

Thursday, July 5, 2018

ITEM 1: CALL TO ORDER: Mayor Flaute 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.

ITEM 2: ROLL CALL: Council attendance was as follows: Ms. Campbell, present; Mr. Curp, present; Mr. Denning, present; Ms. Fry, present; Mr. Fullenkamp, present; Deputy Mayor Lommatzsch, absent; and Mayor Flaute, present.

Staff present was as follows: Mark Carpenter, City Manager; Chris Lohr; Assistant City Manager; Tom Garrett, Finance Department; Bob Murray, Economic Development; Brock Taylor, Planning and Project Management; Jay Keaton, Service Department; and Frank Robinson, Police Department.

ITEM 3: EXCUSE ABSENT MEMBERS: A motion was made by Ms. Campbell to excuse absent member Deputy Mayor Lommatzsch. Mr. Curp seconded the motion. All were in favor; none were opposed. **Motion carried.**

ITEM 4: ADDITIONS OR CORRECTIONS TO AGENDA: The agenda was revised prior to the start of the meeting moving the Executive Session to Item 6 B and removing the budget discussion.

ITEM 5: APPROVAL OF AGENDA: A motion was made by Mr. Denning to approve the agenda as revised. Mr. Curp seconded the motion.

Ms. Fry: Are we still doing the budget discussion? Mayor Flaute: We are not; the manager is not quite ready.

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

Mr. Carpenter: I was working on the spreadsheet we traditionally do; I've drafted in my recommendations and I would expect to have that to everyone by tomorrow afternoon. I didn't bring it tonight because we are expecting the Montgomery County Recorder and people will be joining us for the Executive Session which works out better to have that during the work session time.

Mayor Flaute: Saturday's meeting will be at 9:00 or 10:00 a.m.? Mr. Carpenter: 9:00 a.m. at the Ronald McDonald House on Valley Street. There's a parking lot in the back and you walk around to the front door.

People joining Council for the work session had not arrived yet and Council went into recess at 6:05 p.m.

The meeting was reconvened at 6:17 p.m. and the order of the work session items were switched to have Executive Session first followed by a presentation by the Montgomery County Recorder.

ITEM 6: WORK SESSION ITEMS:

A. Executive Session

A motion was made by Mr. Denning to enter into executive session as allowed by Section 103.01 (d) (3): *Conference with any attorney representing the City as counsel, concerning disputes involving the City, its Council, boards, commissions, officials and employees that are the subject of pending or imminent court action or discussions of any matters which are properly covered under the attorney-client privilege as recognized by the law of Ohio.* Ms. Campbell seconded the motion. On call of the roll: Mr. Denning, yes; Ms. Campbell, yes;

Thursday, July 5, 2018

Mr. Curp, yes; Ms. Fry, yes; Mr. Fullenkamp, yes; and Mayor Flaute, yes. The council entered into executive session at 6:18 p.m.

The Council came out of Executive Session at 6:53 and the meeting was reconvened.

B. Montgomery County Recorder Mr. Brandon McClain

Mayor Flaute introduced Mr. Brandon McClain, Montgomery County Recorder.

Mr. McClain: It has been said that “in justice anywhere is a threat to justice everywhere”. The very truth in meaning of those words is what brings me here today to discuss something we all experience either directly or indirectly. Something we love, cherish and is evidence of our hard work over our life, that being home ownership. Unfortunately, because home ownership is something we all experience either directly or indirectly it puts us at a vulnerability for property deed fraud. Property deed fraud is something that has become very real and has become prevalent in Montgomery County, especially since 2017. I’m here to talk about the practical steps we need to take as a community to make sure we protect our most valuable investment, that being your home.

When I came into office, March 2018, over the first 60 days of my administration I identified that as a county we were experiencing more prevalent issues concerning property fraud. I implemented a Fraud Alert Notification system to help us combat property fraud which we have seen touch every border, neighborhood, street, and city within Montgomery County. It is not just a senior citizen issue or a new home owner issue, this is a property issue and something that affects us all. Raise your hand if you own a home or know someone who does. (Everyone raised their hand) Home ownership is something that ties us together. We need to talk about how to proactively as opposed to reactively combat this issue as a community.

My Fraud Alert Notification helps us combat property fraud by providing notification to a citizen upon being voluntarily enrolled by either email, correspondence, or both if you so choose. You receive notification anytime someone tried to file a deed, a mortgage, a lien, or any other type of recorder document that would affect your ownership interest. This becomes very important because for those of you who watch the news you are aware of what we have been facing in Montgomery County. A couple days ago, an individual named Dale Inman was indicted concerning property fraud. He had been perpetrating these situations since 2017. If there would have been a detection system in place that could have been prevented and combated. This Fraud Alert Notification offers a free service; it did not cost one taxpayer dollar to create and does not cost one cent to sign up for. On average it takes less than one minute to sign up; you search by your name, parcel ID, or address and you can become enrolled. Once enrolled you will receive notification any time someone files any type of document.

With that being said, what is the real estate makeup in Montgomery County; the complete picture of my jurisdiction. I’m responsible for approximately 255,000 parcel properties made up of residential and commercial properties. Of those residential properties, approximately 61% equate for home ownership. If you look at the residential parcel properties, you will see it says about 84%. That other 23% accounts for investors. When we look at who is affected by property deed fraud, we are talking about three groups: our investors, our seniors, and our first time inexperienced home buyers. Those are the people who are being affected the most.

How real is the issue of property fraud? It is very real; as an attorney in the Miami Valley area I’ve encountered and represented individuals who have been defrauded. I served as a member of the Dayton Municipal Court Judiciary as a Magistrate and Acting Judge where I dealt with real estate transaction cases, landlord/tenant land sale cases, and I had people enter my courtroom who had been defrauded. I can attest it is very real and aside from my

Thursday, July 5, 2018

experience, unfortunately it is still very real. I told you about an individual who was indicted only a couple days ago and it was for 25 counts of property fraud in Montgomery County. Before that it was something that was becoming more prevalent and unfortunately it is rising. That's why I am here tonight, to talk about what we need to do to be more proactive to protect our homes. Since 2017 there have been at least one dozen instances of property deed fraud in Montgomery County that have been reported and referred for criminal investigation. We are just at the opening of July 2018; that is at least one citizen a month that had their ownership interests be extinguished or negatively impacted by property deed fraud. That is 12 too many; we can do better and I'm here to make sure I do my part. I do need help on all fronts to make sure we get to where we are going. We cannot have our property owners field any type of risk or threat to own property here. Because of that, I propose we work proactively as opposed to reactively so we don't have to worry about any type of fraudster that would try to perpetrate a scam or scheme to try to extinguish somebody's property ownership interests.

To register into the program you can go to my website at www.mcrecorder.org and the program is identified under the acronym of FAN (Fraud Alert Notification) System. You can also register or receive assistance by telephone at 937-225-4275 or you can visit me in person; I have an open door policy as my predecessors have had. Come to the 5th floor at the County Administration Building which is located at 451 W. Third Street, Dayton, Ohio 45402.

With that being said, are there any questions for me before I get into the second program?

Mr. Curp: When people enroll in this program does that become public record; their names, such that somebody like the gentleman you were talking about could look at the public record, see who is involved, ignore trying to confiscate those properties and move onto other properties. Mr. McClain: No it is not public record. Parcel property ownership under Ohio law is public record, however, this is an extension of our system in Montgomery County and whether or not a person is enrolled would not be made public record.

Mayor Flaute: What is the value in a nutshell? Mr. McClain: It provides oversight without intrusion; it provides a notification system similar to a credit card company or your bank. Any time something is done that affects your account or in this case, your property, you receive notification. Currently, in most respective counties throughout not only this State but throughout our country, as a property owner you receive no notification. There was no notification given to a property owner in Montgomery County any time there was a recording on their property that could have potentially impacted their ownership interests until I implemented this program. This program provides notification any time a document is recorded that goes with your parcel.

Mr. Denning: If a property isn't being mowed and we put a lien on that property to pay for the cost of having that done, if they were part of this, they would get a notification if that was assessed to their property. Mr. McClain: Yes; they would be notified. I believe there is extreme value in making sure every property owner is empowered with not only protecting their property but also aware of anything that touches that property. When I implemented this system I contacted our Ohio Attorney General's office; I felt it was such an important value and thankfully I received authorization so anyone receiving a property tax bill in Montgomery County received something about my Fraud Alert Notification System. Mr. Denning: So the positive to this is, if you have an unscrupulous person that maybe roofed your house and you paid them but they decide they want to put a mechanics lien against your house even though you've already paid them, you would get an alert and you could immediately fight it; not 10 years from now when you sell your property. Mr. McClain: That is absolutely a benefit. As an attorney dealing with these types of circumstances, anytime somebody does something that could potentially impact or have a negative effect on your ownership interests, for you to actually get a declaratory judgement from a court to declare you are the true and rightful owner, you are talking about a very tedious, burdensome,

Thursday, July 5, 2018

stressful and costly process; on average \$3,500 to \$4,000. When we have systems like this, I strongly encourage everyone to take advantage of it. It's free to protect your ownership interests and you can't afford to find out something about your property when you are attempting to try to transfer it, sell it, or obtain an extension line of credit. This allows you to find out when something happens to your property as soon as it happens as opposed to you chasing a ghost 10 or 15 years down the line.

Mayor Flaute: If you have multiple properties, it wouldn't cost any more to register all those properties. Mr. McClain: There is no cost whether an individual registers one property or 20 properties. When I first implemented this program I was excited and told my staff if anyone has more than five properties, call and let me know and I will sign them up. Since that day I have eaten crow because we've had investors that have signed up multiple properties; one individual had 30 properties. I'm proud of the program and I have been working hard to sign up those investors.

Mr. Fullenkamp: How do you establish whether a property is an investment property or an owner-occupied property? Mr. McClain: Our numbers came from equating the number of the actual parcel properties of approximately 255,000, some being vacant lots or commercial or residential, and the condition of those properties are constantly changing. They identify what properties are actually sent tax bills and of that there is approximately 61%. They said of the 255,000, residential lots are approximately 84%; so if you subtract those two numbers it will give you a rough estimate. Mr. Fullenkamp: So you are using tax mailing addresses as your queue as to whether it is owner-occupied or owned by an investor. Mr. McClain: Yes; I believe that would be a fair estimate but at any moment a residential property that is family occupied could switch over to an investment property.

Mr. McClain: The next program is for our Veterans I am a Veteran and I feel traditionally as a community, as a county, as a country, we have not always given our best to our best. I feel we can do better and the Veteran Identification Card Program I will implement in Montgomery County within the next two months will at least begin the conversation on what it takes for us to do better and how we provide the best to our best so we can stabilize this vulnerable group; our Veterans.

This Veterans Identification Card, which doubles up as a form of State issued ID, is a ID card that will allow a holder to be able to go to the polls and vote and also receive any established rights of a State issued ID or a driver's license. The cost is free and you have earned this card by your service to our great nation. They do have to be an eligible Veteran receiving a discharge anything other than dishonorable. They will have to record their DD214 which for our Veterans is their discharge documentation and they will have to provide two forms of valid identification.

What are the benefits of this card? Obviously it is an identification card which speaks for itself but benefits go well beyond. It will help erase and break down some of the barriers that have traditionally separated our Veterans from good community resources that we have in Montgomery County. We've had Veterans that missed out on the ultimate right, that being a military burial which should have never happened. I'm also proud of the fact that this will replace the pocket size DD214 which unfortunately over time becomes very tethered, not uniform, and unfortunately if a Veteran passes away and their military service cannot be verified, they cannot obtain a military burial. This card not only helps establish proof of military service and burial benefits, it also could help bridge the gaps that have separated our Veterans from healthcare benefits, VA home loan benefits, and student discount benefits. In addition, I'm compiling a uniform list of our small and medium size businesses that provide a discount value or other type of service for our Veterans. Right now I have approximately 200 businesses; the list will grow and be maintained by my office on a quarterly basis. It will be maintained on my website www.mcrecorder.org and will be released quarterly to our Veterans. I am very proud of that initiative because it will be able to provide a revenue stream to those small and medium size businesses but also a value to our Veterans. That

Thursday, July 5, 2018

does not cost anything; that is about networking, communication, and working together. I am very proud of that.

Mayor Flaute: How are you going to be telling our Veterans about this card? Mr. McClain: As you can see, I'm not short for words; I'm prepared to go anywhere and talk to anybody about anything anytime. I will be going to our VFW Posts as I have been going to our different jurisdictions talking about this program; I've had meetings with our VA Hospital, Veterans Service Commission and I've also had meetings with our local Veterans Service offices to make sure that the word is out. I will also be relying upon our municipalities, cities and jurisdictions, to get the word out to our Veterans who will benefit greatly from this ID card. In Montgomery County, we have approximately 41,000 Veterans. There are a lot of Veterans who need assistance. Currently we have Veterans who don't qualify for Medicaid or healthcare from the VA so I think we have to make sure we continue to bridge that gap so more Veterans receive the services they have earned.

Mayor Flaute: Are you ready to have a Veteran come down and talk to you tomorrow? Mr. McClain: I anticipate I will be implementing this program the latter part of August or the early part of September. My staff did receive training on the Veteran Identification Card equipment last week. In addition, I want to make sure we hit the ground running; it's very important to me to make sure we go to the places where the Veterans are to make sure the word gets out on the valued benefit of these ID cards and in particular with our DD214s because if a Veteran passes away and their DD214 cannot be secured in time, they could potentially miss out on that burial and we simply do not want that, cannot have that. So I want to make sure we do everything in our power to make sure the word is out and the Veterans are able to benefit from these services.

Mr. Denning: So if they have this Veterans ID with them and they do not have their DD214, this says they had it at one time and it's official. Mr. McClain: The card will have the issuing county and by law they would have had to officially record that DD214, so the card will signal to that person it's at Montgomery County, Ohio. Mr. Denning: As soon as you have flyers made up, please make sure we get some so we can get them to our local VFW and American Legion.

Mr. Fullenkamp: Is this card valid throughout the nation or just in the State of Ohio or just in Montgomery County? Mr. McClain: The card will be able to receive the same type of benefits and the same type of trusts that our State issued IDs or driver's licenses do; I checked with the Board of Elections as well as our Attorney General's office and received assurances that the card receives the same weight as those. Mr. Fullenkamp: In Ohio or throughout the United States. Mr. McClain: In Ohio and beyond.

Ms. Fry: Is this a permanent card or does it expire and you have to get a new one issued at any time? Mr. McClain: Under Ohio law the card has to be renewed every 10 years. I think there are a couple reasons for that; when you talk about a moving population, people relocating and when we look at the vulnerability of that group, 10 years makes sure that we have some way to keep a tally of what Veterans we have in our respective areas.

ITEM 7: RECESS: The Council took a recess at 7:17 p.m.

ITEM 8: RECONVENE: The meeting was reconvened at 7:30 p.m.

ITEM 9: PLEDGE OF ALLEGIANCE: City Council Member Ms. Campbell led all those in attendance in the pledge of allegiance.

ITEM 10: MINUTES: Consider approval of the minutes of the May 17, 2018, June 7, 2018, and the June 21, 2018 regular Council meetings and the June 14, 2018 special Council meeting. A motion was made by Mr. Denning to approve all of the minutes submitted for approval as written. Mr. Curp seconded the motion.

Thursday, July 5, 2018

Mr. Fullenkamp: I'm going to make my suggestion one more time about putting a check list on how we use this recording device; that would have avoided the problem we had the last time. There ought to be something on the box that tells people exactly what they need to do. Why that wasn't done before, I don't know.

With no further discussion, all were in favor; none were opposed. **Motion carried.**

ITEM 11: PUBLIC HEARING:

A) Map amendment per recommendation of the Planning Commission

Mr. Taylor: As you may remember this case was heard on April 16th by the Planning Commission and was referred back to the Planning Commission by Council due to an irregularity in the public notice. The original documents were resubmitted back to Planning Commission and they held that meeting again on June 16th where at that meeting they again recommended this zoning change and have asked you to review it.

Basically there are two lots on Brandt Pike just north of Sam's Convenience Store and Gas Station at the corner of Beatrice and Brandt Pike. Both lots are 50 feet by 140 feet and if you remember last time we discussed this there was some concern about those being non-conforming lots. That was reviewed and discussed with Planning Commission and we also talked with the owner and Mr. Tobias, who is working with the owner, to come up with duplex things there. We talked about several different options: we could bring a driveway off either Beatrice or Brandt and do a shared driveway for those. These are B-1 lots and the way the code reads anything adjacent to that, you have residential just to the north on Dawes, you would need a buffer yard there; so the first lot only has about a 15 foot buildable spot and then you have the other lot with its buffer yard. They are really not usable as a business use. We also discussed about the businesses along Brandt Pike and about how they have had difficulties there; and of course across the street we have the new Ryan Homes development. Residential use looks really good here; they were originally platted as 50 foot lots which was part of that old development there which is all 50 foot lots. The Planning Commission saw this as a really good opportunity and I think you have the minutes from both those meetings. I'm open to any questions you might have.

Mayor Flaute: We'll have more questions after the public hearing. I'll open the public hearing for Ordinance No 18-O-660 at 7:35 p.m. If there is anyone wishing to speak they should come to the podium and take the oath. The applicant may come forward now and present the case.

Mr. Fullenkamp: The applicant is Mr. Singh, correct? Mr. Taylor: Yes.

Mr. Tom Tobias of 2040 Brandt Pike and representing Mr. Singh took the oath to give sworn testimony. Mr. Tobias: The two properties we are talking about are the properties behind Sam's Gas Stations and Convenience Store. Those properties are 50 feet by 140 feet and they are useless for commercial because there's nothing he can do. We understand the lots were residential at one time and they were brought into commercial but now you have to have a 60 foot lot. We looked at that and we had an example of a building, two duplexes – one on each lot, and a concern was brought up about egress onto Brandt Pike, all the congestion there, and they thought it would be a problem. We are willing to work with that; we are not saying we are going to do that, it was just an example. We gave you another example of what we may do this evening but everything has to be done. We are willing to reconfigure the lots to get the setback, the distances, and to make it conform to what the boundaries are. We looked at bringing a drive in from Beatrice so you could come in from there or Brandt Pike. If Brandt Pike was not as suitable then we could come out to Beatrice. We want to go with the wishes of the community but you have to work with us and we want to work with you on that. If we can reconfigure the lots, we can make it work and more palatable. I think the two residential facilities we want to put in would be a good addition to

Thursday, July 5, 2018

that area because Ryan Homes are building across the street so it will be in that same idea or category for the type of home we are going to build. A nice home, duplex, that we will rent out to people in the community. That's what we are there for. We want to handle the egress right, we want to make sure we build a couple of buildings that are going to be an upgrade to the community, and we also want to make sure we are conforming to what you want on the lot. So if the lots are converted to residential we will probably reconfigure them, not side by side from Brandt Pike but going parallel with Brandt Pike.

If they were converted to commercial and those businesses were successful, you would have a lot more traffic going out on Brandt Pike. You have no egress and they can't go out to Beatrice. We have an option to go out to Beatrice if we make an adjustment to go out through Sam's lot.

Mr. Curp: Did you review this drawing with city staff. Mr. Tobias: I reviewed it with Mr. Taylor. It didn't go to anyone but him. The only thing you are voting on tonight is not the drawing but whether it can be residential. The drawing is just an idea.

Mayor Flaute: Is there anyone in the audience that would like to speak in favor of this proposal? Seeing none, is there anyone in the audience that would like to speak in opposition to the proposal? Seeing none, I will close the public hearing at 7:41 p.m. and open the floor for Council discussion.

Mr. Fullenkamp: I have a question for Mr. Singh; when did you purchase the property? Mr. Singh: 2004. Mr. Fullenkamp: Was the property zoned B-1 at that time? Mr. Singh: I'm not sure. Mr. Fullenkamp: You are the applicant, correct? Mr. Singh: Yes. Mr. Fullenkamp: You are the investor? Mr. Singh: I am paying tax on it and the property isn't doing anything behind the station. The property tax when I took over was \$2,900 now it is more than \$6,000; so I'm just wondering if we could do something with the property. Mr. Fullenkamp: So when you bought the Marathon Station, that was zoned B-1 at the time, correct? Mr. Singh: I believe so.

Mr. Fullenkamp: So I'm pretty sure that entire swath of property was zoned B-1 when you bought those four lots; trust me. I have a lot of questions and this is the first we've seen the new drawing. I know Planning Commission did not see this drawing and I don't know that this is even permitted by our code as an option. As an R-3, I'm not sure you can put two buildings on an individual property because now you are crossing borders. You would have to go to an R-4 to get multi-units like this. Mr. Taylor: Those are separate properties there; those are two 70 foot wide lots. The idea was to do a consolidation, then split the other direction so the lots are 70 feet by 100 feet. Instead of two lots abutting the road, you would have two lots with one being landlocked. There are other issues with that too but again what this drawing is trying to show is the applicant is willing to work with the city to try to answer the concerns brought up in the first Council meeting. We want everything to meet the UDO and we are looking at different ways. The applicant is trying to show, for this rezoning, they are open to different ideas that make this work. That's what this shows and this is just preliminary. If we were looking at a development or a site plan then that becomes a promise of what they say they are going to do.

Mr. Fullenkamp: Section 1105.07 addresses that and says a plan should be included if you look at the bottom of the submittal requirements for a rezoning. It says plans should be submitted at the time of the rezoning. I'm sure you've read this, correct? Mr. Taylor: I've read the whole thing several times but I haven't committed the 300 plus pages to memory. Mr. Fullenkamp: But you are working on this in particular so I'm assuming you have knowledge of it. I was surprised last time when you made the statement, after I mentioned lot width size, off the top of your head you didn't know. It was an odd response when you were actively involved. Mr. Taylor: Actually the Zoning Administrator was actively involved then she moved on, so I've picked up where she left off.

Thursday, July 5, 2018

Mr. Fullenkamp: There's a lot to be said here. One of the suggestions made to Council when we decided to build that Brantwood plat was that it would bring commercial development. Now we are wanting to ignore that long term outlook and turn this into residential property. I'm not sure what kind of forethought or long term plan that has; I don't know how this fits into the original zoning that was established for that place in 1994. The fact that Mr. Singh has owned this since 2004-2005 and has decided not to do any commercial development on it; that was his decision to buy the property. To hear the little anecdotes that nothing works on Brandt Pike, I'm having trouble buying into that because you now have a captive audience. There are lots of residential properties in that region that would probably sustain some sorts of businesses and maybe Mr. Singh could be involved in that development. I'm concerned because I don't know of any commitment here on the part of the applicant and the fact that we just received this tonight; that this will even work or something the city should even consider. Again, in terms of a long term plan and a plan that has been in place for almost 25 years now, it's been zoned B-1 since 1994. Mr. Taylor: It was zoned B-3 in 1994, then zoned B-1 in 2014. Mr. Fullenkamp: It's been zoned business since 1994.

Mr. Fullenkamp: I'm also uncomfortable about the statement that we are not making decisions about the development; we're just talking about rezoning. How do you make decisions about rezoning if you don't know what's going to be going on; if you don't have solid plans and even the consideration of if this is a good idea? Looking at the application for the original safety issue, we got a comment that says it's a less intense use. I don't know what your definition of intensity is but I looked it up and it has to do with how much of a piece of property is developed. It doesn't speak to traffic; it doesn't say residential is more or less intense than a business use. I've done some research and to say that justifies any safety concerns is the problem I have with that. That was your justification for the safety concerns and it doesn't pass the smell test. I have other concerns but I have a feeling another member of Council is going to talk about this. I'm concerned and the fact that this has not been shown to Planning Commission; I'm glad I asked for the video of the April meeting, there were things I was surprised by from what I heard and what I saw. I may have further comments as we go on.

Mr. Curp: I have some of the same issues and concerns because I looked at the requirements for making zoning map amendments and the submittal requirements. It says the applicant is supposed to submit a statement of the reason for the proposed amendment to the zoning map, proposed use and zoning district of the subject's site, and provide electronic files of all the development and plans, subdivisions, and so on. I don't know how a governing body can just ignore what's supposed to go into an area proposed for rezoning. It's like giving a blank check. I understand property rights but the neighbors have property rights too. They have the expectation that we are going to protect their property rights for them. I looked this up again since we talked about non-conforming lots at the last public hearing and I wanted to make sure we didn't change the wording in the code since the time these properties were purchased and we haven't. The language on non-conforming lots goes clear back to 1994 and it simply says it is the intent of the ordinance that non-conformities can continue but they should not be encouraged to survive. When it talks about non-conforming lots in combination it says any two lots or more or combination of lots with continuous frontage and single ownership are to be combined and considered an undivided parcel. I even looked at one of our neighboring cities; the City of Dayton says such lots shall be re-platted to create a conforming lot as a prerequisite for development. Maybe we should have that kind of language too then we wouldn't be having these kinds of discussions. The way I read our code, this shouldn't even be in front of us and all this should have been discussed with the property owner ahead of time so they could make a decision on whether they even wanted to spend their \$300 filing fee.

The alternative design that was given to us tonight raises a different issue. Now you are creating a race track around the outer perimeter of this parcel for people who want to avoid the stop sign at Beatrice and Brandt Pike but we are told by the applicant's representative that this isn't final either, it's just a concept.

Thursday, July 5, 2018

The unfortunate thing for this Council is that one of the pieces of research I did was look to see if maybe we could do this under a PD or some organizations call it a PUD; we have overlay districts but not to the PD type of situation to where we can have this come back in front of us when a final design comes forward. I look at what am I supposed to do. We had a situation some time ago where at the Senior Lofts we said we want the buildings to be positioned a certain way on the lots; it never happened and we gave that direction. So I don't have the confidence I'd like to have in believing the right design is going to occur. Those are my comments.

Mr. Fullenkamp: I have a comment about this new design. What you are suggesting is now you've got 70 foot frontage on each lot but the frontage is a driveway not a roadway and I don't know if that follows the definition of frontage. I don't know how long you've seen this and I don't know if you've looked into the law associated with this but you're saying you can create frontage by putting a driveway in. I really wonder about that. That's what this design would do; it would say you have frontage to a driveway not to a street. Mr. Taylor: I mentioned that doing this would create other issues we would have to work through. We haven't reviewed this because it hasn't been reviewed as a development site plan. There are issues with it all the way around.

Mayor Flaute: Mr. Curp why do you think this is detrimental to the neighborhood; you mentioned that. Mr. Curp: I think there are traffic safety issues no matter which design. Sometimes you take a look at a situation and you know it just doesn't work; as much as you'd like for it to work or as much as Mr. Singh would like to develop that area, sometimes it just doesn't work and sometimes you just have to acknowledge that. Mayor Flaute: If it's a safety concern you can always come out on Beatrice if I'm looking at this correctly; you don't have to come out on Brandt. That would alleviate the safety concern. Mr. Curp: I'll also go back to the situation mentioned earlier about the business development in that corridor; this has been zoned business at least since 1994. I don't know what it was zoned in the township under the county but it was probably business zoning back then. These parcels have been zoned business since 1994; the parcel on the end, #39 on this map at the corner of Dawes, was residential and in 2012, the Planning Commission recommended and approved the lot on the corner of Dawes as business also so you would have a continuous piece of property that is all zoned business instead of four business and one residential. That became part of the zoning map at some point in time. There needs to be business development. When the UDO was put together, the minds that took a look at what are the proper land uses for that particular area, including these lots, was that they should be business because it seemed to fit. So I'm not going to second guess those people. Things change over time; things change as incumbents in these chairs change but I don't know that we have to reinvent the wheel every time. Mayor Flaute: It has become more residential because we have 88 new houses across the street. Mr. Curp: They could use some neighborhood businesses. Here's another thing you need to take a look at; if you took a look at either the minutes from the April Planning Commission meeting or the minutes from the most recent meeting, one of the things you would have heard is a discussion about the live/work concept where you would have people living in the buildings where they work. It's a little bit different from a home occupation; it's a more intense use. Following that, if we are going to have a live/work concept, then we have no assurance that this being zoned residential and developed residential won't have business going on in those structures under the live/work concept. So the intensity or however you want to define that – amount of traffic – may not be diminished at all. You can't have your cake and eat it too.

Mr. Denning: Mr. Singh has owned these properties since 2004 and the area around there is residential with a church down the street. He is looking at a way to use his property more efficiently and be able to help pay the taxes on that property. His concept is to change it to residential because that is basically most everything that surrounds it. He's going to improve the properties; it may not be this exact concept but they are willing to work with whatever possibilities the city can come up with. If the answer is they can only put one building on

Thursday, July 5, 2018

there then that's going to be the final answer. But for us to say we are not going to let him change it to residential in unconscionable on our part especially since he's gone through the process with the Planning Commission. My understanding is we are only voting on whether to make it residential or leave it business. If he's willing to develop that as residential and in reality it lowers the value of that property if he were going to sell it, I'm willing to help him make that happen.

Ms. Fry: Question for Council; the last time we discussed this I remember a discussion about the traffic pattern and how having the driveway onto Brandt Pike would be exasperating the traffic problem. If our recommendation is that he does put a business on these properties, would we still have some of the same concerns and wouldn't it be worse? Mr. Curp: I could have someone run my eBay business for me where I just become a broker and I don't touch anything; just things passing through warehouses. On the other hand, I could run my eBay business out of here and have delivery trucks in and out all day long. It depends on the kind of business. If you rezone it to a business use, you can't tell them they can't have a business there that is already on the approved list of uses in that zoning classification. You have no way of knowing what the intensity is going to be.

Mr. Fullenkamp: This looks strikingly like spot zoning to me. The definition of spot zoning in many respects is doing something for one individual that may or may not be in the best interest for the community. When I make decisions, it's about what is in the best interest of the entire community and I'm going harken back to what I said before, when we decided to put the Brantwood plat in there, one of the selling points was this is going to let us develop some commercial property along Brandt Pike. Now we're saying we are two years into the full development and we're saying we don't think so. I don't think there has been any attempt to market the property as commercial property by Mr. Singh or anybody else. So I'm concerned, this is a last minute proposal and as Mr. Taylor said there are other issues we don't know about. I remember reading the minutes and them saying maybe we give them too much sometimes; well maybe you give us a half-baked idea that isn't possible to move this thing in the direction you want to happen. I'm concerned that we are not vetting these things properly; I'm concerned about our process, I'm concerned about us not following our code, I'm concerned that we gave you an opportunity at the previous meeting to come back with something and what was decided was to come back with something less. All we got were the minutes from the Planning Commission. Mr. Taylor: I don't know why that is, everything was emailed from my office to them, the City Manager and to the Clerk of Council. Mr. Fullenkamp: All we got were minutes and the words I read from the minutes of the last Planning Commission meeting were "maybe we shouldn't have given them that plan". I understand that plan was from another town and there's an attempt to say this worked in Dayton, it's fit to put with issue, we're just going to superimpose it on this project. So it came back and produced results the applicant didn't like. We were on point; we didn't lose focus. We are on point of what we are after and we are on point to follow this code which includes plans for undeveloped land when you consider rezoning. I'm concerned.

ITEM 12: ACCEPTANCE OF WRITTEN CITIZENS PETITIONS: Mayor Flaute advised citizens to fill out a form if they wished to speak about agenda or non-agenda items.

ITEM 13: CITY MANAGER'S REPORT:

- A) Monthly Update - Finance Department
- B) Monthly Update - Economic Development Department
- C) Monthly Update - Administration Department
- D) Monthly Update - Planning & Program Management Department

Thursday, July 5, 2018

Mr. Carpenter: The report is in the packet and if you have any questions about the information, I'll do my best to answer those.

Mr. Fullenkamp: I'm going to ask a question or two about council requests and will they ever be fulfilled. I asked a very specific question about what is the vehicle definition for industrial vehicles and that's been almost two and a half months with no response. I would think that if you are enforcing these codes, you ought to know what the answer to that is. More generally, we see dates on the request list and nothing has happened. Mr. Curp had some requests that haven't been fulfilled.

Mr. Carpenter: I can go through some of these. On the very first one for the public records kiosk; I have researched that and the best option has been discussed at a prior Council meeting about setting something up in the lobby. We are working on the ability to do paying online and the permits; we are working towards that and once we get that in motion, we'll plan to set something up in the lobby as far as access to the computer, forms and things for the city. Regarding the grant applications, I have that and it's a very short list. I will send that out to Council. I don't have a good answer for number 3; that was through the clerk and I know that information went to her. The information from the University of Dayton study was emailed to you; I haven't called to ask what additional information you are looking for. Mr. Fullenkamp: Well don't ask me later. Mr. Carpenter: It's been a while since that was sent. Mr. Fullenkamp: We never got a final research paper and we didn't get all the narrative comments. The request was one year and 3 months ago; I heard from the clerk about 3 months ago that they needed clarification. You ask me for clarification a year later?

Mr. Carpenter: The definition of the vehicle is outdated. From the discussions we've had there is a couple of the items within that 1117.03 that we feel we can still enforce the code but the wording, talking about a one ton, it's not very effective because that's a lot of trucks that would be illegal. I agree that the wording needs to be updated. Mr. Fullenkamp: Or enforced. Mr. Curp: Or both.

Mr. Carpenter: I don't have a good answer for you on number 8 and I believe the information on number 9 was sent. On number 10, there were no programs or projects that would not be accomplished as a result; the line item is in case something comes up. The blinking light is fixed. Mr. Garrett is probably going to speak to this tonight because he has the forms you requested be converted into excel files.

Mr. Fullenkamp: Understand my concern is when we submit a request like this, there is some expectation that we will get an answer in a reasonable amount of time. When these things go into 6 months to a year to two years; that's not what I expect. Maybe it's okay for the rest of Council but I have higher expectations than that.

Ms. Fry: I have a question for Mr. Carpenter; what is your expectation of how these line items get cleared? Mr. Carpenter: The previous clerk would ask for the information, we would deliver the information, and then Council came to the decision that the Council member would have to okay it coming off the list. Ms. Fry: So you are waiting for us to tell you to take something off? Mr. Carpenter: I guess it could work both ways; I could question "did you receive everything you needed and why aren't we taking it off the list"? Or the Council person could say "I need more information; I'm not ready to take it off the list". It was through the minutes or through note taking is how these come on the list. Sometimes it's not clear exactly what's being sought. Maybe there needs to be better communication. Ms. Fry: Being new on Council, I've not submitted a request yet. I'm not quite sure how they get on there and I'm not sure how they come off. It sounds like when we discuss the Council requests that people are waiting for each other. You are waiting for the Council members to say take it off and they are waiting for you to get back to them. If we don't have a vehicle to go through the list and say we are clearing these things then I think that's why we are where we are at.

Thursday, July 5, 2018

Mr. Denning: I suggest at the second meeting during the work session, we go through the list.

Mr. Fullenkamp: We did have a vehicle; the clerk would contact us and ask if we received what we needed. We would say yes or no; if you said no it would stay on the list. That seems reasonable to me. The problem I'm having is the responsiveness; going back to that 2 ton payload issue again, how long have you been sitting on that issue? That should have been something you looked up. Mr. Carpenter: We did look it up and it's number one of the four criteria that need to be changed. Mr. Fullenkamp: But you never told me that. Mr. Carpenter: I know; I've talked to you many times and just didn't bring it up.

Mr. Denning: That's another thing; Mr. Fullenkamp may have requested the information but I think we all might like to get the answer. Mr. Fullenkamp: Don't just answer me; answer everyone. Mr. Denning: Right; we all need the answer. If Mr. Fullenkamp got the answer and he doesn't remember, then we can say we remember getting the answer.

Mayor Flaute: Maybe you can put the answers in the report. Mr. Carpenter: I like that idea. Maybe that's a better format. Mayor Flaute: Put them in the Manager's Report so we can get them off the list.

Finance Department – Mr. Garrett: I've managed to print off the reports for June and they have been posted to the website. I have prepared the files to convert to an excel spreadsheet and I just need to finish the final step and we can send those out. Looking at income tax, we had another successful month and we are ahead of projections. June receipts were \$587,000 bringing us to \$3.2 Million for the year. That leaves us about \$200,000 above where we thought we were going to be. So two months in a row we've had success and I won't be too surprised if that settles back to where we thought we would be. Brantwood paving is now done and we've paid all the invoices. Council has authorized the return to Brantwood, so I just need to double check the number and send out the money. I would like to clarify a question that came up last time; Mr. Fullenkamp asked about the residual balance on the Spaulding Road project. A couple years ago the auditors pointed out to us a requirement from the Ohio Revised Code that once it is in a project file the remaining balance has to be used for a project. I made the quick statement that it could be returned to the General Fund but the preferred approach would be to put it in the Debt Retirement Fund or use it for the next project. It is restricted on what we can use it for.

Mr. Denning: So the answer is that it is project money and if it isn't used on Spaulding, it stays on that same line item and the line is renamed to reflect a current project. Mr. Garrett: Yes.

Mr. Fullenkamp: So you are looking at the permitted uses for that balance. Mr. Garrett: Yes; I think the thrust of the question was if we could put it back to the General Fund but there are restrictions and it has to be used for the next project.

Economic Development Department – Mr. Murray: You should all have in front of you my list for July. Starting from the top I did call the engineer involved with the car wash situation, the owner is back in town, and we are trying to meet with him. I think it will involve DP&L for the removal of the telephone pole and they are thinking that building has to be destroyed. That would be best for us as well. I skipped over Smileys and MTC and I do get calls on those all the time; right now both of those buildings are being looked at by a large developer in Columbus. He has information on his desk and it might be some time before he reaches a conclusion. Again those are looked at all the time.

For Page Manor, Schottenstein's is going into the only vacancy there. K-mart – haven't heard anything new there; just rumors as to what might go in. There is nothing new at Harshman Station or Airway Shopping Center. At Spin-Kemp, Mr. Rodrigues is moving forward and La Guadalupana is on track for opening this month. Oddbody's has a concert

Thursday, July 5, 2018

tomorrow; I was in the building and there's still a lot of changes to be done. If they get their permit by tomorrow at 5:00 I'll be surprised but they are working hard to get that done, get the county in there, and get their occupancy permit.

For Wright Point: Tenet3 was approved last time and they are looking to start August 1st. I have their lease on my desk and we will be signing that shortly. CDO has an AFRL facility that wants to go on the second floor; it's not a lot of space, 1,000 square feet, but it's a good lease and it's bringing AFRL across the street. We have the drawings for United Technology Service; they are looking to double their space. They are a multi-billion dollar conglomerate that's been in our building for about three years and they are bringing some more people on board.

Mr. Fullenkamp: You said they are going to double; they're going from how many square feet to how many square feet. Mr. Murray: From about 800 square feet to about 1,400 square feet. They have one very large room; it's not tremendous but they are a triple A lease.

Mr. Murray: As far as the improvements are concerned; the bidder's notice will go out for the third floor lobby July 9th and the resolution to Council is expected to be here by August 2nd. You will be looking at the winning bidders to do the 3rd floor. I'm still looking at the \$20,000 to repair the elevator and that's where the quotes are coming in.

I'm meeting with the City of Dayton on the sewer project for Eintracht. There are some things the County Engineer would like for me to talk to them about; just some boundary issues we think we can get resolved but it will take some movement on the part of Dayton to do that.

What follows on the attached pages are part of the top 50 people we are talking to with our Business Visits. There are four summaries on here and please consider all these people are friends; they really want to help. We spoke to Mark Mumma who owns the church across the street; Mike Horne who is with Dr. Gupta; Pat Centers at Overlook Mutual Homes; and Allen Sturgill owner of A. H. Sturgill Roofing who is looking to give back to the community. Feel free to call any of these people and consider them supporters of Riverside. I didn't get one complaint. I did compliments on our Police force again from Pat Centers.

Mayor Flaute: So you are going to keep doing this every month. Mr. Murray: Yes; my work load will determine how many of these we get done but I have a list to work through and that's what we are doing. Mayor Flaute: I appreciate the information. Mr. Murray: If there's anything specific you want let me know.

Mr. Curp: On these business visits do we have a script of pre-established questions or are we just shooting from the hip; what's the process. Mr. Murray: One of the things I am looking to do is an ED Plan and that's about 50% completed. That's what I'd really like to base the script on; something that Council has approved and this is how we are moving forward. I want to call it "Riverside Forward" and it's what we are trying to do in the business areas. That's not in place now so what I've been doing is talking about the Energy Special Improvement District. I'm trying to get to those properties that I think will benefit from that financing tool. A script is exactly what I'm aiming for and right now the script is: I am looking at doing this, to bring this to Council, and would you think this is a good thing for your property? Everybody has said yes so far. The Gupta Building, 1010 Woodman, he is looking to redo the outside of that building; put a brand new skin on it which would increase the insulation value. Overlook is a great example of a use with energy conservation problems. There is no debt on that property and there are a lot of things we could do there. We have tentative approval for both of those projects from the Port Authority and I'm meeting with them again. So right now the script is would this be a benefit and what else is going on type of general conversation. The next script will be - here is what Council would like to do and can you assist Riverside Forward?

Thursday, July 5, 2018

Mr. Curp: My reason for asking is, I don't know what they are asking when representatives from the Chamber and Ms. Minnich go out to meet with businesses but it would be good if there were some kind of established script. Certainly you can stray from that during the conversation but if there was a consistent grouping of questions, kinds of data we are trying to elicit from them that could be aggregated, so we look at the aggregated data as a means of providing guidance to us as to where we should be going. That would be beneficial. Mr. Murray: I will draft that up. Mr. Curp: That booklet I brought in that DP&L put together years ago has examples of that and you can tell from where there are some questions and where there are not questions; but you can tell from the discussion in particular sections of the report what information was being gathered. That might be something to take a look at. I don't know what Montgomery County Economic Development folks managing the Business First Program have, whether they have a scripted program, but if that's so, it could be a part of that also.

Mr. Curp: My other question is on the dispensary that is coming to Page Manor Shopping Center. I hope we start, if we haven't already, working on a security plan; our folks meeting with the owners or proprietor. If you watch the news over the last couple days, you saw in another part of town some people backing their truck through the front doors of a business, wrapped a chain around an ATM, and dragged it out through the door and down the street. They found the ATM today. There probably won't be an ATM in the dispensary but what is in there will probably be good as gold to a lot of people. It would be good for us to start working from the beginning on security with those folks so if there are things they need to do to build into the development of that site then they won't have to go back and redo things, they can do it from the start.

Administration Department – Mr. Lohr: We've been very busy with the hiring of new employees. We had our Code Enforcement Officer start last week and we have our Zoning Administrator starting on July 16th. In addition to that, we are in the process of putting together an eligibility list for a Maintenance worker and we are close to finalizing that, but we are also working on a full time Fire Fighter/Paramedic. We have some interviews for Fire Fighter/Paramedic next Monday. A half dozen people are being interviewed for that position and we have some good applicants. In addition we have the Service Director and the Clerk of Council and we are anticipating starting a Police hiring process before the end of the year. We have a lot of new people coming in, we are picking up some good candidates, and we are keeping very busy with that.

The other item I wanted to mention is we have our third park event this weekend. I know you will all be in a special meeting probably through most of it but if you would mention it to all the people you know; it's this Saturday from 11 to 2. It's going to be a good time. We have Touch-a-truck again, the Service Department's nice shiny new street sweeper, and the Police and Fire vehicles we had last year as well. We have a couple bounce houses, temporary tattoo station, face painting, balloon twister, 2 food trucks, Kona shaved ice truck, and free popcorn and water. It's at Community Park, the weather is supposed to be beautiful – 80 with a breeze. It'll be a good time and remind everyone you know to come.

Mr. Fullenkamp: How many applications do we have for the clerk? Mr. Lohr: We have lots and lots. Mr. Fullenkamp: When are you going to start forwarding them to us? Mr. Lohr: The City Manager and I discussed it; because of the volume we have it may make more sense for Council to look at them in person or to have someone screen them. Early on in the process we had 125 and we have lots more than that now. Mayor Flaute: I was going to ask in Council member comments how Council wants to handle this. Mr. Fullenkamp: I thought we requested that Council sees all of them. Mayor Flaute: We could put them in a binder for everyone to look at. Mr. Fullenkamp: There's email. Mr. Lohr: We can scan them all and put them in a folder on the web; I just wanted to make sure before we sent you hundreds of applications that's what Council wanted.

Thursday, July 5, 2018

Ms. Campbell: You might narrow it down between the two of you and just send us the ones that are more qualified. Mr. Carpenter: Whatever Council decides. Ms. Campbell: It'll take all day with a 100 applications. Mayor Flaute: I didn't hear the question. Ms. Campbell: When they bring them in to interview, narrow it down to the best 10 for us. Mayor Flaute: That's what we have to do. Ms. Campbell: That's fine with me. Mayor Flaute: The 20th is after the next Council meeting but at the next Council meeting we need to decide if we are going to have a committee to just go over them and recommend the top 10 or top 5 or whatever the number is. Mr. Fullenkamp: I think we can start looking at the ones we have received. Mayor Flaute: Sure, I'm just saying if we want to keep this moving forward, we need to have a plan in place as to how we are going to interview the folks and how many we are going to interview. We need to make that decision at the next Council meeting.

Mr. Fullenkamp: So the deadline to submit application is July 20th? Mr. Lohr: Yes. Mr. Fullenkamp: My preference is to start seeing those now so I can start throwing stuff away that doesn't interest me and start finding those interesting people – maybe the 5% to 10% that meet the criteria, rather than giving everything to me at once. Don't make we work that hard.

Mr. Denning: I would suggest putting them in a folder that's electronically available. Then if anybody goes through that folder, have a separate folder we throw the goods ones in to so we can separate them out. Mr. Lohr: We have a city Google Drive account and I think that's how you received the video. We'll just set up that folder and we can put in yes and no folders. Mr. Fullenkamp: I can do that part on my own computer. Mr. Denning: Just have a folder with all the resumes in it. Mr. Lohr: We can do that.

Mr. Fullenkamp: How many resumes do you have for the Service Director? Mr. Lohr: I don't have an exact count; we have a folder full of them and I would say about 30.

Mr. Curp: In the news over the last several days or week there has been discussion about the cost of healthcare premiums under the Affordable Care Act and they are going up around 8% in the State of Ohio. My question is where are we in investigating joining a different risk pool? Mr. Lohr: The City Manager and I have met with McGowan-Brabender (the broker who represented the Ohio Benefits Cooperative) about a month ago and they presented some other pool options beyond the Ohio Benefits Cooperative we've looked into. There are some other options such as our current broker, the Center for Local Government, and other options I would like to look into before we bring anything back to Council to make a decision. Mayor Flaute: Is there a timeline for when we'd like to see that? Mr. Denning: Before the budget. Mr. Curp: It's not only that but last year we were at the eleventh hour and we didn't have any opportunity to go out and seek another provider. I hope we don't get to that situation this year. Mr. Carpenter: Part of the dilemma we run into is the employees have to fill out the form and a lot of the companies want to have a year look-back. Mr. Lohr: And a lot of companies won't accept a health questionnaire if it's older than 90 days. October 1st is the starting gun and you get your questionnaires done as quickly as you can; then they start getting quotes out to you. So we really can't do it any sooner than October 1st because they don't want to have out-of-date information when they give you quotes. Mr. Curp: That's fine; I just want us to be on top of it and not wait until the eleventh hour.

Planning and Program Management Department – Mr. Taylor: As you've heard, we've been working on a lot of hiring; I've been missing two people for the last five weeks now and I was very happy to have Mr. Gibbs come to us for our Code Enforcement Officer. He started last Thursday and I've been working with him this week, 2 or 3 hours a day going through the city. The list of complaints we kept from when Mr. Leist left until Mr. Gibbs started we were able to print off and enter into Zone Pro.; he's caught up to about 6/22/18 now so we are moving through that 8 to 9 page list. He's made those inspections and we're catching up on grass cutting as well as other violations and complaints. We had a pretty big hole to dig out of but I think Mr. Gibbs is doing a good job. When the Zoning Administrator starts on the 16th, he is quite qualified and I'm sure he will be able to catch up. Those are things we are just trying to keep afloat in our department. Planning Commission is keeping us busy as

Thursday, July 5, 2018

you've seen tonight; then we have the live/work ordinance and some small UDO updates coming with a public hearing on the 16th and then for Council on the 19th. So we will be looking forward to those. Other than that it was a short week and I hope everyone had a good 4th.

ITEM 15: PUBLIC COMMENT ON AGENDA ITEMS: Mr. Tom Tobias of 2040 Brandt Pike: I have a couple comments on the commercial to residential space; if that land has been converted to commercial for 24 years and the previous owner did not have a business there. The current owner has not had anybody contact him or talk to him about putting a business in there so maybe they made a mistake in zoning it commercial. I'm not trying to second guess, I'm just wondering why they rezoned it to commercial and not residential. The second thing is there are eight businesses between Stanley Avenue and Harshman that are successful over 20 years and that is it. All but two have larger lots even if you combine the lots. If you are talking about a local business coming in, with the exception of the lawn/garden center and Burger King, there are no businesses that people go to regularly.

Mayor Flaute: So you are still looking for residential. Mr. Tobias: Yes.

ITEM 16: NEW BUSINESS

A. ORDINANCES

- I) Ordinance No. 18-O-660 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 as initiated by an application to the Planning Commission for the properties located at 2100 Brandt Pike, Parcel ID Nos. I39 00610 0015 and I39 00610 0016, from B-1 to R-3 zoning district. (First reading)**

Mr. Carpenter: This is the ordinance to approve the zoning change on Brandt Pike.

A motion was made by Mr. Denning to read Ordinance No. 18-O-660 for the first time in its entirety and approve its first reading. Mayor Flaute seconded the motion.

The Clerk read Ordinance No. 18-O-660 for the first time in its entirety and Mayor Flaute asked if there were any questions or discussion from members of council.

Mayor Flaute: Are there any questions or comments from members of Council? If this doesn't pass do we still have a second reading? Clerk of Council: No.

With no further discussion, a roll call vote was as follows: Mr. Denning, yes; Mayor Flaute, yes; Ms. Campbell, no; Mr. Curp, no; Ms. Fry, no; and Mr. Fullenkamp, no. **Motion failed.**

B. RESOLUTIONS

- I) Resolution No. 18-R-2384 preliminary consent to patch bridge decks on one bridge on United States Route 35, in the city limits of the City of Riverside, PID No. 108102, further identified as MOT BH FY20 (B).**

Mr. Carpenter: This resolution is to give consent for some patching of bridge decks on Woodman and US Rt. 35.

A motion was made by Mr. Denning to approve Resolution No. 18-R-2384. Mr. Curp seconded the motion. All were in favor; none were opposed. **Motion carried.**

Thursday, July 5, 2018

ITEM 17: PUBLIC COMMENT ON NON-AGENDA ITEMS: Mr. John Schnieders of Wynora Ave. filled out a form to speak but was not present when he was called.

Mr. Frank Smith of Byesville Blvd: I requested some documents and I think they are incomplete. I wanted to get a copy of where Mr. Salmons paid for the lot spraying and you sent me some of it but you only sent the front of the check and you never copied the back of it where it was signed or cashed, whatever you do with it. On the documents, it shows the work order number but not the work order itself. I would like to get the rest of the documents. Mr. Garrett: That is the entire record and if you want to talk to me later, I can explain that more.

Ms. Jan Pitzer of Wake Forest: Since there was a technical error with the last Council meeting where nothing was recorded I would like to repeat what my comments were mostly regarding the Premier Mobile Mammogram Unit. If I remember correctly, the City Manager stated he knew nothing about it which is what prompted me to make the phone calls which you have all received the findings I sent by email. I know Mr. Fullenkamp is planning to have another mobile mammogram come to the Airway Shopping Center and I hope this can be advertised through our website and our Facebook pages. I never did get the answer of who was responsible for that; all I heard was several of us. I'd like to know who the several are.

Also I am bringing up the St. Helen's Festival and the noise. Why are we not following the noise ordinance here in Riverside regarding this festival? The VFW on Spinning has several outdoor festivities, several times a year and exactly at 10 p.m. they shut down. So I'd like to know why we don't insist on all of these festivities shutting down.

I'd also like to ask the Police Chief how many arrests for fireworks were made over the Fourth of July?

Mayor Flaute: He'll get that number to you; I'm sure he doesn't have it right now. Ms. Campbell: There was quite a bit in my area. Ms. Pitzer: It was all over the city.

Ms. Pitzer: Why are we having your special retreat meeting on July 7th when there is a community festival planned for that same day; do we not correspond with each other to know what is going on? And why are we paying to have it at the Ronald McDonald House when we have a perfectly good building here that costs nothing and you can have your lunch catered. If you did decide to go to an outside source; why are you patronizing our Riverside businesses rather than going to the City of Dayton to the Ronald McDonald House.

My last comment is regarding American Pavements; my street was not on the list. However the maps on American Pavements website shows my street to be paved or micro sealed. This was a huge inconvenience. My street is Wake Forest, turns into Flamingo Court, and that turns into Sullivan Court. The majority of the residents on that street have been there 40, 50, to 60 years and are elderly. Not being informed on Wake Forest that our street was being done caused a great inconvenience; because of it being a dead end street those people on Sullivan Court and Flamingo had to walk up to Duquesne and I counted 70 cars that were parked and not close by. I've got people in my neighborhood that are on oxygen, that use walkers, and there's just a breakdown of communication because I was not on the list but the map showed this street should be done. No one from the city was out there supervising to show what streets should be done. American Pavements huge barge-like micro seal machine broke down in front of my mother's house for 45 minutes and was spitting water and black tar-like substance all over. It lasted 45 minutes and American Pavement did not go back and resurface where it broke down. So there is micro seal on top of the grass in some areas and there is micro seal 4 to 6 to 8 inches away from the curb. Even today on my side of the street across from my mother, I have standing water from yesterday's storm where the micro seal does not come up to the curb. At the end of my driveway and in my gutter, I still have

Thursday, July 5, 2018

standing water and that means in the winter I'm going to have ice and snow. I spoke to the Foreman, Keith Pope, and he told me that "he didn't have to put up with my *****" when I complained. It was not acceptable and I asked if it was acceptable to him. He went and got some kind of dry stuff and put it down to try to fill it in. The old adage is you get what you pay for and we got really, really substandard work.

ITEM 18: COUNCILMEMBER COMMENTS: Mr. Curp: The immigrant children have still not been reunited and while the courts have given some dates for that to happen, chances are not good that is going to happen. I ask you to continue to communicate with our elected officials and let them know this is an important situation. Just as they can farm these children out, quickly and easily; they can bring them back just as quickly and easily. The children are still missing.

Mayor Flaute: I did 7 weddings since June 7th. We met with the new Director of the VA, Jill Dietrich, and she lives in Riverside. She lives in the Prairies and started at the VA three week ago. We are very pleased to have her in our city. At the First Suburbs meeting we talked about CALEA for the Police; I know we talked about this a year or two ago and we were hoping we could get close to it or get certification and I would like to urge us to get CALEA certification. It sounds like it would be good for our city. If we could work on that it would be great. The County Commissioners and the Mayors & Managers have appointed me to the Community Development Advisory Committee. We met and Riverside fared very well with the CDBG. We got \$40,000 from CDBG for the ADA ramps and we also got \$75,000 for the Valley Street sidewalks. That all real good news and I am pleased to be part of that. We had a change of command at NASIC which is very strong at the base. A number of years ago they talked about leaving but they are here, they are strong, and their new Commander is Colonel Parker Wright. We also have a new Base Commander, Colonel Sherman. I was out of town when they had his Change of Command but I will be meeting with him next week. The shredding event will be July 28th from 10 to noon at Airway Shopping Center.

Mr. Denning: The shredding event is put on by the Riverside Jaycees, The Riverside Chamber, and Domesick Realty. It will be a four hour event and you must be in line no later than 1:30 to get through. Mayor Flaute: Please put that on our website.

Mr. Curp: Staff has indicated this evening that sometime in the near future we are going to see some changes to the UDO come before us. Mr. Manager, if you get a chance, you ought to view the video from the Planning Commission meeting of April, look at the minutes from the recent meeting, and you will see some discussion there about issues with parts of the UDO. One of those issues is there is no provision for medical offices in a B-1 or B-2; they are in the OR-1 but the issue was the city can't recruit doctors because we don't have any place to provide for them in the code. I don't know that I totally agree with that but nonetheless, if that's the case and if we think we have some physicians, doctors, or dentists in the pipeline, then we need to get something quickly in front of the Planning Commission. What speed the Planning Commission deals with it is not the issue; we need to have staff get that in front of the Planning Commission as quickly as possible and get that language cleaned up. That's a simple text amendment. That's how we get things on the to-do list.

Mr. Fullenkamp: Council can direct that to happen; we can make a motion tonight for this to be addressed. All they need to do is add these uses as primary principal uses in our B-1 and our B-2 code. There's no reason to mess around, this is a desirable thing for this city and why it's not in our code, I have no idea. You can put vet offices in B-1 and B-2, this is just whacked. We can make a motion now. Mr. Taylor: It's already on the agenda for the July 16th meeting of the Planning Commission, and then it will be in front of you on July 19th. Mr. Fullenkamp: It's time; this is something I've been talking about for a long time – the lack of medical care facilities in this city. To hear at the April meeting where suddenly we can't do it. I don't know how long it takes this system to digest the information, so we want to see it.

Thursday, July 5, 2018

Mr. Curp: It also needs to be added to the OR-1 because in the OR-1 it provides in the preamble for medical offices but in the list of permitted uses it doesn't say doctors' offices, it just says offices. When you go to the definitions for offices it says everything, this and this and this, accept medical offices are excluded. If that's not already taken care of in whatever these changes are going to be, that probably needs to be taken care of.

ITEM 20: ADJOURNMENT: A motion was made by Mr. Denning to adjourn. Ms. Campbell seconded the motion. All were in favor; none were opposed. The meeting was adjourned at 9:08 p.m.

William R. Flaute, Mayor

Clerk of Council