

RECORD OF PROCEEDINGS

Minutes of

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

Thursday, March 18, 2021

20

CALL TO ORDER: Mayor Williams called the Riverside, Ohio City Council Meeting to order at 6:03 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. Teaford, present; and Mayor Williams, present.

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

EXCUSE ABSENT MEMBERS: There were no absent council members.

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

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

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

MINUTES: Mr. Denning motioned to approve the minutes from the March 4, 2021 council meeting. Mrs. Franklin seconded the motion. All were in favor; none opposed. **Motion carried.**

ACCEPTANCE OF PRIOR MONTH'S CITY FINANCIAL REPORT: Mr. Denning motioned to approve the monthly financial report from February 2021. Mrs. Franklin seconded the motion. All were in favor; none opposed. **Motion carried.**

LIQUOR LICENSE - Taqueria 3 Hermanos LLC: Chief Robinson stated they performed a background check and there was nothing in the background. The restaurant has only had one call for service in 2020 like a door alarm so they don't have any issues with them whatsoever. Mr. Denning asked if there were concerns with it being close to Oddbody's and any issues. Chief Robinson stated he did not believe so since their hours were different and clientele will also be different. Council did not request a hearing in the county seat. There was no objection to the application.

WRITTEN CITIZEN PETITIONS: Mayor Williams advised citizens present to fill out a paper to speak and those on Zoom to notify the host if they wished to speak about agenda or non-agenda items.

DEPARTMENT UPDATES:

A) Law Director Report – Ms. Grandjean: Essentially, we have two executive session scheduled for this evening, and I was asked to explain the significance of permissibility of executive sessions. There is an Ohio law, which is in the ORC Section 122.22 (g), that specifies under what circumstance executive sessions can be held. ORC Section 122.22 is called the open meeting law and that is because the default practice and requirement is that public meetings be open to the public. The meetings of public bodies as is this particular body be able to be viewed, attended, or listened to by the public. The point being that when a public body does business they are doing the business of the public within their jurisdiction and the public is entitled to know what they are doing. Now, there are certain exceptions to those and those have been set forth in the state statute 122.22 of the ORC. Anybody who goes to the Ohio Public Open Meeting Law will find the relevant

RECORD OF PROCEEDINGS

Minutes of

Meeting

BEAR GRAPHICS 800.375.8194 FORM NO. 10148

Held

Thursday, March 18, 2021

20

section. These are also referenced in the Riverside Codified Ordinances in Section 103. Anyone who wishes to see what those exceptions are can go to the Riverside website, look in the code of ordinances, google open meeting or executive session, and the various exceptions are set forth there. Not only is it required that the reason for an executive session be published ahead of time; it is also required that before the council goes into executive session that they take a roll call vote. It takes a majority of council to agree to go into executive session. Council is not to conduct any kind of vote in executive session. They are not to take straw votes meaning when they go back out they can't ask how are you going to vote and how are you going vote. Council can receive information that falls within the purview of the purpose of the executive session and can discuss those matters, Then, if there is anything to vote on, council comes back into public session then they take a vote. There is also a requirement that what is stated and shown, if there are documents presented in executive session, that it be kept confidential. Council members and any invited guests into executive session are bound by that requirement that there be no disclosure to anyone other than those present at executive session. Tonight's executive sessions are to discuss personnel matters and that exception applies unless the person who is subject to that meeting and who is the subject of that discussion for example like personnel proceedings or a grievance proceeding that person can request that it be in public. The other one has to do with advice of the attorney. So, when I am advising council that is done in an executive session. I can't do it at a staff meeting because that would be a public meeting. It needs to be done in an executive session if I am going to advise the whole council. In my role as city attorney, it is to represent the city. Sometimes people get confused and think that means I represent and can advise individual citizens. I can't. Under the legal doctrine that governs the relationship of cities, councils, and the law director, I represent council members and staff in your official capacities not in your individual capacities. I advise you as to what I think the law is and how it might apply, but I do not do that for citizens. When citizens call and say how do I do this or that or is that illegal; it is not my role to advise them because I represent you and I cannot represent different parties in the same matter. As in a divorce, I can only represent one spouse or the other because their interest may conflict. Does that raise any questions or comments as to the significance of the open meeting law?

Mayor Williams: I am glad you were covering some of the items that are most important for folks to understand is that you are the law director and city attorney and there are going to be times we are not able to in a public meeting talk about things that may be going on in our city because they are subject to ongoing litigation and out of respect for that process those are items the seven of us can't talk about, the city manager can't talk about on the microphone, nor could you. Not because we are trying to keep anything from the public, but just because of the nature of those proceedings, we are not at liberty to discuss certain things at certain times. Ms. Grandjean: Exactly, your honor. For example, I am often asked what is going on with this particular case or that particular process involving a citizen. I can't answer that. If it is already a public event; in other words, we have litigated the matter and we won or lost the case, I can certainly say anything that is already public information, but not when we are involved in ongoing litigation. I cannot discuss strategy or what advice I have given the city or would give the city. Thank you for reminding me of that; I think that is a very important issue since we often think that we can just talk about these things. It is the same thing, I can't talk about it and the police department can't talk about what they are doing with regard to an investigation. Ongoing investigations are, in fact, an exception to the disclosures that are required in the public records act. There are two aspects of the sunshine laws: one is meetings, what happens when local government bodies meet; the other is records, who can see the records that public bodies generate. Most of them are public, but that, too, there are exceptions for those things that need to be confidential and ongoing investigations are one of those; attorney work product would be another one, although that is not an exception stating in the law that is the general exception under other principles.

Mayor Williams: I do appreciate the law director being here; it is always easier to make decisions with you here to ask quick questions to. The city manager and I and the deputy mayor asked at our last agenda review that it would be helpful to have not only in attendance

RECORD OF PROCEEDINGS

Minutes of

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

Thursday, March 18, 2021

20

more regularly, but also to give us timely updates as council members, but also, I think, for a newer council member like myself, it is always good to set the table properly on what questions we should be asking the city manager, the police chief, the law director in open meetings and other things appropriate to be asked after a matter has been litigated or resolved. Some times there are just things we can't talk about yet not because we aren't willing, but there could be things at work that prevent us from talking about that and that is what I wanted Dalma to talk about tonight.

B) Finance Department – Mr. Garrett: I would point out that we did close the Wright Point note last Thursday at a premium so that no premium did cover all of the cost of issuance of the various agents who have to assist in renewing the note, but the note was renewed. On Monday, we had a kick off meeting with Azavar Government Solutions, who is getting set up to do an audit of hotel tax receipts later this summer. Right now, we were sharing information and providing background information to set the stage. Our assisting CPA firm came in today collected data for the general accepted accounting procedure formatting of our financial statements in preparations for the auditor this year. As you probably are aware, the president did sign the American Rescue Plan, the \$1.9 trillion funding for the first time this authorizes direct funding for cities in contrast to the CARES Act funding, which had more restrictive limitations. Today, the OML in concert with the National League of Cities presented a webinar. I watched the webinar to learn more about the American Rescue Plan. Some of the details are still being developed because the law was only passed a week ago. We are waiting for the formal treasury department guidance of all the rules and what you can do. As well, they are finalizing the dollar amount that the City of Riverside might be on tap to receive. One point is the funding must be used in the next three years by December 2024 for whatever funding we do get. The restrictions are somewhat more flexible than they were with the CARES Act funding. This time, the guidelines allow for some revenue replacement so we can fund some of the projects we deferred last year because our income tax had been diminished during the pandemic. Mr. Denning: My understanding is that we will only get 50% of the money this year and 50% possibly next year; is that correct? Mr. Garrett: That is correct. The law requires the disbursement to the cities within 60 days of signing so by the middle of May we should receive half of our authorized funding. A year later, we get the other half. Mr. Denning: So, if we were going to get \$4.0 million we shouldn't budget for \$4.0 million this year because we are only getting \$2.0 million. Mr. Garrett: Of course, we have three years to use the money so we wouldn't probably use it all at once. Deputy Mayor Lommatzsch: I don't have a question, I just want to say what a great job he does staying informed and on tact of what is going on.

C) Administration Department – Mr. Lohr: We are continuing the hiring process for full-time firefighter/paramedic and engineering technician. We are going to be starting interviews for both those positions over the next couple of weeks. I am working on researching document management software that we could use to digitize and manage all of our personnel files, contracts, project files, things like that. We have a pretty good prospect and we are looking at some other options. I think that we may be able to implement that this year. It would be a good, big jump forward to the way we are maintaining our records. At the same time, we are coming across some options that are available to make our purchase requisition and accounts payable processes electronic to get away from shuffling the paper around. I'm not sure if that is feasible at this time, but it would also be a good jump forward technologically. I have a bid out for a backflow preventer at the 5100 building. That is going to close towards the end of March and hoping to bring forth legislation at the April 1 meeting to select a contractor so we can get that completed by the April 30 deadline that Montgomery County Environmental Services gave us. Mayor Williams: Thanks for running the Zoom portion of our meeting.

D) Community Development Department – Mr. Burkholder: We have been very busy in all the sections of our department so I will hit the highlights and answer any questions you may have. We have received three qualifications for firms with regard to the comprehensive land use plan and will review those this next week and then sending out

RECORD OF PROCEEDINGS

Minutes of

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

Thursday, March 18, 2021

20

proposals based on that review. The vacant property legislation has been forwarded on to legal counsel so we will await the comments on that and continue to work on that to bring forward to council. We have started to schedule our business retention and expansion visits. We had several of those last year, but we are going to start again this year, and we have one scheduled for next week. We have the management agreement, the draft copy from Colliers Management Services for Wright Point. We are working on that along with legal counsel and iron out the details similar to what we did when we had the leasing contact with Colliers; we hope to have that legislation ready for April 1, so we can implement that program. Code enforcement is always very busy, and we are starting pretty early this year as far as decks, pools, and fences. We have already had some violations with porches going on and have not gotten permits. We have put some stop work orders on those. We are looking to put something out on Facebook reminding everyone the importance of checking with the zoning department first and getting the proper permits before you get halfway through the construction process. I just checked with the code enforcement officer today, and we currently have 10 active cases in the courts. That has picked up quite a bit and takes a lot of time and is definitely worthwhile. In the more egregious cases where they don't come into compliance after three warning letters so we end up taking those to court, and we are looking at bringing legislation forward to increase the administrative fee so that we actually we have a fee associated with the court cases. Many times, those cases will go to court; they either come into compliance and no fine is levied or a small fine and the court then levies court costs, but we don't recover any types of fees for the time and effort we put into those cases. We are looking to implement that process as well. We do have penalties and fines in our current code, but we'd like to also attach those to when we have to go to court. We are looking at increasing the administrative fee that we currently assess when we have abatements. An administrative fee attached in addition to the mowing fee on grass assessments to those in violation of the grass ordinance. We are going to bring those to council as well in the near future.

E) City Manager Report – Mr. Carpenter: Ms. Sarah McCarthy is my recommendation to reappoint to the Tax Review Board. We appreciate her taking the time to volunteer on two of the tax related boards. The manager does have the opportunity to appoint one person and to reappoint Ms. McCarthy. Regarding the budget committee, I have started collecting information from other cities and I do expect to have something before council at the April work session.

PUBLIC COMMENT ON AGENDA ITEMS: Mayor Williams stated there was no one in chambers to speak on agenda items. He asked those on Zoom to let the host, Mr. Lohr, know. Mr. Lohr stated that no one has messaged him to speak.

NEW BUSINESS

A) RESOLUTIONS

- I) Resolution No. 21-R-2666 – authorizing the city manager to enter into a contract for the purchase of one (1) 2021 Ford Police Package Utility vehicle for use at the police department under the State of Ohio Cooperative Bid Program.**

Mr. Carpenter stated the resolution is to purchase a police cruiser to replace a 2015 cruiser.

Mr. Teaford motioned to approve Resolution No. 21-R-2666. Mr. Denning seconded the motion.

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

- II) Resolution No. 21-R-2667 – authorizing the city manager to enter into a contract with Stoops Freightliner through the State of Ohio Cooperative**

RECORD OF PROCEEDINGS

Minutes of

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

Thursday, March 18, 2021

20

Bid Program for one (1) 2021 Freightliner truck chassis and Henderson truck and equipment for one (1) Henderson single axle build package exempt from the Ohio Cooperative Bid Program for the truck for use by the service department.

Mr. Carpenter stated this resolution is for the purchase of a dump truck/snowplow for the service department and will replace an outdated truck.

Mr. Denning motioned to approve Resolution No. 21-R-2667. Mrs. Franklin seconded the motion.

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

COUNCIL MEMBER COMMENTS: Mrs. Franklin: I just wanted to say that Monday I got my first COVID-19 shot so I was excited about that vaccination. I encourage people to go out and get vaccinated. I had mine done at UD and they did a great job out there and were extremely efficient so I want to encourage other residents to go out and get vaccinated.

Mayor Williams: I just wanted to congratulate a number of young people in our community, Marvelous Rutledge, a senior at Stebbins High School, finished third in the Division I state wrestling meet at a very tough 195 lbs. weight class. It was a tremendous season for that senior; he wasn't able to go to the state wrestling meet last year because of the shutdown. Also, down at Carroll, the girls' basketball team finished in the final four. They lost the state semi-finals to the team that ended up winning state by three points. Again, last year, they were not able to compete at a state championship because of the shutdown so it was great to see these student athletes get to go as far as their athletic ability would take them. Yesterday, I was joined by a number of community members and members of our faith community with our superintendent Chad Wyen, and we finished the last 900 bags of the 4,000 bags we have stuffed in the last month to six weeks that will go out to students in the Mad River Local District over spring break. There is everything in there from stationery, things from Crayons to Classrooms, things from our library, things from Children's Hospital, and earbuds if your child is online learning. A number of great organizations donated to make this possible. Chad, of course, pulled it all together. The superintendent really is a super guy so we are thankful for that, and I am glad that I was able to be included in that. Thanks, Chad.

Deputy Mayor Lommatzsch: Just want to remind folks of a couple of Easter egg hunts in the community happening this weekend and next weekend. Thank you to those people making that happen. Along with that same thing, we had a Chamber meeting today; the first time in a year. It is nice to see people get together again thanks to the city for letting us meet here. The Chamber has no meeting home. We used to meet over in the other building so we are going to work through that and find whether we meet here or wherever. At that meeting, one of the things following up to what the Mayor just said, kudos to the school board. We see advertisement all over the TV about the school programs in California, Florida, Michigan or wherever doing these wonderful things because their kids are in school and have been in school. Our kids have been in school all year one way or the other and we have to say kudos to the school board and to Chad Wyen for keeping our children fed, which is most important. A lot of those children would not have had food to eat if the school board and superintendent had not stepped up with the financial aid of the government, but they made it happen. My understanding is that it has been very smooth, and hopefully no child has gone hungry in Riverside. They may not have had what they want to eat, but they had food to eat. Our children have been well cared for, and our school district has done well. There are complaints; everybody gets complaints, but I just want to say thank you very much for all the community, the churches, the schools have done to make our children be the best they can. We still have issues with our children as far as their emotions and their psychological issues, which are pretty prevalent, but things are happening to maybe help with that situation. Thank you to them. Don't forget Easter is an important time of the year.

RECORD OF PROCEEDINGS

Minutes of

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

Thursday, March 18, 2021

20

Ms. Fry: On the blood drive at the beginning of the month, we had a lot of positive feedback from the Community Blood Center (CBC), and they asked if we would be willing to host future blood drives. I worked with the CBC and the city manager and we have scheduled five additional blood drives. We plan on having a blood drive every two months to coincide with a person's eligibility to donate blood. The next one we have is scheduled for May 10. It will be in the blood mobile bus from the blood bank. I've given blood in it before, and it is very cozy and convenient. It will be out in the parking lot. We will have 40 spots; we were able to fill all the spots last time, and I am hoping we can continue our streak. It's May 10.

Mr. Denning: We've had a great meeting, almost a half-hour except for the executive session. Kudos to us for keeping business moving the way it is supposed to. I want to thank staff for everything they do all the time. We don't always say that enough. A lot of times they and we get beat up, but we know we are doing everything within the rules we can for every one that we can. We have to keep our heads up and do the right thing.

PUBLIC COMMENT ON NON-AGENDA ITEMS: Mayor Williams stated a member of the public did join them and wants to make sure he gets a chance to speak. He asked Mr. Ryan to state his name and address for the record and keep comments to three minutes.

Mr. Ryan: Dan Ryan, 2448 Guernsey Dell Avenue, I'm here for a couple of issues. There are two properties in my neighborhood looking bad for a long time now, 2350 Forest Home and 2456. I sent in pictures; the house you are looking at now is 2456 Forest Home. That house was burned over five years ago; I'm waiting for the city to get back with me on the day it was burned, but it is a real hazard. Back four years ago when we did a trash clean up at Rohrer Plat, I cleared out over 15 tires. To this day, I am still getting mattresses out of there. A lot of crap constantly gets dumped there. As a community leader in volunteering, people in my neighborhood come to me asking about these two properties. I know this one has some asbestos and it is expensive to tear down, but I am reaching out to see what we can do to speed up the process. I feel that all the work we do together as a team, many of you walk the streets with me to clean up trash and picking up. I feel like when something like this sits for so long, it really hurts our cause. I would like to figure out a way to get the property torn down. Houses on both sides have expressed interest in acquiring the land so it would be a good things for the whole community. One lot next to it is completely empty so it would make a nice area for either house. The other picture that car has been sitting on Forest Home for over two years, before the tornado. People think the tornado knocked that down; that's not true. I don't know the legal process in getting it cleaned up, but I know with a chain saw and a few people I could have that tree cleared off and loaded in my truck leaving it just to be towed by the city. I am asking; I'm begging for help where not doing things for me, but together as a team what can we do to get this taken care of. I am more than willing to go over there with the permission of the city to go over and actually clean it up. I'm willing to meet with anybody to know how to go about doing it. Those are the two issues I get the most in my neighborhood over on Valley Street. The second topic, I wanted to do a community trash day. I've been working with the Way of the Cross church to help me do a walk around my neighborhood like we have done in the past. I know both of you have been out there together walking the streets. I would like to do it again, but I was thinking citywide this time, if we could get everybody involved even people that aren't very healthy, just go our front and pick up trash. They can send pictures to the city of what they have done so we can brag about it. Earth Day is the last week of April, and this would be a great cause for us as a city working together. I've got a team of people willing to walk my plat and I am certainly willing to assist anyway I can throughout the city. Typically, what we do when we get bags full of trash, we leave them on the side of the road, then I run around with my truck later and pick them up. I am more than willing to do that through the city, if we can communicate and work together. If any of you need to reach out to me, contact me, any ideas, I am just asking for suggestions on a big scale project. I though this year it would be nice to bring everybody together and see what we can get for trash.

RECORD OF PROCEEDINGS

Minutes of

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held


Thursday, March 18, 2021

20


EXECUTIVE SESSION: Mr. Denning motioned to go into Executive Session for the reasons listed on the agenda: Personnel and Attorney Conference. Ms. Campbell seconded the motion. Roll call went as follows: Mr. Denning, yes; Ms. Campbell, yes; Mrs. Franklin, yes; Ms. Fry, yes; Ms. Lommatzsch, yes; Mr. Teaford, yes; and Mayor Williams, yes. Council went into Executive Session at 6:45 pm.

RECONVENE: Council reconvened at 8:38 pm.

ADJOURNMENT: Ms. Campbell motioned to adjourn. Mr. Denning seconded the motion. All were in favor; none were opposed. The meeting adjourned at 8:39 pm.



Peter J. Williams, Mayor



Clerk of Council

RECORD OF PROCEEDINGS

Minutes of

Meeting

BEAR GRAPHICS 800.325.8094 FORM NO. 10148

Held

20