

Pride ~ Progress ~ Possibilities

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

January 6, 2022

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 2022 (United States)



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Jan 6 • Council Meeting
Feb 14 • Valentine's Day
Mar 17 • St. Patrick's Day
Apr 17 • Easter Sunday
Apr 18 • Easter Monday

Apr 18 • Tax Day
May 5 • Cinco de Mayo
May 8 • Mother's Day
Jun 14 • Flag Day
Jun 19 • Father's Day

Oct 31 • Halloween
Nov 8 • Election Day
Nov 25 • Black Friday
Dec 24 • Christmas Eve
Dec 31 • New Year's Eve

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 6, 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) SWEARING IN – Councilman Jesse Maxfield
- 7) PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE – Remembrance of Corporal Derek C. Dixon and Private First-Class Lavern C. Ullmer.
- 8) MINUTES – Approval of minutes from the December 16, 2021 council meeting.
- 9) ESTABLISH DATE AND TIME FOR MEETINGS
- 10) ELECTION OF DEPUTY MAYOR
- 11) LIQUOR LICENSES STOCK TRANSFER - Previously approved Speedway stock transfer for two locations, this is a third location for the same transfer.
- 12) ACCEPTANCE OF CITIZEN PETITIONS
- 13) DEPARTMENT UPDATES:
 - A) Police Department
 - B) Fire Department
 - C) Public Services Department
 - D) City Manager Report
- 14) PUBLIC COMMENT ON AGENDA ITEMS
- 15) NEW BUSINESS
 - A) ORDINANCES

*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.*

- I) Ordinance No. 22-O-787 – Providing for the issuance of not to exceed \$4,900,000 Building Acquisition and Improvements Special Obligation Bond Anticipation Notes, 2022 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. (1st reading)
- II) Ordinance No. 22-O-788 – Providing for the issuance of not to exceed \$1,400,000 road improvement bonds, Series 2022, by the City of Riverside, Ohio and declaring an emergency. (1st reading)

B) RESOLUTIONS

- I) Resolution No. 22-R-2734 – Appointing the City of Riverside’s 2022 representatives to the First Suburbs Consortium of Dayton Ohio Council of Governments.
- II) Resolution No. 22-R-2735 – Appointing the City of Riverside’s 2022 representatives to the Miami Valley Regional Planning Commission (MVRPC).
- III) Resolution No. 22-R-2736 – Approving the City Manager’s appointment of two members to the Tax Incentive Review Council (TIRC).
- IV) Resolution No. 22-R-2737 – Appointing the City of Riverside’s 2022-2023 representative to the Investment Review Committee of the City of Riverside.
- V) Resolution No. 22-R-2738 – Authorizing the city manager to sign contracts for the City of Riverside to design and construct modifications to the Airway Woodman Intersection in an amount not to exceed \$139,066.
- VI) Resolution No. 22-R-2739 – Authorizing the city manager to sign contracts for the City of Riverside to design and construct modifications to the Airway West Pedestrian Crossing in an amount not to exceed \$69,585.00.
- VII) Resolution No. 22-R-2740 – Authoring the city manager to enter into an agreement with ODOT for the rehabilitation of West Springfield Street between Northcliff Drive and the Harshman Road entrance/exit ramps.
- VIII) Resolution No. 22-R-2741 – Advancing \$50,000 from the General Fund to the General Assessment Fund.
- IX) Resolution No. 22-R-2742 – Repealing and replacing Resolution No. 21-R-2731 authorizing the withdrawal of the City of Riverside from three grant projects through Montgomery County Environmental Services and from one grant application through the Miami Valley Regional Planning Commission and rescinding prior resolutions related to such grant projects.

16) PUBLIC COMMENT ON NON-AGENDA ITEMS

17) COUNCIL MEMBER COMMENTS

18) EXECUTIVE SESSION - PERSONNEL

A) Section 103.01 (4) Preparing for, conducting or reviewing negotiations or bargaining sessions with public employees and officials of the City concerning their compensation or other terms and conditions of their employment.

19) RECONVENE

20) ADJOURNMENT

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

MEETING DATE: January 6, 2022

AGENDA ITEM CAPTION: Minutes

ADMINISTRATIVE COMMENTS: Consider the approval of the minutes of the December 16, 2021 council meeting.

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

EXHIBITS: Draft minutes.

SUBMITTED BY: Katie Lewallen, Clerk of Council

APPROVED FOR COUNCIL CONSIDERATION: Josh Rauch, City Manager

ACTION TAKEN

MOTION:

MADE BY: _____ SECOND BY: _____

FOR: _____

AGAINST: _____

APPROVED () DENIED () TABLED ()

OTHER (EXPLAIN):

COMMENTS/STAFF FOLLOW UP:

Thursday, December 16, 2021

CALL TO ORDER: Mayor Williams called the Riverside, Ohio City Council Meeting to order at 6:02 p.m. at the Riverside Administrative Offices located at 5200 Springfield Street, Suite 100, Riverside, Ohio, 45431.

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

Staff present was as follows: Josh Rauch, City Manager; Chris Lohr, Assistant City Manager; Tom Garrett, Finance Director; Frank Robinson, Police Chief; Kathy Bartlett, Public Service Director, Gary Burkholder, Community Development Director; Dalma Grandjean, Law Director; and Katie Lewallen, Clerk of Council.

EXCUSE ABSENT MEMBERS: Mr. Denning motioned to excuse Mr. Maxfield. Deputy Mayor Lommatzsch seconded the motion. All were in favor. **Motion carried.**

ADDITIONS OR CORRECTIONS TO AGENDA: No changes were made.

APPROVAL OF AGENDA: Mr. Denning motioned to approve the agenda. Mrs. Franklin seconded the motion. All were in favor. **Motion carried.**

OFFICER SWEAR-IN: Chief Robinson introduced the two newest members of the Riverside Police Department and read brief bios for Officer Andrew Wargo and Officer Alex Witt. Mayor Williams administered the oath of office to both officers.

PRESENTATION: Chief Robinson stated this award is not one they really want to give out because of the danger to the officers and to the public. He reviewed events that happened on July 27, 2021 at 2555 Rondowa Avenue that originally was a call on aggravated robbery, but escalated to a male holding a gun to the head of a 9-year-old girl. Sgt. James Vance was first on the scene and met by the mother of the child. The suspect exited the home and began shooting at Sgt. Vance. Sgt. Vance returned fire, but the suspect fled. Sgt. Vance put out a 99, an all call for officers to come in and set up a perimeter. While setting up a perimeter, a single shot was heard. The suspect had taken his own life in a neighboring yard. Sgt. Vance's quick thinking and training kept the citizens and officers safe from a more potentially devastating encounter. The suspect had recently got out of prison and had been up to no good in other areas. Sgt. Vance was shot at and returned fire and was being hit in the face with broken glass during the gunfire. He still had the presence of mind to keep others safe that is heroism. Chief Robinson presented Sgt. Vance with the Medal of Valor.

RECOGNITION OF RETIRING/FORMER COUNCIL MEMBERS: Mayor Williams stated that Ms. Beverly Campbell began serving her community fifteen years ago from 2006-2013 and 2008-2021. She has been on council 12 years. Deputy Mayor Lommatzsch stated Bev has a history before being on council as she served on the Avondale CDC in the 90s. She was involved in neighborhood policing and has been dedicated to her neighborhood and Rohrer Park. She has gotten financial assistance for neighbors through the county and other programs. She was largely responsible for the pavilion at Rohrer Park and pushed hard for improvements to the park. She has represented her neighborhood well. She thanked Ms. Campbell for her dedicated service. Mayor Williams stated that former Mayor Bill Flaute, former Mayor Ken Curp and County Commissioner Caroline Rice were present.

Ms. Campbell thanked council for putting up with her more or less and hopes they can get done what they need to for the future.

Mayor Williams stated that Dan Teaforde joined council in 2018 and ran for reelection and won in 2019. He got to know Dan when he was the planning and zoning administrator for Riverside and Dan served on the Board of Zoning Appeals (BZA). Dan was a community volunteer with youth soccer at Rohrer Park and was passionate about the people in the city.

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With the pandemic, it wasn't as easy for everyone to continue through and is sad Dan couldn't continue, but is glad to see him tonight. He stated it was great to serve with him. He added that he has been a true servant leader for many years. Mr. Denning stated he worked with Dan many years, volunteering. He recalled a memory when they did community clean-up in Rohrer Park together. Dan has always been a part of the blood of the community. He asked him for years when he was going to run and was happy to see his name come up. He added that Dan was happy giving to his community and they were happy to get him on council and make the community a better place. He thanked him for all his years of service.

Mr. Teaford stated he really enjoyed his time on council and hated to quit, but he had to. He said life is okay, but anyone who doesn't believe in COVID-19 should talk to him as it almost killed him.

Former Mayor Bill Flaute stated that there is a thread both Dan and Bev have. They have gotten involved in the community and learned their work. That makes a good council member. He wished them both a happy retirement.

Council recessed at 6:30 pm for cake and beverages for the retirement reception.

Council reconvened at 6:50 pm.

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

OATH OF OFFICE: Mayor Williams administered the oath of office to newest council member Zachary Joseph. Mayor Williams administered the oath of office to reelected council member Brenda Fry. School Board President Julie Denning administered the oath of office to reelected council member Mike Denning. Nick Lommatzsch administered the oath of office to reelected council member/Deputy Mayor Sara Lommatzsch.

MINUTES: Mr. Denning motioned to approve the minutes from the December 2, 2021, council meeting. Mrs. Franklin seconded the motion. All were in favor. **Motion carried.**

ACCEPTANCE OF PRIOR MONTHS FINANCIAL REPORT: Mr. Denning motioned to accept the financial report for November 2021. Deputy Mayor Lommatzsch seconded the motion. All were in favor. **Motion carried.**

LIQUOR LICENSE TRASFER: Mr. Rauch reported there were no issues with the liquor license transfer from Valley Street Market Inc. to Satsang Diksha LLC, DBA Valley Street Market. Council did not request a hearing.

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

DEPARTMENT UPDATES:

A) Finance Department – Mr. Garrett reported that the November numbers did not include Wright Point as they are still waiting on that from Colliers. The income tax chart shows they are ahead of where they thought they would be for November. CCA made a distribution of \$126,000 a couple of days ago, and the state added \$1,200 of municipal income tax collected. They are working on year end activities. The Bond Council has provided them with the ordinance for the Wright Point note renewal. They will bring that to council in January.

B) Community Development Department – Mr. Burkholder stated he has been in touch with Kroger and construction is anticipated to begin in the spring of 2022. They had a successful steering committee meeting on the comprehensive plan that took place on December 8, 2021. The next meeting will be sometime in January. One of the outcomes of the first meeting was the citizen engagement component so they will share a link of the

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City's Facebook page and website to allow citizens to make comments. There is also a tool that allows them to go to a certain location and make comments on that location as well.

Deputy Mayor Lommatzsch stated she has received comments on that meeting and they have been positive.

C) Administration Department – Mr. Lohr stated they are in the process of wrapping up open enrollment for insurance. Their initial renewal was not favorable, but the final outcome is that they will be about even from this year to next by switching to United Healthcare. He is in the process of wrapping up the electronic records management system and that training will begin next week. The preliminary goal is to get personnel files and city contracts all digitized so they can all access them easier than paper files. They are nearing completion of the GIS project and working with MVRPC. All key staff members have access and are in the process of being training. It will be a good tool moving forward.

D) City Manager Report – Mr. Rauch stated he attended the last meeting of the Citizen's Budget Committee and it was very productive. They spent time on what the committee could work on next year like creating a budget book. They are working on a month-by-month calendar for next year and walking through the budget process. He has completed a draft RFP for a new financial software system and has already received comments from staff. He hopes to have it in front of council in early January so they can procure, install and transition to a new financial software system.

PUBLIC COMMENT ON AGENDA ITEMS: Mayor Williams stated some people have submitted petitions to speak on agenda items that have a public hearing. He asked the law director if it would be okay to hold those until the public hearing. She stated that would be appropriate.

OLD BUSINESS

A. ORDINANCES

- I) Ordinance No. 21-O-783 – An ordinance to make permanent appropriations for current expenses and other expenditures of the City of Riverside, State of Ohio, for the period beginning January 1 through December 31, 2022. (2nd reading, public hearing, and adoption)**

Mr. Denning motioned to approve the second reading of Ordinance No. 21-O-783. Mrs. Franklin seconded the motion. The clerk read the ordinance by title only.

Mayor Williams opened the public hearing. No one wished to speak. Mayor Williams closed the public hearing at 7:11 pm.

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

- II) Ordinance No. 21-O-784 – An ordinance by the council of the City of Riverside, Ohio approving the Planning Commission's recommendation denying a change in the district boundaries as shown on the zoning map of the City of Riverside, Ohio for the properties located at 4707 Old Troy Pike, Parcel ID no. I39 00803 0012, from B-2 General Business District to I-1 Light Industrial District. (2nd reading, public hearing, and adoption)**

Mr. Denning motioned to approve the second reading of Ordinance No. 21-O-784. Deputy Mayor Lommatzsch seconded the motion. The clerk read the ordinance by title only.

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Mayor Williams opened the public hearing. Mr. Tom Dusa, 270 Regency Ridge, Dayton, OH, stated he was present two weeks ago for the first reading and wanted clarification. He received a call to come and speak today. His clients were given correct guidance, but there are some things he is reading and wants to make sure when they go to vote he knows the right things were looked at. They can either say yes, and accept the fact that zoning is denying it, or no means that they don't accept it, but that doesn't mean they are willing to allow a change. He is just confirming there is no zoning change that is able to be done tonight. Ms. Grandjean stated that changing the zoning is not before council. Mr. Dusa asked if he could go back to the planning commission. Ms. Grandjean stated in this case he can ask that the zoning be changed and go back to planning commission. Mr. Dusa stated a lot of the comments with this is for conditional use, but they are just requesting a zoning change. His clients met with zoning before they purchased the property and they were led to believe they had a chance. Now, the reasons that they use are based on conditional use. Mayor Williams stated that he could be able to apply for a rezoning at a later date, but what they have to go off what the planning commission has presented to them tonight. Mr. Dusa stated he wanted to be sure they were basing it on the right things. Mayor Williams stated they all had access to the case report since the day after the planning commission meeting. Mr. Dusa stated that goes to his point. They are using things in the report like they are in a water protected area, but that is not a reason to not change zoning because they have zoning right next to them that is in water protection that is conditional use and should not weigh into it. Mayor Williams stated it sounds like he has a case to reapply.

Mayor Williams closed the public hearing at 7:21 pm.

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

III) Ordinance No. 21-O-785 – An ordinance by the council of the City of Riverside, Ohio approving a change in the district boundaries as shown on the zoning map of the City of Riverside, Ohio for the property located on Glendean Avenue, Parcel ID No. I39 00110 0007, from R-3 Medium-Density Residential District to R-4 Multi-Family Residential District. (2nd reading, public hearing, and adoption)

Mr. Denning motioned to approve the second reading of Ordinance No. 21-O-785. Mrs. Franklin seconded the motion. The clerk read the ordinance by title only.

Mayor Williams opened the public hearing at 7:22 pm. He asked citizens to please keep their comments to three minutes. Mrs. Diana Wood, 660 Glendean Avenue, stated she has been to all the meetings that have talked about the property. She stated her neighborhood is surrounded by high density with apartments around them. There are other housing opportunities like senior living, mobile home parks, houses and apartments for rent. There is a large price range in single dwellings. She is concerned about high density in regards to traffic and social issues. There are still flooding problems in the area. They do not want to have the property rezoned for R-4.

Ms. Angela Lemke, 4439 Clarewood Avenue, stated she lives on the downside of where this is going to be. She stated they do not know what they deal with in her neighborhood. They have a plot on the land that floods every time it rains. At the top of the hill, they will build a gorgeous thing, and will run down their hill and it will be Lake Byesville or whatever they want to call it. They already have issues with traffic on their side not counting the Glendean side. Also, these townhomes and apartments are going to be for sale and not rent. They do not have a guarantee of that. The cost of these are \$250,000 - \$350,000; there is not a single house near them worth that. They live in little Kentucky and take care of it. She asked what happens when the \$250,000 - \$350,000 properties don't take effect. They will get low income and small tiny apartments and too many cars. She added that her grandparents built

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Riverside before it was Riverside. All they will end up with is low income housing. They already have tiny little apartments in the area. They don't want more of that in their neighborhood. They are raising their kids and grandkids here.

Mr. Todd Pultz, 4126 Linden Avenue, Riverside, stated he is the owner of the Clarewood and Glendean property and thanked the economic development team for getting it to this point to have a real discussion about the property. He has heard the concerns of the citizens in the area and understands it is a sensitive topic. He has lived here his whole life. Any time there is progress in an area that has been established a long time it is going to be a hard topic. He stated there is nothing better for an older neighborhood than a new development that will bring in new infrastructure. He understands the argument, but it is the opposite of what people think. They believe the development will mitigate some of the concerns. They looked the best and highest use of the property and what Riverside needed. He addressed the housing issue in Riverside that a previous citizen stated. There is less than 10 at any given time on the market. This is mainly due to older communities and people staying here a long time. Riverside has a 'missing middle' category, which is townhomes and higher density areas. They looked at how they can accomplish that and benefit the community, schools, and city as a whole. These are high end townhomes, \$250,000 - \$300,000. He understands that many people in the room don't believe that; it is simply not the truth. He stated that you can't sell a \$300,000 until they build it and that is what they plan to do. They want to build a product that draws those values. He added that as a city they take for granted many things like the Air Force Base and museum. People choose to go to Fairborn, Huber, and Beavercreek because Riverside doesn't have what they are looking for. Their plan is to provide that. He stated they will create 116 townhomes for sale and appreciates their time in considering this.

Mr. Ben Newell, 630 Glendean Avenue, stated he lives across the street from the property. They were present a few weeks ago and the room was packed with residents. A small area of Riverside is affected by this and it is his and other's front or back yard. He doesn't know where zoning lives, but they aren't in his neighborhood. He stated it isn't representative of his neighborhood and what they wanted. It is someone putting together a show for them and zoning accepted it and recommended it. He asked if they knew who he was...(personal comments made against the property owner). Mayor Williams asked Mr. Newell to keep his comments to the matter at hand, a rezoning not a site plan review. Mr. Newell stated zoning went over promises from Mr. Pultz. Mr. Newell stated he wants some guarantee that he is going to put in houses that will be sold, not rented, not Section 8. Mayor Williams reiterated that it is a zoning review from an R-3 to an R-4. They are not reviewing an applicants site plan. It is a rezoning request. Mr. Newell stated it is requesting a residential to a multi-family. Mayor Williams replied it is a residential R-3 to a residential R-4. Mr. Newell stated he does not agree with that. Ms. Grandjean stated they are both residential, one is a higher density. Mr. Newell commented that they have that at the end of their neighborhood and it is nothing but problems at the end of Glendean Avenue.

Ms. Jennifer Bullock, 756 Glendean Avenue, stated she is against this proposed project and rezoning. It is townhomes and apartments, and it is not what their neighborhood needs. If anyone took the time to drive down the street they would see the traffic issues. They have spoken to Yorktown Apartments who have told their tenants not to park on the street and they still do. She stated people race down the street due to the length. They do not need any more traffic. The roads leading into the neighborhood are trash. There is nothing but potholes in the area. She added that no one is going to purchase a \$250,000 - \$300,000 home in a neighborhood where they need to dodge potholes. She stated roads are continually getting repaved throughout Riverside but their roads are not getting repaved. They asked for speedbumps to reduce speeding, but was told with it being highly trafficked and EMS/Fire having to go through they would not add speedbumps. Her children grew up in Riverside and were denied busing because they lived behind the school. She asked who would stop the children from cutting through her yard; who would pay the bill when her dog attacks children walking in their yard. She asked who is going to take care of things that have been let down

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in Riverside. She asked who would buy a \$250,000 - \$300,000 home across the street or in front of a neighborhood where the most expensive home would sell for \$100,000.

Mr. John Wood, 660 Glendean Avenue, stated that his front door faces the property and he enjoys watching the deer out there. He stated from his understanding Riverside has had over 400 empty units for rent this past year. There is a lot of housing available, but it is not being occupied according to the internet. Some of the issues they have with the property is that there are EPA concerns with it previously being a dump. The sewer system is barely able to handle what they have right now and the school system tapped into his line. He suggested the city tap into the bases line, but feels it is doubtful. Adding 116 units will add close to another police officer by numbers of people in the community. He stated they do not have the population that Huber Heights and Beavercreek do. He thinks housing would be good for one acre lots, but high density will create issues for their community. He added that none of them were aware that the person asking for the rezoning sits on the zoning board even though he doesn't vote, he knows the people. Mayor Williams replied that was not accurate. He is not on the planning commission. The Board of Zoning Appeals does not set the zoning map. Ms. Grandjean stated the BZA rules on matters of appeals regarding the application to the zoning ordinance not on changing the zoning ordinance. There are different boards and have different people. Mr. Wood stated he guessed more people in his neighborhood need to be on committees of the city. Mayor Williams stated they would welcome that.

Mr. Jerry Bullock, 756 Glendean Avenue, stated he grew up in the neighborhood and they all know one another. He stated he rides his bike up and down the street and people fly down with their cars almost hitting him. He asked why there is a need for more population when driving is already unsafe. Construction will inconvenience them. He understands Mr. Pultz is on the committee and the council may favor him. Mayor Williams corrected him by stating the applicant is not on the planning commission. He explained what the planning commission does. Mr. Bullock stated there are not many expensive homes in his community so why would someone buy an expensive home when nothing next to it is worth that. They deal with the apartments down the road that have people constantly in and out and can't pay for it. He asked what happens down the road when people can't pay for their place; it will be empty lots that will make the neighborhood look worse.

Mayor Williams closed the public hearing at 7:44 pm.

Roll call went as follows: Mr. Denning, yes; Mrs. Franklin, yes; Ms. Campbell, abstain; Ms. Fry, yes; Ms. Lommatzsch, yes; and Mayor Williams, yes. **Motion carried.**

NEW BUSINESS

A. ORDINANCES

I) Ordinance No. 21-O-786 – An ordinance to make supplemental appropriations for current expenses and other expenditures of the City of Riverside, State of Ohio, for the period beginning January 1 through December 31, 2021. (1st & 2nd readings, public hearing, adoption)

Deputy Mayor Lommatzsch motioned to approve the first reading of Ordinance No. 21-O-786. Mrs. Franklin seconded the motion. The clerk read the ordinance by title only.

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

Mayor Williams stated that city council has been requested to approve both the first and second reading and consider final adoption. Mrs. Franklin motioned to suspend the rules requiring an ordinance be read on two separate dates. Mr. Denning seconded the motion.

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

Mr. Denning motioned to approve the second reading of Ordinance No. 21-O-786. Mrs. Franklin seconded the motion. The clerk read the ordinance by title only.

Mayor Williams opened the public hearing. No one wished to speak on Ordinance No. 21-O-786. Mayor Williams closed the public hearing at 7:47 pm.

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

B. RESOLUTIONS

I) Resolution No. 21-R-2731 – A resolution authorizing the withdrawal of the City of Riverside from three grant projects through the Montgomery County Environmental Services and one grant application through the Miami Valley Regional Planning Commission and rescinding prior resolutions related to such grant projects.

Mr. Rauch stated this is a resolution to allow from withdrawal of certain infrastructure projects and informing the partners on the projects that the city will be unable to proceed with those projects.

Mr. Denning motioned to approve Resolution No. 21-R-2731. Mrs. Franklin seconded the motion. All were in favor. **Motion carried.**

II) Resolution No. 21-R-2732 – A resolution amending Resolution No. 21-R-2649 authorizing the city manager to enter into an agreement with the City of Dayton regarding the protection of Source Water Protection Areas within the City of Riverside, State of Ohio.

Mr. Rauch stated this resolution is an update to the Source Water Protection Agreement Riverside has with the City of Dayton. Riverside has been the contractor for source water protection activities, a lot of these are community development related and things connected to economic development, planning and zoning. Since Riverside is in the source water protection area, Dayton pays the city about \$100,000 a year to perform those activities.

Deputy Mayor Lommatzsch motioned to approve Resolution No. 21-R-2732. Mr. Denning seconded the motion. All were in favor. **Motion carried.**

III) Resolution No. 21-R-2733 – A resolution authorizing the City of Riverside to expend an additional \$31,430 in funding its actual cost allocation for the Woodman Drive/Burkhardt Road intersection project funded through federally allocated monies through the Ohio Department of Transportation based on actual costs determined and actual bids received.

Mr. Rauch stated this is related to improvements to signals at Woodman to Burkhardt. ODOT has received \$450,000 - \$500,000 in federal grants connected to updating those signals. Funds have been identified to cover the gap coming from Fund 702.

Mrs. Franklin asked what the total cost of the project is. Mr. Rauch stated it is near \$500,000. Ms. Bartlett stated ODOT had initially estimated the project for city costs being \$29,000. The bid came in high and they are asking for an additional \$31,000. Mr. Rauch stated if they

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didn't have any grant money and did it out of pocket, it would be a little over a half million. He identified funds that do not require additional appropriations so they can use that.

Mr. Denning motioned to approve Resolution No. 21-R-2733. Mrs. Franklin seconded the motion. All were in favor. **Motion carried.**

PUBLIC COMMENT ON NON-AGENDA ITEMS: Mayor Williams stated one person wishes to speak, Mr. Klein. He asked him to give his name and address and to keep comments to three minutes. Mr. Stephen Klein, Waite, Tomb & Eberly, LLP, 124 W. Main Street, Troy, OH, stated he represents Mohammad Rihan the lessee of 602 Woodman Drive. He stated Mr. Rihan rented the property to operate a used car lot and cell phone repair. He obtained a conditional use permit. In February 2020, he received four notices of violation, which he has attempted to resolve but has been unsuccessful. Mr. Rihan obtained his services last March. He stated he has been in municipal government for over 20 years as being the law director for the City of Piqua. He tried to set up a meeting for over three weeks with Riverside staff, but didn't get anywhere. He was contacted by attorney Jim Miller, who explained because of prior issues they would have to start over and request a new conditional use. He did attempt to do that last July, but was again denied due to a failure to meet prior conditions. For the past five months, he has been in touch with Jim, but doesn't know what is going on as nothing ever happens. Five months is a long time. Mr. Rihan is paying \$3,000/month on rent, utilities, and taxes for a building he can't get any revenue from. He stated there are only three reasons why five months go by with nothing being resolved: either Mr. Rihan is dragging his feet...Mayor Williams interrupted stating that this matter is currently an open litigation matter that council is not able to comment on. Ms. Grandjean stated she will look into it for Mr. Klein and get back to him. Mr. Rauch stated the it would be best to speak with staff and the attorney and see what the next steps to proceed. Mr. Klein continued with the reasons why nothing has happened with the second issue being staff, and the third reason being Mr. Rihan being identified as an unwelcomed member in the business community of Riverside. Mayor Williams thanked Mr. Klein for his comments.

COUNCIL MEMBER COMMENTS: Mrs. Franklin wished everyone safe and happy holidays with their families. This year her son with his wife will be with them. Ms. Campbell stated she hopes council can move things forward and get things done, and the police department to clean up the neighborhood. It has been a long, interesting time. She hopes everyone has a happy holiday. Mayor Williams thanked Bev for her many years of service not only on council but from working in the community. He was glad to have seen Dan Teaford. He stated when he came on a few years ago, he attended a New Year's Eve mass at St. Helen's and the deacon read a prayer from Archbishop John Carroll, who gave a prayer on the inauguration of George Washington, "We pray for the governor of this state, for the members of the assembly, for all judges, magistrates, and other officers who are appointed to guard our political welfare, that they may be enabled, by your powerful protection, to discharge the duties of their respective stations with honesty and ability". This is a challenge to them and is looking for the challenges of 2022. He wished everyone a wonderful couple of weeks off. Deputy Mayor Lommatzsch thanked Bev for her service and asked her to take care of her health. She wished everyone a Merry Christmas and thanked community members who are still, have, and will be supporting residents of the city in a number of ways. She stated the fire department experience the other night was wonderful and hopes it becomes bigger. She was delighted to see the number of children and adults out on the street waiting to see Santa. She thanked city staff for doing one of the hardest jobs in the world – working with the public every day. Ms. Fry thanked all of the neighborhood groups and community organizations doing overtime this holiday season – giving donations to the families in the community and to first responders. It has been a joy to see the community come together. She stated a blood drive is coming up on December 27, 2021, in council chambers. There is a fleece blanket as a thank you gift for registering. Those interested can go to www.donortime.com and enter code 1680. Mr. Denning thanked the fire department for sending the lighted fire truck around the city; it was an awesome thing to do. It was good to see the community out and visit with Santa. They did a good job letting the public know

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where they would be. It was awesome for the fire department to pull together. He thanked the Jaycees for buying the lights for the fire truck and providing the Santa Claus to make sure Santa was riding around. He thanked the entire community for outpouring of donations to help less fortunate. There was a special Christmas party for specially picked children. Some families will benefit even more from that. There was breakfast with Santa done by the Lions Club. He added the community pulls together and it is great to be a part of this and live in this community where they try to help each other. He thanked Bev for all her years of service. He added that when Bev gives her word, she does her best to keep it. Her integrity can't be questioned when it comes to that. If she believes in something, she will talk to you about it and whether you agree with her or not, she will accept your answer and move on. That is what we all should aspire to do: keep our word and do the best we can to keep it.

ADJOURNMENT: Ms. Campbell motioned to adjourn. Mr. Denning seconded. All were in favor; none opposed. The meeting adjourned at 8:08 pm.

Peter J. Williams, Mayor

Clerk of Council

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

MEETING DATE: January 6, 2022

AGENDA ITEM CAPTION: Liquor License Transfer – Speedway

ADMINISTRATIVE COMMENTS: This is a stock transfer requested by the above applicant. Two Speedway stock transfers were approved on October 7, 2021; this is the third and final Speedway in Riverside seeking approval for the stock transfer.

STAFF RECOMMENDATION:

EXHIBITS: Notice to Legislative Authority

SUBMITTED BY: Katie Lewallen, Clerk of Council

APPROVED FOR COUNCIL CONSIDERATION: Joshua Rauch, City Manager

ACTION TAKEN

MOTION:

MADE BY: _____ SECOND BY: _____

FOR: _____

AGAINST: _____

APPROVED () DENIED () TABLED ()

OTHER (EXPLAIN):

COMMENTS/STAFF FOLLOW UP:

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

84189941440		STCK	SPEEDWAY LLC	
PERMIT NUMBER		TYPE	DBA SPEEDWAY 5079	
ISSUE DATE		4950 BURKHARDT		
05 17 2021		RIVERSIDE OHIO 45431		
FILING DATE				
C1 C2 D6				
PERMIT CLASSES				
57	154	A	F26871	
TAX DISTRICT			RECEIPT NO.	

FROM 12/07/2021

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



MAILED 12/07/2021

RESPONSES MUST BE POSTMARKED NO LATER THAN, 01/07/2022

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

A STCK 8418994-1440

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT, ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF RIVERSIDE CITY COUNCIL
ATTN: CLERK
5200 SPRINGFIELD ST
SUITE 100
RIVERSIDE OHIO 45424-5017

MEMORANDUM

Date: January 6, 2022
To: Mayor, City Council & Department Heads
From: Josh Rauch, City Manager
Re: City Manager's Report

The City Manager's report includes the following items:

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

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

2022 City Council Calendar

JANUARY 6, 2022

- Monthly Update: Police, Fire, Public Services, and CM Report
- Remembrance of Corporal Dixon/PFC Ulmer
- Establish Date and Time for Meetings
- Election of Deputy Mayor
- Resolution: First Suburbs Representatives (22-R-2734)
- Resolution: MVRPC Representatives (22-R-2735)
- Resolution: Tax Incentive Review Members (22-R-2736)
- Resolution: Montgomery County Regional Radio Council Representatives (22-R-2737)
- Resolution: Investment Review Committee (22-R-2738)
- Resolution: Withdrawing from certain infrastructure projects (Kathy)
- Resolution: Authorizing traffic signal improvements at Airway and Woodman (Kathy)
- Resolution: Authorizing improvements to the pedestrian trail crosswalk on Airway (Kathy)
- Resolution: West Springfield (Kathy)

JANUARY 13, 2022 – WORK SESSION

- Communication Preferences
 - Department Head attendance at meetings
 - Weekly Updates/PAR
- Repeal of Administrative Code sections duplicative of Council Handbook – Ordinance (Josh)
- PUD Update
- Nuisance Properties Update?
- Wright Point?
- Stormwater Utility Fee?

JANUARY 20, 2022

- Monthly Financial Report
- Monthly Update: Finance, Administration, Community Development, and CM Report
- Resolution: Fisher/Nightingale All-American Evening
- Resolution: West Springfield – FINAL (Kathy)
- Resolution: Advancing funds to 702 (Kathy)

FEBRUARY 3, 2022

- Monthly Update: Police, Fire, Public Services, and CM Report

2022 City Council Calendar

FEBRUARY 10, 2022 – WORK SESSION

- City Strategic Plan
 - Outside consultant?
 - Mission/Vision/Values > Key Focus Areas/Strategies/Goals
 - How much community input?
- Organizational goals and objectives
 - Priority items for staff focus given where we are
 - Presentation from each department

FEBRUARY 17, 2022

- Monthly Update: Finance, Administration, Community Development, and CM Report
- Monthly Financial Report
- Resolution: Resolution: Bob Chiles Classic

MARCH 3, 2022

- Monthly Update: Police, Fire, Public Services, and CM Report

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

MEETING DATE: January 6, 2022

AGENDA ITEM CAPTION: Ordinance No. 22-O-787 – AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$4,900,000 BUILDING ACQUISITION AND IMPROVEMENTS SPECIAL OBLIGATION BOND ANTICIPATION NOTES, 2022 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.

ADMINISTRATIVE COMMENTS: 1st reading

STAFF RECOMMENDATION: It is respectfully recommended that the City Council approve the attached ordinance.

FISCAL IMPACT:

SOURCE OF FUNDS:

EXHIBITS: Legislation

SUBMITTED BY: Tom Garrett, Finance Director

APPROVED FOR COUNCIL CONSIDERATION: Joshua Rauch, City Manager

ACTION TAKEN

MOTION:

MADE BY: _____ SECOND BY: _____

FOR: _____

AGAINST: _____

APPROVED ()

DENIED ()

TABLED ()

OTHER (EXPLAIN):

COMMENTS/STAFF FOLLOW UP:

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 \$4,900,000 Building Acquisition and Improvements Special Obligation Bond Anticipation Notes, 2022 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>Sara Lommatzsch</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>Mike Denning</u>
Member of Council	<u>Jesse Maxfield</u>
Solicitor	<u>Dalma Grandjean</u>

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. 22-O-787

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$4,900,000 BUILDING ACQUISITION AND IMPROVEMENTS SPECIAL OBLIGATION BOND ANTICIPATION NOTES, 2022 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-six (26) years, and of the notes to be issued in anticipation thereof is eleven (11) years;

WHEREAS, the City has previously issued bond anticipation notes which are outstanding in the amount of \$5,060,000, 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 \$4,900,000, bearing interest estimated at five per centum (5%) per annum and maturing over a period of twenty-six (26) 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 \$4,900,000 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 \$4,900,000. 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 five percent (5.00%) 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. 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, 2022 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 26 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.

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: _____, 2022.

Presiding Officer

Attest:

Clerk of Council

CERTIFICATE

The undersigned, Clerk of Council, Riverside, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 22-O-787 adopted on _____.

Clerk of Council

CERTIFICATE

The undersigned, Finance Director, Riverside, Ohio, hereby certifies that Ordinance No. 22-O-787 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. 22-O-787 of the City of Riverside, Ohio, on _____, 2022.

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 \$4,900,000 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-six (26) years and notes issued in anticipation thereof is eleven (11) 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 pm., on _____, at 5200 Springfield Street, Suite 100, with the following members present: Mayor Pete Williams, Deputy Mayor Sara Lommatzsch, Councilmember Mike Denning, Councilmember April Franklin, Councilmember Brenda Fry, Councilmember Zachary Joseph, and Councilmember Jesse Maxfield.

There was presented and read to Council Ordinance No. 22-O-787, entitled:

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$4,900,000 BUILDING ACQUISITION AND IMPROVEMENTS SPECIAL OBLIGATION BOND ANTICIPATION NOTES, 2022 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____ then moved that Ordinance No. 22-O-787 be adopted. M____ seconded the motion and, the roll being called upon the question, the vote resulted as follows:

The Ordinance was declared adopted _____.

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 _____, to the extent pertinent to consideration and adoption of the above-entitled obligation.

Clerk of Council

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

MEETING DATE: January 6, 2022

AGENDA ITEM CAPTION: Ordinance No. 22-O-788 – AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$1,400,000 ROAD IMPROVEMENT BONDS, SERIES 2022, BY THE CITY OF RIVERSIDE, OHIO AND DECLARING AN EMERGENCY.

ADMINISTRATIVE COMMENTS: 1st reading

STAFF RECOMMENDATION: It is respectfully recommended that the City Council approve the attached ordinance.

FISCAL IMPACT:

SOURCE OF FUNDS:

EXHIBITS: Legislation

SUBMITTED BY: Tom Garrett, Finance Director

APPROVED FOR COUNCIL CONSIDERATION: Joshua Rauch, City Manager

ACTION TAKEN

MOTION:

MADE BY: _____ **SECOND BY:** _____

FOR: _____

AGAINST: _____

APPROVED ()

DENIED ()

TABLED ()

OTHER (EXPLAIN):

COMMENTS/STAFF FOLLOW UP:

CERTIFICATE OF MEMBERSHIP

The undersigned, Finance Director of the City of Riverside, County of Montgomery, Ohio, hereby certifies that the following were the officers and members of Council during the period when proceedings were taken authorizing the issuance of not to exceed \$1,400,000 Road Improvement Limited Tax General Obligation Bonds, Series 2022, dated the date of their issuance:

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

TRANSCRIPT CERTIFICATE

The undersigned, Clerk of Council of said City of Riverside, County of Montgomery, Ohio, hereby certifies that the following is a true and complete transcript of all proceedings relating to the authorization and redemption of the above-identified bonds.

Clerk of Council

CERTIFICATE AS TO MAXIMUM MATURITY OF BONDS

Based upon information provided by and in reason to the request of the City Council of the City of Riverside, Montgomery County, Ohio, the Finance Director of the City of Riverside, Montgomery County, Ohio, being the fiscal officer of the City of Riverside, Montgomery County, 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 \$1,400,000 of bonds, for the purpose of making road improvements in the City, and paying costs of issuance related to the Bonds, 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 (20) years.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of January, 2022.

Finance Director

ORDINANCE NO. 22-O-788

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$1,400,000 ROAD IMPROVEMENT BONDS, SERIES 2022, BY THE CITY OF RIVERSIDE, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, this Council has determined it is necessary to construct various road improvements in the City; and

WHEREAS, the fiscal officer of the City has estimated the life of the improvements hereinafter described as at least five (5) years, and certified the maximum maturity of the bonds is twenty (20) years; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Riverside, Montgomery County, Ohio:

SECTION 1. That it is hereby declared necessary to issue bonds of the City of Riverside, Montgomery County, Ohio, in the principal sum of not to exceed \$1,400,000, for the purpose of making road improvements in the City and paying certain costs related to the issuance of the bonds, together with other permissible costs under the Uniform Public Securities Law, including the cost of printing the bonds, expense of delivery of the bonds, service charges of the paying agent and registrar, legal services and obtaining an approving legal opinion.

SECTION 2. That bonds of the City shall be issued in the principal sum of not to exceed \$1,400,000, for the purposes aforesaid. Said bonds shall be of the denomination of \$5,000 or any integral multiple of \$5,000 in excess thereof, shall be numbered from 1 upward; shall be dated as of such date as is set forth in the certificate of award setting forth the final terms of the bonds (the "Certificate of Award"); and shall bear interest from the most recent date to which interest has been paid or duly provided for, or, if no interest has been paid or duly provided for, from their dated date. Said bonds shall bear interest payable semiannually on each June 1 and December 1, or such other dates as are set forth in the Certificate of Award, as determined by the Finance Director (after negotiation with the original purchaser of the bonds) and set forth in the Certificate of Award or in a bond purchase agreement, as applicable, which rate shall not be in excess of five percent (5.00%) per annum. Said bonds shall mature or be subject to mandatory sinking fund redemption, at the times and in the respective principal amounts as determined by the Finance Director and set forth in the Certificate of Award or in a bond purchase agreement, as applicable, within the limitations set forth in Chapter 133 of the Ohio Revised Code, without further action of this council. All bonds shall finally mature not later than December 1, 2041.

The bonds of such maturities as are designated by the City Manager and Finance Director shall be callable for redemption at the option of the City at such prices and times as are determined by the Finance Director and set forth in the Certificate of Award or in a bond purchase agreement, as applicable.

If less than all bonds which are payable by their terms on the same date are to be called, the particular bonds or portions of bonds payable on such same date and to be redeemed from such series shall be selected by lot by the Paying Agent and Registrar referred to in Section 3 below, in

such manner as the Paying Agent and Registrar in its discretion may determine; provided, however, that the portion of any bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof, and that, in selecting bonds for redemption, the Paying Agent and Registrar shall treat each bond as representing that number of bonds which is obtained by dividing the principal amount of such bond by \$5,000.

At least thirty (30) days before the redemption date of any bonds the Paying Agent and Registrar shall cause a notice of such redemption either in whole or in part, signed by the Paying Agent and Registrar, to be mailed, postage prepaid, to all registered owners of bonds to be redeemed in whole or in part at their addresses as they appear on the registration books kept by the Paying Agent and Registrar, but failure so to mail any such notice shall not affect the validity of the proceedings for such redemption. Each such notice shall set forth the date fixed for redemption, the redemption price to be paid and, if less than all of the bonds being payable by their terms on a single date then outstanding shall be called for redemption, the distinctive numbers or letters, if any, of such bonds to be redeemed and, in the case of bonds to be redeemed in part only, the portion of the principal amount thereof to be redeemed. In case any bond is to be redeemed in part only, the notice of redemption which relates to such bond shall state also that on or after the redemption date upon surrender of such bonds, a new bond in principal amount equal to the unredeemed portion of such bonds will be issued.

On the date so designated for redemption, notice having been sent in the manner and under the conditions hereinabove provided and moneys for payment of the redemption price being held in separate accounts by the Paying Agent and Registrar for the holders of the bonds or portions thereof to be redeemed, the bonds or portions of bonds so called for redemption shall become and be due and payable at the redemption price provided for redemption of such bonds or portions of bonds on such date, interest on the bonds or portions of bonds so called for redemption shall cease to accrue, and the holders or registered owners of such bonds or portions of bonds shall have no rights in respect thereof except to receive payment of the redemption price thereof and to receive bonds for any unredeemed portions of bonds.

In case part but not all of an outstanding bond shall be selected for redemption, the registered owner thereof or his attorney or legal representative shall present and surrender such bond to the Paying Agent and Registrar for payment of the principal amount hereof so called for redemption, and the city shall execute and the Paying Agent and Registrar shall authenticate and deliver to or upon the order of such registered owner or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the bond so surrendered a bond of the same series and maturity and bearing interest at the same rate.

SECTION 3. That said bonds shall be designated "Road Improvement General Obligation Limited Tax Bonds, Series 2022" and shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of Chapter 133 of the Ohio Revised Code and this ordinance. The bonds shall be executed by the City Manager and Finance Director, provided that the execution by either but not both of said officials may be by facsimile. The bonds may also bear the seal of the City, or a facsimile thereof, and shall bear the manual authenticating signature of an authorized representative of such bank or trust company as is designated, without further action by this Council, by the Finance Director as paying agent, registrar and transfer agent (the "Paying Agent and Registrar") for the bonds. Such designation shall be evidenced by the execution

and delivery of a bond registrar agreement by the Finance Director, which execution and delivery is hereby authorized. If the Finance Director does not designate a bank or trust company to act as Paying Agent and Registrar for the bonds, the Finance Director shall be the Paying Agent and Registrar and no authentication signature shall be required.

The principal amount of each bond shall be payable at the principal office of the Paying Agent and Registrar and interest thereon shall be made on each interest payment date to the person whose name appears on the record date (May 15 and November 15 for June 1 and December 1 interest, respectively) on the bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at his address as it appears on such registration records.

The bonds 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 bond during the 15-day period preceding any interest payment 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 bond or bonds 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 bonds 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 4. That the bonds shall be sold at public or private sale at such price (but not less than 97% of par) as is agreed upon by the City Manager and Finance Director and the purchaser. The proceeds from the sale of said bonds, except the premium and accrued interest thereon, shall be used for the purposes aforesaid and for no other purpose; and the premium and accrued interest received from such sale shall be transferred to the bond retirement fund to be applied to the payment of the principal and interest of the bonds in the manner provided by law.

The City Manager and Finance Director, or either of them, are hereby authorized and directed in the name of and on behalf of the City, to execute and deliver to the purchaser either a contract of purchase or bond purchase agreement between the City and the purchaser, if such is requested by the purchaser, which shall contain the final principal amount, rate or rates of interest and maturity schedules, redemption provisions, and such other terms and conditions concerning the bonds as may be agreed upon between the City and the purchaser. The Finance Director is hereby authorized to execute a Certificate of Award, setting forth any terms relating to the issuance of the bonds which are not specified in this Bond Legislation.

All appropriate officers of the City are further authorized to make, execute, acknowledge and deliver such financing statements, closing certificates, and other instruments or agreements as are, in the opinion of bond counsel, necessary to carry out the purposes of this ordinance.

SECTION 5. That the bonds shall be the full general obligations of the City and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. That during the period the bonds are to run, there shall be and is hereby levied on all the taxable property

in the City, in addition to all other taxes, but within applicable limitations, a direct tax annually in an amount sufficient to pay the principal of and interest on the bonds when and as the same fall due.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in a separate and distinct fund, which together with all interest collected on the same, shall be irrevocably pledged for the payment of the interest and principal of said bonds when and as the same fall due; provided, however, to the extent that other revenues, are certified, collected and appropriated for payment of debt service, said tax need not be levied.

SECTION 6. That this council, for and on behalf of the City, hereby covenants that it will restrict the use of the proceeds, if any, of the bonds hereby authorized in such manner and to such extent, if any, and take such other actions as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed thereunder. The Finance Director or any other officer having responsibility with respect to the issuance of the bonds is authorized and directed to give an appropriate certificate on behalf of the City, on the date of delivery of the bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

These bonds have been designated "qualified tax-exempt obligations" for the purposes set forth in Section 265(b)(3) of the Internal Revenue Code of 1986, as amended. The City does not anticipate issuing more than \$10,000,000 of "qualified tax-exempt obligations" during this calendar year.

SECTION 7. The funds derived from the sale of the bonds authorized by this ordinance become and they are hereby set aside and appropriated for the payment as described in this ordinance.

SECTION 8. 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 9. 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 10. That if deemed necessary by the City's municipal advisor, the City Manager and Finance Director are hereby authorized and directed to cause the preparation and distribution of a Preliminary Official Statement and a final Official Statement with respect to the bonds, in such form and content as is satisfactory to them. Any official having charge with respect to the issuance of the Bonds is hereby authorized to execute on behalf of the City a certification with respect thereto.

SECTION 11. If deemed necessary by bond counsel, any official having charge with respect to the issuance of the Bonds is hereby further authorized to execute on behalf of the City a Continuing Disclosure Certificate, in such form and containing such terms, covenants and conditions not inconsistent herewith, and to take such other actions as may be necessary to comply with the requirements of Rule 15c2-12, promulgated by the Securities and Exchange Commission under the Securities and Exchange Act of 1934, as amended from time to time.

SECTION 12. This Council hereby authorizes and directs the City Manager and Finance Director to take any and all actions which may be necessary to issue the bonds in book-entry-only form or in such form as will render the bonds eligible for the services of the Depository Trust Company, New York, New York without further action by this Council, including execution of all documents necessary therefor, if the purchaser requests the bonds be issued in book-entry-only form.

SECTION 13. That the City Manager and Finance Director are hereby authorized to apply, if they deem it appropriate, for a rating on the bonds from either Standard & Poor's Corporation or Moody's Investors Service, or both, and to pay the fee for said rating to the extent authorized by law and approved by bond counsel.

The City Manager and Finance Director are hereby further authorized to apply for and, in their discretion, to purchase a policy of municipal bond insurance from any nationally recognized municipal bond insurer, if such insurance will result in net interest cost savings to the City.

SECTION 14. All appropriate officers of the City are further authorized to make, execute, acknowledge and deliver such financing statements, closing certificates and other instruments or agreements as are, in the opinion of bond counsel, necessary to carry out the purposes of this ordinance.

SECTION 15. That the firm of Dinsmore & Shohl LLP ("Dinsmore"), is hereby engaged as the City's "bond counsel" pursuant to the engagement letter of Dinsmore on file with the City.

SECTION 16. This council hereby finds and determines that all formal actions relative to the adoption of this ordinance were taken in an open meeting of this council, and that all deliberations of this council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

SECTION 17. That the Finance Director is hereby directed to forward a certified copy of this ordinance to the County Auditor of Montgomery County, Ohio.

SECTION 18. 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 in order to provide for the orderly financing of the infrastructure improvements to which it relates as herein provided, and it shall take effect immediately upon its adoption.

ADOPTED: _____.

Mayor

Clerk of Council

CERTIFICATE

The undersigned, Clerk of Council, Riverside, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 22-O-788 adopted _____.

Clerk of Council

CERTIFICATE

The undersigned, Finance Director, Riverside, Ohio, hereby certifies that Ordinance No. 22-O-788 was filed with the County Auditor of Montgomery County, Ohio, on _____.

Finance Director

RECEIPT

The undersigned, County Auditor of the Montgomery County, Ohio, acknowledges receipt of Ordinance No. 22-O-788 of the City of Riverside, Ohio, on _____, 2022.

County Auditor

EXTRACT FROM MINUTES OF MEETING

The Council of the City of Riverside, Ohio, met in regular session, at 6:00 pm., on _____ at 5200 Springfield Street, Suite 100, with the following members present: Mayor Pete Williams, Deputy Mayor Sara Lommatzsch, Councilmember Mike Denning, Councilmember April Franklin, Councilmember Brenda Fry, Councilmember Zachary Joseph, and Councilmember Jesse Maxfield

There was presented and read to Council Ordinance No. 22-O-788, entitled:

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$1,400,000 ROAD IMPROVEMENT BONDS, SERIES 2022, BY THE CITY OF RIVERSIDE, OHIO AND DECLARING AN EMERGENCY.

M_. _____ then moved that Ordinance No. 22-O-788 be adopted. M . _____ seconded the motion and, the roll being called upon the question, the vote resulted as follows:

The Ordinance was declared adopted _____.

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 _____, to the extent pertinent to consideration and adoption of the above-entitled obligation.

Clerk of Council

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

MEETING DATE: January 6, 2022

AGENDA ITEM CAPTION: Resolution No. 22-R-2734 – appointing the City of Riverside’s 2022 representatives to the First Suburbs Consortium of Dayton Ohio Council of Governments.

ADMINISTRATIVE COMMENT:

STAFF RECOMMENDATION: It is respectfully recommended that the Mayor and City Council approve the attached resolution.

FISCAL IMPACT:

SOURCE OF FUNDS:

EXHIBITS: Legislation

SUBMITTED BY: Katie Lewallen, Clerk of Council

APPROVED FOR COUNCIL CONSIDERATION: Joshua Rauch, City Manager

ACTION TAKEN

MOTION:

MADE BY: _____ SECOND BY: _____

FOR: _____

AGAINST: _____

APPROVED ()

DENIED ()

TABLED ()

OTHER (EXPLAIN):

COMMENTS/STAFF FOLLOW UP:

22-R-2734

A RESOLUTION APPOINTING THE CITY OF RIVERSIDE'S 2022 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 2022 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 the 31st day of December, 2022.

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. 22-R-2734 passed by the Riverside City Council on _____.

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

CLERK

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

MEETING DATE: January 6, 2022

AGENDA ITEM CAPTION: Resolution No. 22-R-2735 – appointing the City of Riverside’s 2022 representatives to the Miami Valley Regional Planning Commission (MVRPC).

ADMINISTRATIVE COMMENT:

STAFF RECOMMENDATION: It is respectfully recommended that the Mayor and City Council approve the attached resolution.

FISCAL IMPACT:

SOURCE OF FUNDS:

EXHIBITS: Legislation

SUBMITTED BY: Katie Lewallen, Clerk of Council

APPROVED FOR COUNCIL CONSIDERATION: Joshua Rauch, City Manager

ACTION TAKEN

MOTION:

MADE BY: _____ SECOND BY: _____

FOR: _____

AGAINST: _____

APPROVED ()

DENIED ()

TABLED ()

OTHER (EXPLAIN):

COMMENTS/STAFF FOLLOW UP:

22-R-2735

A RESOLUTION APPOINTING THE CITY OF RIVERSIDE'S 2022 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 2022 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 _____.

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. 22-R-2735 passed by the Riverside City Council on _____.

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

CLERK

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

MEETING DATE: January 6, 2022

AGENDA ITEM CAPTION: Resolution No. 22-R-2736 – approving the City Manager’s appointment of two members to the Tax Incentive Review Council (TIRC).

ADMINISTRATIVE COMMENT:

STAFF RECOMMENDATION: It is respectfully recommended that the Mayor and City Council approve the attached resolution.

FISCAL IMPACT:

SOURCE OF FUNDS:

EXHIBITS: Legislation

SUBMITTED BY: Joshua Rauch, City Manager

APPROVED FOR COUNCIL CONSIDERATION: Joshua Rauch, City Manager

ACTION TAKEN

MOTION:

MADE BY: _____ SECOND BY: _____

FOR: _____

AGAINST: _____

APPROVED ()

DENIED ()

TABLED ()

OTHER (EXPLAIN):

COMMENTS/STAFF FOLLOW UP:

22-R-2736

**A RESOLUTION BY THE COUNCIL OF THE CITY OF RIVERSIDE,
MONTGOMERY COUNTY, OHIO APPROVING THE CITY MANAGER'S 2022
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; and

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 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

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. 22-R-2736 passed by the Riverside City Council on _____.

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

CLERK

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

MEETING DATE: January 6, 2022

AGENDA ITEM CAPTION: Resolution No. 22-R-2737 – appointing the City of Riverside’s 2022-2023 representative to the Investment Review Committee of the City of Riverside.

ADMINISTRATIVE COMMENT:

STAFF RECOMMENDATION: It is respectfully recommended that the Mayor and City Council approve the attached resolution.

FISCAL IMPACT:

SOURCE OF FUNDS:

EXHIBITS: Legislation

SUBMITTED BY: Joshua Rauch, City Manager

APPROVED FOR COUNCIL CONSIDERATION: Joshua Rauch, City Manager

ACTION TAKEN

MOTION:

MADE BY: _____ SECOND BY: _____

FOR: _____

AGAINST: _____

APPROVED ()

DENIED ()

TABLED ()

OTHER (EXPLAIN):

COMMENTS/STAFF FOLLOW UP:

**A RESOLUTION SETTING FORTH THE APPOINTMENT OF
_____ TO THE INVESTMENT REVIEW COMMITTEE
OF THE CITY OF RIVERSIDE, OHIO, FOR THE TERM BEGINNING JANUARY
1, 2022 AND ENDING DECEMBER 31, 2023.**

WHEREAS, by prior legislation this Council did adopt an investment policy for the City; and

WHEREAS, said policy provides for an Investment Review Committee to advise the Finance Director regarding such investments and to review the City’s investment function; and

WHEREAS, the membership of said Committee shall include a member of Council chosen by that body.

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 appoints _____, a member of Council to the Investment Review Committee of the City of Riverside, Ohio for the term beginning January 1, 2022 and ending December 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 _____.

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. 22-R-2737 passed by the Riverside City Council on _____.

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

CLERK

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

MEETING DATE: January 6, 2022

AGENDA ITEM CAPTION: Resolution No. 22-R-2738 – Authorizing the city manager to sign contracts for the City of Riverside to design and construct modifications to the Airway Woodman Intersection in an amount not to exceed \$139,066.

ADMINISTRATIVE COMMENT:

STAFF RECOMMENDATION: It is respectfully recommended that the Mayor and City Council approve the attached resolution.

FISCAL IMPACT:

SOURCE OF FUNDS:

EXHIBITS: Legislation

SUBMITTED BY: Kathy Bartlett, Public Service Director

APPROVED FOR COUNCIL CONSIDERATION: Joshua Rauch, City Manager

ACTION TAKEN

MOTION:

MADE BY: _____ SECOND BY: _____

FOR: _____

AGAINST: _____

APPROVED ()

DENIED ()

TABLED ()

OTHER (EXPLAIN):

COMMENTS/STAFF FOLLOW UP:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN CONTRACTS FOR THE CITY OF RIVERSIDE TO DESIGN AND CONSTRUCT MODIFICATIONS TO THE AIRWAY WOODMAN INTERSECTION IN AN AMOUNT NOT TO EXCEED \$139,066.

WHEREAS, the City of Riverside has received complaints and inquiries regarding the design of the intersection, lights, and signals at the Airway/Woodman intersection; and

WHEREAS, the City desires to modify the signal in an effort to decrease accidents and to move the signals to where they are expected by the traveling public; and

WHEREAS, Choice One Engineering will be responsible for the engineering of the intersection modification estimated at \$14,700; and

WHEREAS, the estimated construction costs are estimated \$124,366.00.

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

- Section 1: The City Manager is hereby authorized to sign on behalf of the City of Riverside in an amount not to exceed \$139,066.
- Section 2: The City Manager and/or Finance Director are hereby authorized to sign on behalf of the City in connection with said project.
- Section 3: This Resolution shall take effect and be in force from and after the date of its passage.

PASSED THIS DAY _____.

APPROVED:

MAYOR

ATTEST:

CLERK

CERTIFICATE OF THE CLERK

I, _____ Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. 22-R-2738 passed by the Riverside City Council on _____.

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

CLERK

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

MEETING DATE: January 6, 2022

AGENDA ITEM CAPTION: Resolution No. 22-R-2739 – Authorizing the city manager to sign contracts for the City of Riverside to design and construct modifications to the Airway West Pedestrian Crossing in an amount not to exceed \$69,585.00.

ADMINISTRATIVE COMMENT:

STAFF RECOMMENDATION: It is respectfully recommended that the Mayor and City Council approve the attached resolution.

FISCAL IMPACT:

SOURCE OF FUNDS:

EXHIBITS: Legislation

SUBMITTED BY: Kathy Bartlett, Public Service Director

APPROVED FOR COUNCIL CONSIDERATION: Joshua Rauch, City Manager

ACTION TAKEN

MOTION:

MADE BY: _____ SECOND BY: _____

FOR: _____

AGAINST: _____

APPROVED ()

DENIED ()

TABLED ()

OTHER (EXPLAIN):

COMMENTS/STAFF FOLLOW UP:

22-R-2739

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN CONTRACTS FOR THE CITY OF RIVERSIDE TO DESIGN AND CONSTRUCT MODIFICATIONS TO THE AIRWAY WEST PEDESTRIAN CROSSING IN AN AMOUNT NOT TO EXCEED \$69,585.00

WHEREAS, the City of Riverside has received complaints and inquiries regarding pedestrian crossing west of the Airway intersection; and

WHEREAS, the City desires to modify the pedestrian crossing lights and signing in an effort to prevent accidents; and

WHEREAS, Choice One Engineering will be responsible for the engineering of the pedestrian crossing modification estimated at \$6,500.00 and

WHEREAS, the estimated construction costs are estimated \$63,085.00.

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

- Section 1: The City Manager is hereby authorized to sign on behalf of the City of Riverside in an amount not to exceed \$69,585.00.
- Section 2: The City Manager and/or Finance Director are hereby authorized to sign on behalf of the City in connection with said project.
- Section 3: 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. 22-R-2739 passed by the Riverside City Council on _____.

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

CLERK

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

MEETING DATE: January 6, 2022

AGENDA ITEM CAPTION: Resolution No. 22-R-2740 – Authoring the city manager to enter into an agreement with ODOT for the rehabilitation of West Springfield Street between Northcliff Drive and the Harshman Road entrance/exit ramps.

ADMINISTRATIVE COMMENT:

STAFF RECOMMENDATION: It is respectfully recommended that the Mayor and City Council approve the attached resolution.

FISCAL IMPACT:

SOURCE OF FUNDS:

EXHIBITS: Legislation

SUBMITTED BY: Kathy Bartlett, Public Service Director

APPROVED FOR COUNCIL CONSIDERATION: Joshua Rauch, City Manager

ACTION TAKEN

MOTION:

MADE BY: _____ SECOND BY: _____

FOR: _____

AGAINST: _____

APPROVED ()

DENIED ()

TABLED ()

OTHER (EXPLAIN):

COMMENTS/STAFF FOLLOW UP:

FINAL RESOLUTION

The following Final Resolution enacted by the City of **Riverside**, Ohio, hereinafter referred to as the Legislative Authority/Local Public Agency or "LPA", in the matter of the stated described project.

WHEREAS, on the **7th day of May, 2020**, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of resurfacing West Springfield Street between Northcliff Drive and the Harshman Road northbound entrance/exit ramps and closure and reconfiguration of the Northcliff Drive and Norman Boulevard intersections, including curb, sidewalk, curb ramps, storm sewer infrastructure, lighting, signage, and reconfigured pavement markings, lying within the City of Riverside; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.

The share of the cost of the LPA is now estimated in the amount of **Five Hundred Seventy-Three Thousand Three Hundred Eighty-Seven and - - - 00/100 Dollars, (\$573,387.00)**, but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW, THEREFORE, be it resolved:

- I. That the estimated sum, of **Five Hundred Seventy-Three Thousand Three Hundred Eighty-Seven and - - - 00/100 Dollars, (\$573,387.00)** is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from **Federal** funds.
- II. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.
- III. That the LPA enter into a contract with the State, and that the **City Manager** be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.
- IV. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the _____ day of _____, 20____, and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.

We further certify that said Resolution and the action of said LPA thereon is recorded in the journal of said LPA in Volume _____, at Page _____, and under date of _____, 20____.

Legislative Authority of the
City of **Riverside**, Ohio

City Manager

SEAL
(If Applicable)

Clerk (Secretary Ex-Officio)

FISCAL OFFICER'S CERTIFICATE
(Chapter 5521 and Section 5705.41, Ohio Revised Code)

I hereby certify to that the money, to wit: **\$573,387.00** required for the payment of the cost other than that thereof assumed by the **Federal** Government, for the improvement of that portion of **West Springfield Street**, lying within the corporate limits of the City of **Riverside**, more particularly described as follows:

The project consists of resurfacing West Springfield Street between Northcliff Drive and the Harshman Road northbound entrance/exit ramps and closure and reconfiguration of the Northcliff Drive and Norman Boulevard intersections, including curb, sidewalk, curb ramps, storm sewer infrastructure, lighting, signage, and reconfigured pavement markings, lying within the City of Riverside; and

has been lawfully appropriated for such purpose and is in the treasury to the credit of, or has been levied placed on the duplicate and in process of collection for the appropriate fund, and not appropriated for any other purpose; or is being obtained by sale of bonds issued on account of said improvement, which bonds are sold and in process of delivery.

I further certify that this certificate was made, sealed and filed with the legislative authority of the City of **Riverside**, Ohio, after said legislative authority passed the final resolution in connection with the within described project; and that this certificate was forthwith recorded in the record of the proceedings of said legislative authority, namely:

Legislative Authority's Journal, Volume _____, at Page _____,

IN WITNESS WHEREOF, I have hereunto set my hand and official seal as said fiscal officer, this _____ day of _____, 20____.

(Fiscal Officer's Seal)
(If Applicable)

Fiscal Officer of the City of
Riverside, Ohio

C O N T R A C T
(Chapter 5521, Ohio Revised Code)

This contract is made by and between the State of Ohio, Department of Transportation, acting through its director (hereinafter referred to as the "STATE"), 1980 West Broad Street, Columbus, Ohio 43223, and the City of **Riverside**, (hereinafter referred to as the legislative authority/Local Public Agency or "LPA").

WITNESSTH:

WHEREAS, Chapter 5521 of the Ohio Revised Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the Director of Transportation; and

WHEREAS, through the enactment of preliminary legislation, the LPA and the STATE have agreed to cooperate in the highway project described below; and

WHEREAS, through the enactment of final legislation, the LPA has committed to pay an estimated amount of money as its share of the total estimated cost and expense of the highway project described below; and

WHEREAS, the fiscal officer of the LPA has filed with the LPA a certificate stating that sufficient moneys are available, as required by Chapter 5521 and Section 5705.41 of the Ohio Revised Code. A duplicate certificate is attached hereto; and

WHEREAS, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment of the agreed portion of the cost of the highway project and any additional obligations for the highway project described below.

NOW, THEREFORE, in consideration of the premises and the performances of mutual covenants hereinafter set forth, it is agreed by parties hereto as follows:

SECTION I: **RECITALS**

The foregoing recitals are hereby incorporated as a material part of this contract.

SECTION II: **PURPOSE**

The purpose of this contract is to set forth requirements associated with the highway project described below (hereinafter referred to as the "PROJECT") and to establish the responsibilities for the administration of the PROJECT by the LPA and the STATE.

SECTION III: LEGAL REFERENCES

This contract is established pursuant to Chapter 5521 of the Ohio Revised Code.

SECTION IV: SCOPE OF WORK

The work to be performed under this contract shall consist of the following:

The project consists of resurfacing West Springfield Street between Northcliff Drive and the Harshman Road northbound entrance/exit ramps and closure and reconfiguration of the Northcliff Drive and Norman Boulevard intersections, including curb, sidewalk, curb ramps, storm sewer infrastructure, lighting, signage, and reconfigured pavement markings, lying within the City of Riverside.

SECTION V: FINANCIAL PARTICIPATION

1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.
2. The STATE may allocate the money contributed by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, notwithstanding the percentage basis of contribution by the LPA.
3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the Director of Transportation.
4. The LPA agrees to pay to the STATE its share of the total estimated cost expense for the above highway project in the amount of **Five Hundred Seventy-Three Thousand Three Hundred Eighty-Seven and - - - 00/100 Dollars, (\$573,387.00).**
5. **The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.**
6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items required by the LPA on the entire project, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.
7. The LPA agrees that change orders and extra work contracts required fulfilling the construction contracts shall be processed as needed. The STATE shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

SECTION VI: RIGHT-OF-WAY AND UTILITIES

1. The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.
2. The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual, including that:
 - A. Arrangements have been or will be made with all utilities where facilities are affected by the described PROJECT, that the utilities have agreed to make all necessary removals and/or relocations to clear any construction called for by the plans of this PROJECT, and that the utilities have agreed to make the necessary removals and/or relocations after notification by the LPA or STATE.
 - B. The LPA shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.
 - C. The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the PROJECT and that the utility removals and/or relocations shall be approved by the STATE and performed in accordance with the provisions of the ODOT Construction and Materials Specifications.

SECTION VII: ADDITIONAL PROJECT OBLIGATIONS

1. The STATE shall initiate the competitive bid letting process and award the PROJECT in accordance with ODOT's policies and procedures.
2. The LPA agrees:
 - A. To keep said highway open to traffic at all times;
 - B. To maintain the PROJECT in accordance with the provisions of the statutes relating thereto,
 - C. To make ample financial and other provisions for such maintenance of the PROJECT after its completion;
 - D. To maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the STATE and hold said right-of-way inviolate for public highway purposes;

- E. To place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;
- F. To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

SECTION VIII: DISPUTES

In the event that any disputes arise between the STATE and LPA concerning interruption of or performance pursuant to this contract, such disputes shall be resolved solely and finally by the Director of Transportation.

SECTION IX: NOTICE

Notice under this contract shall be directed as follows:

City of Riverside
5200 Springfield Street, Suite 100
Riverside, Ohio
45431

Ohio Department of Transportation
Office of Contract Sales & Estimating
1980 West Broad Street, 1st Floor
Columbus, Ohio 43223

SECTION X: FEDERAL REQUIREMENTS

1. In carrying out this contract, LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, or age. LPA will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin (ancestry), disability, genetic information, or age (40 years or older), sexual orientation, or military status (past, present, future). Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment or Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.
2. To the extent necessary under Ohio law, LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. LPA will, in all solicitations or advertisements for employees placed by or on behalf of LPA, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin (ancestry), disability, genetic information, age (40 years or older), sexual orientation, or military status (past, present, future). If applicable, the LPA shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials) and will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.

3. LPA agrees to fully comply with Title VI of the Civil Rights Act of 1964, 42 USC Sec. 2000. LPA shall not discriminate on the basis of race, color, or national origin in its programs or activities. The Director of Transportation may monitor the Contractor's compliance with Title VI.

SECTION XI: GENERAL PROVISIONS

1. This contract constitutes the entire contract between the parties. All prior discussions and understandings between the parties are superseded by this contract.
2. Neither this contract nor any rights, duties or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.
3. Any change to the provisions of this contract must be made in a written amendment executed by both parties.
4. This contract and any claims arising out of this contract shall be governed by the laws of the State of Ohio. Any provision of this contract prohibited by the law of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this contract or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that the STATE is a party to any litigation arising out of or relating in any way to this contract or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.
5. All financial obligations of the State of Ohio, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio General Assembly and encumbered by the STATE. Additionally, it is understood that this financial obligation of the LPA shall not be valid and enforceable unless funds are appropriated by the LPA's legislative body.
6. This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.
7. LPA agrees that it is currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the Ohio Revised Code.

SECTION XII: SIGNATURES

Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such principal behalf.

Any party hereto may deliver a copy of its counterpart signature page to this Agreement via fax or e-mail. Each party hereto shall be entitled to rely upon a facsimile signature on any other party delivered in such a manner as if such signature were an original.

IN WITNESS THEREOF, the parties hereto have caused this contract to be duly executed in duplicate.

SEAL

(If Applicable)

**OHIO DEPARTMENT OF
TRANSPORTATION**

LOCAL PUBLIC AGENCY
City of Riverside

Director of Transportation

City Manager

Date

Approved:
Dave Yost
Attorney General of Ohio

By: _____
Corinna Efke
Unit Coordinator, Transportation
Executive Agencies Section

Law Director, City of Riverside

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

MEETING DATE: January 6, 2022

AGENDA ITEM CAPTION: Resolution No. 22-R-2741 – Advancing \$50,000 from the General Fund to the General Assessment Fund.

ADMINISTRATIVE COMMENT:

STAFF RECOMMENDATION: It is respectfully recommended that the Mayor and City Council approve the attached resolution.

FISCAL IMPACT:

SOURCE OF FUNDS:

EXHIBITS: Legislation

SUBMITTED BY: Tom Garrett, Finance Director

APPROVED FOR COUNCIL CONSIDERATION: Joshua Rauch, City Manager

ACTION TAKEN

MOTION:

MADE BY: _____ SECOND BY: _____

FOR: _____

AGAINST: _____

APPROVED ()

DENIED ()

TABLED ()

OTHER (EXPLAIN):

COMMENTS/STAFF FOLLOW UP:

22-R-2741

**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, 2022.

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. 22-R-2741 passed by the Riverside City Council on _____.

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

CLERK

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

MEETING DATE: January 6, 2022

AGENDA ITEM CAPTION: Resolution No. 22-R-2742 – Repealing and replacing Resolution No. 21-R-2731 authorizing the withdrawal of the City of Riverside from three grant projects through Montgomery County Environmental Services and from one grant application through the Miami Valley Regional Planning Commission and rescinding prior resolutions related to such grant projects.

ADMINISTRATIVE COMMENT:

STAFF RECOMMENDATION: It is respectfully recommended that the Mayor and City Council approve the attached resolution.

FISCAL IMPACT:

SOURCE OF FUNDS:

EXHIBITS: Legislation

SUBMITTED BY: Kathy Bartlett, Public Service Director

APPROVED FOR COUNCIL CONSIDERATION: Joshua Rauch, City Manager

ACTION TAKEN

MOTION:

MADE BY: _____ **SECOND BY:** _____

FOR: _____

AGAINST: _____

APPROVED ()

DENIED ()

TABLED ()

OTHER (EXPLAIN):

COMMENTS/STAFF FOLLOW UP:

22-R-2742

**A RESOLUTION REPEALING AND REPLACING RESOLUTION NO. 21-R-2731
AUTHORIZING THE WITHDRAWAL OF THE CITY OF RIVERSIDE FROM
THREE GRANT PROJECTS THROUGH MONTGOMERY COUNTY
ENVIRONMENTAL SERVICES AND FROM ONE GRANT APPLICATION
THROUGH THE MIAMI VALLEY REGIONAL PLANNING COMMISSION AND
RESCINDING PRIOR RESOLUTIONS RELATED TO SUCH GRANT PROJECTS.**

WHEREAS, the City of Riverside previously passed Resolution No. 21-R-2731 withdrawing from certain infrastructure projects that included participation in various grant projects with Montgomery County Environmental Services citing three (3) prior resolutions: 19-R-2511, 19-R-2512, and 21-R-2703; and one (1) grant application to the Miami Valley Regional Planning Commission for a project authorized by prior resolution 21-R-2714; and

WHEREAS, the City of Riverside has determined that a typo had occurred with regard to the prior resolution numbers that would withdraw the city from said projects and submits the correct three (3) prior resolutions for withdrawal from the various grant projects with Montgomery County Environmental Services as being: 20-R-2622, 20-R-2623, and 21-R-2703; and the one (1) prior resolution for withdrawal from a grant application to the Miami Valley Regional Planning Commission as being 21-R-2712; and

WHEREAS, the City of Riverside has committed to reviewing project development schedules and participation in grant projects to continuously review the efficacy, necessity, return on investment, and viability of all such projects in order to promote the most efficient use of resources for the citizenry of the City; and

WHEREAS, the City of Riverside has determined that its community goals and resources are best met by withdrawing from three (3) grant projects with Montgomery County Environmental Services and one (1) grant application through the Miami Valley Regional Planning Commission.

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

Section 1: That the Council hereby authorizes the City to withdraw from the grant projects with Montgomery County Environmental Services authorized by three (3) prior resolutions: 20-R-2622, 20-R-2623, and 21-R-2703, and to withdraw the grant application to the Miami Valley Regional Planning Commission for a project authorized by prior resolution 21-R-2712.

Section 2: That the Council hereby authorizes the City Manager or his designee to notify such external stakeholders at each agency to reflect the City's withdrawal from these particular grant projects referenced in Section I of this Resolution.

Section 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

Section 4: That the Council hereby rescinds previous resolutions related to the projects and application referenced within this Resolution, namely Resolution 20-R-2622, Resolution 20-R-2623, Resolution 21-R-

22-R-2742

2703, and Resolution 21-R-2712, and replaces them with the within resolution.

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

PASSED THIS DAY _____.

APPROVED:

MAYOR

ATTEST:

CLERK

CERTIFICATE OF THE CLERK

I, _____, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. 22-R-2742 passed by the Riverside City Council on _____.

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

CLERK