKSK to discuss the status of the draft land use plan on Monday, December 19<sup>th</sup>.
- **Code Enforcement** – Moving forward on abating blighted/nuisance structures.

## Finance Department

- Significant work on SSI implementation is slowing to accommodate the holidays and year-end financial activities. More intensive work will resume in early January.

## Fire Department

- I have spent the last week mainly working on the new CAD system implementation and the integration between it and our new RMS system. BC Hart has been extremely instrumental in

this process and both have been putting extra hours to make this work. We are seeing light at the end of tunnel – but still listening for train whistles.

- Crews are getting trained on the new software and how we interact with it.
- Finishing up year end maintenance and repairs on the apparatus.
- Finalizing the 2022 budget to close out the year.

## Police Department

- The hiring process is on-going, and I am happy to say that one of the candidates will start on Dec 27th. We do have another candidate still going through the process and we hope to get him on board in the next few weeks.
- Sgt. Vance is off work due to a surgery, and we want to wish him a speedy recovery. If all goes well the end of January is the timeframe for his return.
- We participated in the shop with a Cop in Huber Heights at Meijers. We had 60 kids from our school district that received assistance.
- We collected \$900 in donations for the Jaycees version of shop with a cop and will be receiving an additional \$700 from the FOP Lodge tomorrow that will be donated as well. So, 1600 dollars total.
- The final acceptance paperwork was signed on 12/16/2022 for the grant to purchase the Flock Cameras. The award was over \$80,000 with no cash match.
- Continuing work on the CAD System with Huber Heights. Went live with CAD on December 13th. Working through the issues.

## Public Service Department

- Engineering/Administration:
  - The US 35/Woodman Interchange was bid Thursday by ODOT. Low bid was slightly higher than estimated. We will need to contribute another \$13k for our share. This will be taken out of ARPA funds.
  - No Parking Signs During School Hours went up on Granville Place at Burkhardt today.
  - The entire department attended Montgomery County Soil and Water: Storm Water Pollution Prevention & Good Housekeeping 2 hour workshop today
  - Design work continues on Woodman Phase 1
  - Investigated adding Lighting to Beatrice
  - Completed Right of Way Easements required for Spinning Phase 1
  - Made 2 site visits to 4700 Linden to look at proposed development and drainage concerns
  - Finalized current and End of Year Purchase Orders.
  - Held department holiday luncheon on Thursday.
- Projects
  - Kroger finished the side walk on Woodman.
  - Chipotle poured part of their sidewalk.
- Crews:
  - Put down 3 tons of asphalt
  - Picked up tires for zoning



- Repaired tailgate on truck 31
- Repaired city entry way sign
- Switched out trucks at North Dayton trucking for repair
- Move used oil containers to Roy's Automotive
- Cleaned up parks fill up doggie do stations