

# RECORD OF PROCEEDINGS

Minutes of the Riverside City Council Meeting

Held on Thursday, September 21, 2023

Riverside, OH

**CALL TO ORDER:** Mayor Williams called the Riverside, Ohio, City Council Meeting to order at 6:01 p.m. at the Riverside Administrative Offices, 5200 Springfield Street, Suite 100, Riverside, Ohio, 45431.

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

Staff present were as follows: Josh Rauch, City Manager; Tom Garrett, Finance Director; Kim Baker, Finance Administrator; Nia Holt, Zoning Administrator; Dalma Grandjean, Law Director; and Katie Lewallen, Clerk of Council.

**EXCUSE ABSENT MEMBERS:** Mr. Maxfield moved, seconded by Deputy Mayor Lommatzsch, to excuse Mr. Joseph from the meeting. All were in favor. **Motion carried.**

**ADDITIONS OR CORRECTIONS TO THE AGENDA:** There were no changes to the agenda.

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

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

**BOARDS & COMMISSIONS:** Mr. Rauch stated there are a few people present to introduce themselves to council as applicants for open positions on the Parks and Recreation Commission and the Board of Zoning Appeals. Council will then make a determination in October on appointments. Mr. Scott Skiple introduced himself and listed some activities that he has done such as Boys Scouts and Little League SAYUS soccer. He is interested in the Parks and Recreation Commission to help make Riverside more of a destination for outside recreation and for the residents and kids. Mr. Thomas Lemke introduced himself and stated he was a school bus driver for Mad River Schools. He stated the appeal and the looks of the city mean a lot to him and wants to try and be a part of that to be involved with the BZA. He has spoken with Ms. Holt about what the BZA does for the city. Mayor Williams stated council will take all the information they have received and make a determination for appointments in October.

**CRA HOUSING COUNCIL APPOINTMENTS:** Mr. Rauch stated that at the work session last week, staff made recommendations for the CRA Housing Council. Staff recommended that council appoint the mayor and the community development director to the CRA Housing Council; and the mayor move to appoint the finance director and the economic development specialist. This will allow them to convene the housing council for its first meeting. At that first meeting, those five members will select two Riverside residents as members-at-large to serve on the housing council. Deputy Mayor Lommatzsch moved,

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seconded by Mrs. Franklin to approve the slate of nominations as recommended. All were in favor. **Motion carried.**

**PRESENTATION:** Mr. Chris Mackey introduced himself as the community impact and engagement manager for the Miami Valley Big Brothers Big Sisters, a non-profit mentoring organization for youth in Miami, Montgomery, Greene and Preble counties. He presented the needs of the organization and requested mentors from the public for young people. Big Brothers Big Sisters creates and supports one-to-one mentoring relationships that ignite the power of mentoring and the promise of youth. They want kids to be successful. He explained their mentoring programs are fun and inexpensive activities with a young person while focusing on goals like introducing a new hobby or helping to graduate high school and focus on life goals. He stated the kids are ages 7 – 14, and once they are 18, they graduate from the program. These are kids who want to have a mentor and whose parents or guardians want them to have a mentor. Some kids are part of a large family, and their parents feel that an additional one-to-one mentor would be good for them. He provided data on the kids that are in their program. He stated that Bigs are safe and that is a priority for Big Brothers Big Sisters. They ask for a year commitment as it takes time to build the relationship. Bigs are not replacement parents, guardians, or saviors. The best relationships are when the Bigs and the parents are on the same page as far as mentorship. Bigs are members of the community who want to make a difference in the life of a young person. Mr. Mackey explained the enrollment process for Bigs. He emphasized this is not to be a financial burden on Bigs. The goals they focus on can be simple or profound. He listed the benefits of kids having a mentor from national data: 46 percent avoided drugs, 90 percent improved grades, and 86 percent had reduced depressive symptoms. He added that in light of the pandemic, having an additional support person in their corner has been helpful to young people. He stated there are 49 kids on the Big Brothers Big Sisters waitlist. It is for one hour per week twice a month. He asked everyone to consider becoming a part of Big Brothers Big Sisters. If they do not have the time, he asked them to share the information.

Mr. Denning asked if a person had extra time could they mentor more than one child one-on-one. Mr. Mackey stated they like to have it be just a one-to-one mentoring relationship. Ms. Fry asked if there is an age range they prefer. Mr. Mackey replied that mentors aged 21 and up can be a mentor for a young person. Deputy Mayor Lommatzsch stated that if people can't give time, then they can give money. Mr. Mackey stated they could always use money. He stated they are also looking for people to serve in other ways such as on an advisory council. He concluded by stating that the primary ask is for mentors.

**MINUTES:** Mrs. Franklin moved, seconded by Mr. Denning, to approve the August 10, 2023, work session, and the August 17, 2023, council business meeting minutes. All were in favor. **Motion carried.**



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**WRITTEN CITIZEN PETITIONS:** Mayor Williams stated that anyone wishing to speak should fill out a form located in the back of the room, fill it out, and hand in to the clerk. Speakers will be called upon at the appropriate time during the meeting.

## DEPARTMENT UPDATES

**A) City Manager Report** – Mr. Rauch stated that Fire Chief Mark Miller will be sworn in at the October 5, 2023, meeting. He stated they received an updated agreement from the Montgomery County TID regarding the Safe Streets 4 All (SS4A) grant. This is the one that looks at the whole corridor on Woodman from Springfield down to SR-35. They have recommended revising the scope of work that was worked out for this Phase 4 piece to accommodate the entirety of the SS4A grant. Their board has already approved the change. Council will see that legislation next month. He stated that the Springfield Street project is complete aside from a few punch list items. He thanked Ms. Bartlett, the engineers, the finance staff, Mr. Miller, and the crews out there getting this roadway done. He announced there are a few maintenance worker positions available for anyone who may be watching and is interested in working in the public service department. He added there are a number of open positions in the city, currently. He stated the audit should be complete by the end of the month. He stated they have started the operational components of ClearGov. He added that he is presenting at the International City County Manager conference in early October. He was invited to sit on a panel to discuss how small communities go about budgeting.

**PUBLIC COMMENT ON AGENDA ITEMS:** No one wished to speak on an agenda item.

## UNFINISHED BUSINESS

### A. ORDINANCES

- I) Ordinance No. 23-O-838 – An ordinance approving a change in the district boundaries as shown on the zoning map of the City of Riverside, Ohio for Parcel ID No. I39 00115 0014, I39 00115 0015, I39 00115 0023, I39 00115 0024, I39 00116 0013, and I39 00116 0014 from R-3 Medium Density Residential District to B-2 General Business District. (2<sup>nd</sup> reading, public hearing, adoption)

Deputy Mayor Lommatzsch moved, seconded by Mrs. Franklin, to approve the second reading by title of Ordinance No. 23-O-838. The clerk read the ordinance by title only.

Mayor Williams opened the public hearing at 6:25 p.m. No one came forward to speak. Mayor Williams closed the public hearing at 6:26 p.m.

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

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## NEW BUSINESS

### A. ORDINANCES

- I) **Ordinance No. 23-O-839 – An ordinance to make supplemental appropriations for current expenses and other expenditures of the City of Riverside, State of Ohio, for the period January 1 through December 31, 2023. (1<sup>st</sup> reading)**

Mr. Rauch stated this is the third quarter supplemental that anticipates receiving money for grants so they can pay and be reimbursed for the grants and appropriate funds for other miscellaneous expenses as described in the packet.

Mr. Denning moved, seconded by Mr. Maxfield, to approve the first reading by title of Ordinance No. 23-O-839. The clerk read the ordinance by title only.

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

### B. RESOLUTIONS

- I) **Resolution No. 23-R-2870 – A resolution authorizing the city manager to accept the Ohio Department of Transportation Highway Safety Improvement Program (HSIP) Grant for the Woodman Phase 1 Construction Project in the amount of \$500,000.**

Mr. Rauch stated they were awarded a \$500,000 grant from the Highway Safety Improvement Program that will be contributed to the Woodman Drive Phase 1 Project.

Ms. Lommatzsch moved, seconded by Mrs. Franklin, to approve Resolution No. 23-R-2870.

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

- II) **Resolution No. 23-R-2871 – A resolution authorizing the city manager to enter into a lease agreement with the Mad River Pee Wee Football Association pertaining to certain facilities in Community Park.**

Mr. Rauch stated this is a renewal lease agreement with Mad River Pee Wee Football for the football arrangements at Community Park. The association will pay for the additional electricity costs and an additional appendix that provides guidance and clarity on the parking situation and how to do crowd control.

Mr. Denning moved, seconded by Mrs. Franklin, to approve Resolution No. 23-R-2871.



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Mr. Maxfield stated there was some confusion last week and wanted to make sure there was nothing in this about access roads and that this is just a general renewal agreement. Mr. Rauch stated that was correct. Deputy Mayor Lommatzsch stated there was clarity on where to park for safety reasons. No roads are being taken away. Mayor Williams thanked staff for making a clear presentation last week at the work session and that Community Park is an asset to the community and will continue to be.

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

## **III) Resolution No. 23-R-2872 – A resolution confirming the city manager’s appointment of Kim Baker to the position of finance director and tax administrator for the City of Riverside, Ohio.**

Mr. Rauch stated this confirms the appointment of Kim Baker as the next Finance Director and Tax Administrator for the city.

Mr. Denning moved, seconded by Mrs. Franklin, to approve Resolution No. 23-R-2872.

Ms. Baker stated how she has been here six months already and has enjoyed it. They have made a little bit of progress and hope to make a bigger impact. She likes being in Riverside. Deputy Mayor Lommatzsch stated they need to say how much they have appreciated time as he has carried them through the hard times and good times. She added he will be missed and appreciates all he has done.

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

## **IV) Resolution No. 23-R-2873 – A resolution authorizing payment of a “Then and Now” certificate in the amount of \$7,675.00 payable to the Security Fence Group, Inc. for the Riverside Police Department’s Flock Camera purchase and installation.**

Mr. Rauch stated that this process is a situation in which they have moved forward with a purchase but haven’t done the legislative approval for pieces of that. This happens sometimes when either someone is ahead of something or a scope changes and triggers the need for legislative action. This is a mechanism to clean that up and is used by cities across the country. In this instance, the Flock cameras were entirely grant-funded; however, as the project unfolded, it was found that it would be more effective to power the cameras with a direct power source. That cost was \$7,675. This is an addition to the regular expense. This resolution is asking council to approve the decision staff made to run that power so they can pay the vendor those fees.

Mrs. Franklin moved, seconded by Mr. Denning, to approve Resolution No. 23-R-2873.

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

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- V) Resolution No. 23-R-2874 – A resolution authorizing Josh Rauch, City Manager, and Kimberly Baker, Finance Director, to be signers for accounts associated with 5<sup>th</sup>/3<sup>rd</sup> Bank.

Mr. Rauch stated this is to authorize signers for the city at 5<sup>th</sup>/3<sup>rd</sup> Bank.

Mr. Denning moved, seconded by Mrs. Franklin, to approve Resolution No. 23-R-2874.

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

- VI) Resolution No. 23-R-2875 – A resolution authorizing payment of a “Then and Now” certificate in the amount of \$8,500.00 payable to iWorq Systems, Inc. for services provided.

Mr. Rauch stated that this purchase relates to the modules purchased for iWorqs that is used for the online permitting process.

Mr. Denning moved, seconded by Mr. Maxfield, to approve Resolution No. 23-R-2867.

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

**PUBLIC COMMENT ON NON-AGENDA ITEMS:** Mayor Williams stated that a few forms were turned in for public comment on non-agenda items. He asked each person speaking to state their name and address and to keep comments to three minutes.

Ms. Joyce Sun, 2388 Meadowgreen Drive, Dayton, OH, stated she is one of the two dentists that practice at Brilliant Smiles at the corner of Spinning and Burkhardt. She stated that they learned from their UPS driver that the old Family Video was going to be a methadone clinic. She has watched the renovations taking place with dreaded anticipation. She stated that traditionally dentists have had access to opioid medications and prescribed them after tooth extractions, but that no longer happens; however, that information may not be well known. She stated they serve a wide range of patients who have been coming to their location for decades for dental needs. She added that they also serve military patients and are a dental home in their neighborhood. She stated having a drug treatment clinic at this location means to many that there will be an increase in crime, litter, and police reports. They are also close to five schools, two pre-schools, and a daycare center. She understands the opioid crisis needs attention and applauds those trying to help and those reaching out for help; however, she does not feel that this is a good location for the clinic. Her team has installed an alarm system, clear signage, and has a buddy system. She added that they may not be able to eat outside or take a walk like they used to be able to. Their location may even close if enough patients are not comfortable coming to their office or if staff members don't feel safe at work. She stated that adults can defend themselves and even find other work, but the children are helpless members of society. She stated this would put them



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at high risk each and every day by allowing this clinic to be constructed on their path to school, and that is unacceptable. She understands the city's hands are tied with the situation. She asked if there were any steps they could take to protect the community. Is the police force able to be strengthened and is Brightview cooperating to help keep the area safe? She stated she has a form in case anybody wants to keep in touch as they observe what will unfold over the next few months.

Ms. Ellen Fletcher, 5201 Huberville Avenue, Riverside, OH, stated they are looking forward to a tour that Brightview will give at their Centerville location on September 28. She stated it would be a good if they come back in March of 2024 as a collective group to present an update on community reaction. She is sure all involved understand the intensity of the unknown for this residential area of Riverside. Within .02 of a mile of this site, there are two schools on Spinning, two schools on Burkhardt, two standalone preschools, along with five preschools within the other schools represented, and Brilliant Smiles. She understands there is nothing to say legally, but morally and ethically they stand as one on behalf of the homes, educational facilities, and fellow businesses. She believes that support, safety, and environment are what Riverside cares about. She stated in 2016, Montgomery County was named the overdose capital of the United States of America. There is a need for this service. A Google search stated the area has 21 treatment resources.

Mayor Williams stated the permitted uses for the location in question are all being met by the applicant. Because of that, the city is barred from stopping this proposed use from moving in. They cannot pick and choose whom they want to move into a location based on characteristics being described by the speakers. He stated that morally, ethically, or legally, they may not want to ever venture into a territory where they start excluding people for any reason that might be personal in belief. The same law applies to everybody.

Mr. Rauch stated he wrote a letter to Merrie Time, a daycare facility, that also expressed similar concerns. He lives close to there and understands the concerns people have. Together they all make up the community. He reiterated the sentiments of the mayor. He added that the business has to abide by all the codes of the city: noise ordinances, property maintenance, littering, public disturbances, and such. The city has a proven track record when necessary to enforcing the ordinances and does it fairly and consistently. The city does not target a business or occupant. The police department is aware of things that have happened in that area due to a prior occupant in the shopping center. They will keep an eye on the area. He discussed the recently adopted land use plan and the different visions for the area. They also will be looking at a process for a comprehensive zoning code rewrite and keep the ball rolling on the economic development efforts to better advance the community vision and attract development opportunities. They are working a number of fronts to advance the community vision. Ms. Grandjean added that the city's role is to enforce the law and apply it equally and

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not be influenced by subjective views with regard to ethics, morality, desirability, aesthetics, or any of those things. If the city targets in any way or treats that business differently than any other business, then it would have liability under various federal laws including the Constitution. There is protection under the Fair Housing Act, the American Disabilities Act, and the 14<sup>th</sup> Amendment.

Deputy Mayor Lommatzsch encouraged people to call the city at the non-emergency number 937.233.1801 if there are any concerns. If they drive down the street and see an issue, please call. Mr. Denning stated if you see something, say something. It helps them in the long term to keep a list of calls and if anything needs to be addressed then they have that information handy. They need to watch out for each other. He added that they can't govern on the 'what if' they need to have facts.

**COUNCIL MEMBER COMMENTS:** Ms. Franklin stated she is not running for her seat in November; she will be moving out of the area within the next year. She stated she has learned so much from all of them and staff. She encourages other individuals to run; they will get a passion for it. She plans to continue government work when she leaves the area.

Mayor Williams stated regarding the property just discussed that his home is probably the closest to the parcel and his three sons walk home from school past this building and his sons' school is on the same street. The most trouble they have had on that path was caused by a music club. He stated that to point out, legally, they cannot say they know this building is going to be a problem, so we are not going to do this. Morally, they are not going to. He understands where the emotions and passions on this topic come from. He has a son who walks passed every day after school. He added that there were times when it may have been more dangerous depending on what musical act showed up. He stated they would not have just banned all music acts in the city. They have to take it as it comes. Their guiding principles have to be the equitable placement of law on every property owner. It can't be just what he thinks or other council thinks. They have to all agree to it as they took an oath to the Constitution of the State of Ohio, the United States, and the codified ordinances of the City of Riverside. People know how to reach council members. They understand the concern, but they have a standard they are held to. He was glad to see citizen activity and input.

Mr. Denning stated that the haunted house opens tomorrow night. He added that Springfield Street is done and looks great. He thanked Ms. Bartlett and all those involved in getting it done. He asked people to come and support the Jaycees haunted house. He stated that the Hometown Holidays this year is moving to Stebbins High School. This will allow for more room. There will be food trucks, music, and Santa Claus. He is also hoping for a 25' light tree on one of the flag poles.



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**EXECUTIVE SESSION:** Mr. Maxfield moved, seconded by Mr. Denning, to go into executive session for the following: 103.01(4) Preparing for, conducting or reviewing negotiations or bargaining sessions with public employees and officials of the City concerning their compensation or other terms and conditions of their employment. Roll call went as follows: Mr. Maxfield, yes; Mr. Denning, yes; Mrs. Franklin, yes; Ms. Fry, yes; Ms. Lommatzsch, yes; and Mayor Williams, yes. **Motion carried.** Council entered executive session at 6:55 p.m.

**RECONVENE:** Council reconvened at 7:25 p.m.

## RESOLUTION:

- VII) Resolution No. 23-R-2876 – A resolution authorizing the city manager to enter into a collective bargaining agreement between the City of Riverside and the Communications Workers of America, AFL-CIO/CLC Local 4322 for the period October 1, 2023, through September 30, 2026.

Mr. Denning moved, seconded by Ms. Lommatzsch, to approve Resolution No. 23-R-2876.

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

**ADJOURNMENT:** Mr. Denning moved, seconded by Mr. Maxfield, to adjourn. All were in favor. **Motion carried.** The meeting adjourned at 7:26 p.m.



Pete Williams, Mayor



Clerk of Council

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