

# Pride ~ Progress ~ Possibilities

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

July 5, 2018

Work Session

6:00 P.M.

Council Meeting

7:00 P.M.

City Council

WILLIAM R. FLAUTE, MAYOR

BEVERLY CAMPBELL  
KENNETH W. CURP  
MIKE DENNING  
BRENDA FRY  
STEVEN C. FULLENKAMP  
SARA LOMMATZSCH

Mark Carpenter, City Manager

# Calendar for Year 2018 (United States)

## January

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Jan 1 New Year's Day  
 Jan 15 Martin Luther King Jr. Day  
 Feb 14 Valentine's Day  
 Feb 19 Presidents' Day  
 Apr 1 Easter Sunday  
 Apr 13 Thomas Jefferson's Birthday  
 May 13 Mother's Day

May 28 Memorial Day  
 Jun 17 Father's Day  
 Jul 4 Independence Day  
 Sep 3 Labor Day  
 Oct 8 Columbus Day (Most regions)  
 Oct 31 Halloween  
 Nov 11 Veterans Day

Nov 12 Veterans Day observed  
 Nov 22 Thanksgiving Day  
 Dec 24 Christmas Eve  
 Dec 25 Christmas Day  
 Dec 31 New Year's Eve

Please place all cell phones in silent mode before the meeting begins.

**RIVERSIDE CITY COUNCIL**

**Riverside Administrative Offices  
5200 Springfield Street, Suite 100  
Riverside, Ohio 45431**

**Thursday, July 5, 2018  
Work Session 6:00 P.M.  
Business Meeting 7:00 P.M.**

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) EXCUSE ABSENT MEMBERS
- 4) ADDITIONS OR CORRECTIONS TO AGENDA
- 5) APPROVAL OF AGENDA
- 6) WORK SESSION ITEMS
  - A) Montgomery County Recorder's Office – Mr. Brandon McClain
  - B) Budget Discussion
- 7) RECESS
- 8) RECONVENE
- 9) PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE
- 10) MINUTES – Consider approval of the minutes of the May 17, 2018, the June 7, 2018, and June 21, 2018 regular Council meetings and the June 14, 2018 special Council meeting.
- 11) PUBLIC HEARING
  - A) Map Amendment per recommendation of the Planning Commission, Ordinance No. 18-O-660
- 12) ACCEPTANCE OF WRITTEN CITIZEN PETITIONS
- 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

14) PUBLIC COMMENT ON AGENDA ITEMS

15) 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. (*1<sup>st</sup> Reading.*)

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).

16) PUBLIC COMMENT ON NON-AGENDA ITEMS

17) COUNCIL MEMBER COMMENTS

18) EXECUTIVE SESSION

- A) Section 103.01 (d)(3): *Conferences 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.*

19) ADJOURNMENT

CITY OF RIVERSIDE, OHIO  
CITY COUNCIL COMMUNICATIONS

**MEETING DATE:** July 5, 2018

**AGENDA ITEM NO(S):** 10

**AGENDA ITEM CAPTION:** Minutes

**ADMINISTRATIVE COMMENTS:** Consider the approval of the May 17, 2018, the June 7, 2018, and the June 21, 2018 regular meeting minutes and the June 14, 2018 special meeting minutes.

**STAFF RECOMMENDATION:** It is respectfully recommended that the Mayor and City Council approve the minutes of the May 17, 2018, June 7, 2018, June 21, 2018 regular Council meetings and the June 14, 2018 special meeting minutes.

**EXHIBITS:** Draft minutes.

**SUBMITTED BY:** Mary Ann Brane, Interim Clerk of Council

**APPROVED FOR COUNCIL CONSIDERATION:** Mark Carpenter, City Manager

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ACTION TAKEN

MOTION:

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MADE BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_

FOR: \_\_\_\_\_

AGAINST: \_\_\_\_\_

APPROVED ( )      DENIED ( )      TABLED ( )

OTHER (EXPLAIN):

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COMMENTS/STAFF FOLLOW UP:

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Thursday, May 17, 2018

**ITEM 1: CALL TO ORDER:** Mayor Flaute called the Riverside, Ohio City Council Meeting to order at 6:11 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: Chris Lohr, Assistant City Manager; Tom Garrett, Finance Department; Bob Murray, Economic Development; Brock Taylor, Planning and Program Management Department; Frank Robinson, Police Chief; Daniel Stitzel, Fire Chief; Jay Keaton, Service Department; and Brenna Arnold, Clerk of Council.

**ITEM 3: EXCUSE ABSENT MEMBERS:** A motion was made by Ms. Campbell to excuse Deputy Mayor Lommatzsch. Mr. Denning seconded the motion.

Mr. Curp: She wanted me to make sure everybody knew that she really wanted to be here, but her grandson is graduating this evening. Mayor Flaute: That's more important. Mr. Curp: She was tugging at what to do. Mayor Flaute: Thank you, Mr. Curp.

With no further discussion, 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.

**ITEM 5: APPROVAL OF AGENDA:** A motion was made by Mr. Denning to accept the agenda as revised. Ms. Fry seconded the motion. All were in favor; none were opposed. **Motion carried.**

**ITEM 6: WORK SESSION ITEMS:**

A) Police Officer of the Year Recognition – *Will be rescheduled.*

B) Financial Analysis Report

Mr. Lohr: We are still working on the system over here. Ms. Campbell: It just froze up again. Mr. Lohr: Tonight we have Mr. Don Schonhardt, the City of Hillard Mayor, CPA, and our Financial Analyst, who is going to give us some information about income taxes. Mayor Flaute: Thank you, Mr. Manager. Mr. Mayor, would you please come forward. Thank you very much for coming and we are anxious to hear what you have to say.

Mr. Schonhardt: I bet you are. I will tell you that while I was sitting watching the blank screens up here it reminded me of my last week in my private office where a Windows update crashed three of our computers and they would not boot and I got to look at that same screen for hours on end. It's never fun when technology doesn't cooperate with us. Well thank you for having me this evening. I really want to talk about a rather complicated issue and a lot of the complication centers around the way that you guys presently levy your tax. You have a 1.5% tax rate, nothing unusual about that. The problem is that 50% credit creates some interesting arrangements for your citizenry. I've tried to exhibit that in what I'm going to discuss tonight, but I do want to back up and just talk about the financial position of the City. I've worked with Tom and Mark. I just met Chris tonight, so I haven't had much chance to work with Chris. We've looked and I do have a pro-forma that I've provided to staff talking about moving five years out into the future. It goes from 2018 out to 2022. That was something that really took quite a bit of time to put together and I'm still trying to fine tune it, but one of the things that became clear in the process of putting that pro-forma together is one we have seen in last year we had a current year deficit situation where our revenues did not cover our current year expenditures.

As we look ahead at the three primary areas that we are concerned about as government representatives, our General Fund, our Fire Fund, our Service Fund, and our Police Fund; that's the primary services we provide to the public. I can tell you

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that the General Fund, if we presume a reasonably realistic growth in income tax over the next several years, the General Fund will continue to have deficit situations, but they are not so dramatic that we end up eating all the fund balance in the General Fund. Unfortunately, in the remaining three areas, Fire, Police, and Service, they do. They start out with a deficit and that deficit carries forward all the way out to the end. The way the City is structured, they make up those deficits by transferring money from the General Fund to cover the deficit in those individual funds. Bottom line, we start in January of 2018 with \$4+ million in the General Fund and again assuming just a 2% growth in income tax and looking at known increases in personnel costs and we factored in a very minor 1% increase in other operating expenses; that fund balance will drop to around \$2.8 million by 2022.

That alone doesn't include some of the projects that I think the City is desperate to undertake, those projects being what I would term annual street maintenance program. You have a company that evaluates our streets and provides you with a rating as to the condition of those streets and then schedules those streets for maintenance, typically it is a resurfacing process. In looking at the funding of those street improvements over the next 5-6 years, we have significant expenditures that presently aren't included in the calculation of the deficit situation. If we undertake those projects, which I know the public is clearly interested in us doing, it adds to the deficit further. It also doesn't include some of the projects that we have been provided OPWC funding for, but are just now getting underway. Springfield Street East and West are two of the projects that we have received OPWC funding for. 2018 is the first year where we are actually paying money out to do professional engineering on that particular project and there are expenditures associated as the City's share of those projects that begin in 2018 and also carry out to 2022. Those have not been factored in to this deficit that I just talked about.

Clearly, we have some projects that are important to the community that if we don't do something to address our revenue shortfall, we are not going to be able to provide what I believe the kind of service that the community would like to see us provide. That is an incentive for the public to get behind a consideration of increasing the income tax to accomplish undertaking of projects that they really would like to see you as members of City Council undertake. In addition because of that 50% credit, if we have a significant number of your residents who are paying well in excess of 1.5% in tax. If you just look at the PowerPoint page 1, right now at our current tax rate of 1.5% with a 50% credit and using the base information provided to us from RITA, which started in 2016, that was the latest year they had available, you have according to the sheet which is that little sheet you see here. On the very last page, you will see a total number under the column labeled "Work." It shows 9,890.

Those are the number of taxpayers that are represented on this sheet. Of those 9,890, if you look at this slide 5,395 of those people are paying greater than .5% presently. These are your residents, they live here. Many of them do not work here, but they pay more than 1.5% in tax. Some of them, and if you want to go again to the last page and you look at the very first column which is 1.5%, not the very first, but the first column towards the projections, if you look at that 1.5% with a 50% credit you see that some of your residents pay 3.25%. You have one that pays 3.5%. I think I would be moving if I were them. You have some that pay 3% or 2.8%. There is significant amounts of additional tax that they are paying under our present scenario. Mr. Curp: Those that are paying where they work? Mr. Schonhardt: They pay in the city where they work, but you only give them credit against your tax for .5%-.75%. They pay that and they have to pay you the difference and that's why we get those larger numbers. At 1.5% with 50% credit, you can see and basically the 4,495 of people that are paying the 1.5%, those are the people that typically live and work here.

If I move to the next slide and if we go to the scenario where we raise the income tax rate to 2%, so we are going to raise it a .5%, but keep the 50% credit all 9,890 people get a tax increase anywhere from .25%-.5% additional depending upon where they work.

Mr. Fullenkamp: I want to figure out who are these 9,000 some people. Are these people? Mr. Schonhardt: They are residents of your community. Mr. Fullenkamp:

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They are residents of our community that are having taxes withdrawn by their company or are they a combination of company and individual tax? Mr. Schonhardt: It's a combination. Mr. Fullenkamp: A combination. Okay. Mr. Schonhardt: It's all of the taxes that you receive. Some of those people live here and work outside of the City. Mr. Fullenkamp: No, I understand. I just wanted to make sure. Mr. Schonhardt: It does include those who live here and work here and have withholding. Mr. Fullenkamp: But it's withholding plus individual. Mr. Schonhardt: Plus individual and actually plus the net profit as well. Mr. Fullenkamp: So it includes businesses? Mr. Schonhardt: Yeah, but net profit is one of these you just. Mr. Fullenkamp: So that's how many taxpayers we have in this City? Mr. Schonhardt: Yes. Mr. Fullenkamp: Okay. Thank you.

Mr. Denning: One question, does this include non-residents that pay tax here, but live somewhere else? Mr. Schonhardt: Yes, sir. Mr. Denning: It includes them also. Mr. Schonhardt: Oh, it does not? Mr. Garrett: This chart is only the residents. Mr. Schonhardt: It's the residents. Mr. Denning: Okay, so these numbers that we are looking at does not include non-residents that work here, but don't live here. Mr. Garrett: Right, this is Riverside residents who filed their tax return and then it breaks out where they did work, whether they worked in Beavercreek or Centerville. Mr. Denning: And I get all that. Mr. Fullenkamp: Potential voters. Mr. Denning: I'm curious to see how much or what the number is of non-residents that pay and what our increase would be if we went up to 2% overall. Do you understand what I'm saying? This is great. I mean this is one number, but we have additional income from non-residents already at 1.5%. I'd be curious to know what that number is also. Mr. Schonhardt: Good luck with that. These are hard numbers. Mr. Denning: This is what you were assigned to do, so I get that.

Mr. Schonhardt: The reason we are looking at the residents is because they are the people that are going to vote. Mr. Denning: No, I understand that. Mr. Schonhardt: And I understand there is a component missing, but the bottom line is it doesn't matter what that component is if we don't. Mr. Denning: But from what I understand, that number is also pretty close to the 4,400 number or in that range also. That's a large amount of income for us. That's not trivial. My point is that if we are going to lower the credit, we need to know how much more we are going to get from the non-residents to see if that is going to compensate us for doing that. The bottom line is we need a certain amount of funding to get the job done. If we don't take that into account, we are shooting ourselves in the foot. Mr. Schonhardt: I don't disagree with you. Again, the goal here was how do we get people to buy in? Mr. Denning: And I understand that. Mr. Schonhardt: We continued to work on the pro-forma, which really would answer your question. Mr. Denning: Right, but in order to make the correct decision of lowering that credit, we need to know. Mr. Schonhardt: We are going to raise the credit, but that's okay. Mr. Denning: Raise the credit so that they get more in their pocket and the taxes less intrusive on their residents. We need to know. Mr. Schonhardt: The people that live outside and work here and going to pay whatever the rate is. Mr. Denning: And I get that.

Mayor Flaute: Go to the slide before this. Who are those taxpayers? Mr. Schonhardt: The 9,890 people represented on this detail are residents of your City. Mayor Flaute: So the one before this are all residents of our City and 4,495 are paying 1.5%. That's not the employees; that's people who live here and pay 1.5%. Then there are 5,395 people that pay more than 1.5%. Why because they work in another city? Mr. Schonhardt: Correct. They work outside of the City. Mayor Flaute: Okay. I think I understand. Mr. Schonhardt: It gets more complicated. Let me know when we need to answer more questions and I will do my best. Mayor Flaute: Okay. I was hoping to see more combination like Mr. Denning said. Mr. Schonhardt: We are getting to different combinations.

If we went with just a straight .5% increase and no change in the credit and keep it at 50%, looking at that first spreadsheet the 9,890 residents would all receive somewhere between .25% and those would be people working outside and paying taxes elsewhere and getting a 50% credit and those working inside. If you lived in the City of Riverside and you worked in the City of Riverside and we did this and raised it to 2%, your taxes are going up to 2%. All the second slide is telling you is that this particular scenario everybody gets a tax increase across the board.

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Mr. Fullenkamp: How much revenue does that raise? Mr. Schonhardt: It raises a fairly significant amount. It is shown on the last page at the bottom. Mr. Fullenkamp: Is that the 1.9 number? Mr. Schonhardt: No, it would be the \$750,000.00 number that is in the 2% / 50% credit in the first column in here. Mr. Fullenkamp: Oh, the .5% increase with no change in the credit would only raise \$750,000.00. Mr. Schonhardt: Correct. Mr. Lohr: To be clear, that is just from Riverside residents and doesn't include people who work here, but don't live here. Mr. Fullenkamp: We don't have those numbers? Mr. Schonhardt: Right, we don't have the number of people working here and living outside of the City. Mr. Fullenkamp: We will have that pretty soon? Mr. Lohr: Yeah, we will get that to you. Mr. Schonhardt: Okay. We are trying. Mayor Flaute: We need that number.

Mr. Schonhardt: This is a complex issue because of the credit. So then we looked at what happens if we begin to raise the credit. The next scenario we ran was we are going to increase the tax to 2%, but we are going to raise the credit to 75% instead of 50%. That believe it or not only generates that next column and an increase of \$196,000.00, so that was like we are not doing that and it doesn't help.

Then we got outside the box. We said again let's go back and what would incentivize people to agree to increase taxes? Mayor Flaute: Which slide are you on now? Mr. Denning: He's on this last page. Mr. Schonhardt: I'm going to the last page. Sorry. You want me to change this thing. I keep forgetting. Everybody has this page in front of them. Okay, this is the last page. This is where we said again and I want to remind you the goal is from my perspective how do we begin to adjust our tax base so we can afford to pay the expenditures we know are coming up. One is you actually provide a form of benefit to those who are paying taxes today. The other is you show them that there are projects that you will not be able to fund unless you get a tax increase and they are projects that are important to the public, street maintenance, the overall OPWC projects which are also infrastructure related; it is improving the overall infrastructure of the City.

So when you raise the tax to the 2.5%, but you give 100% credit here is what happens 4,505 of the 9,890 actually see a reduction in their income tax overall between where they work plus what they pay you. They would actually see a reduction. There's an offering you can make. If you work outside and you work in their cities because we have identified them, if you agree to a 1% tax increase, your total tax liability decreases. You still have 5,385 whose taxes will increase, so there are the people you have to provide an opportunity to pursue projects that they would like you to pursue and be willing to pay the additional tax to accomplish that. The additional tax generated from the last scenario is the \$540,000.00 that you see in that last column. Again, it doesn't include people who don't live here but work here. We didn't know that number and I'm not even sure, so I will let Tom learn how to get it. I can't get it. You will have to figure it out.

When we look at the alternatives, one of the things we kicked around was if we go with the 2.5% and 100% credit and we offer nearly half, 45.5% of the people who will actually see a reduction in the taxes they pay and we are able to encourage enough other people to see the benefits of being able to undertake annual street maintenance and address some of the OPWC projects that are important to them, it could be enough to tip the scale to that particular scenario. If we get to that scenario, then we can talk about the projects that we can add and fund with additional basically \$550,000.00 annually that is provided through that particular increase and it would be more as Mr. Denning you have so pointed out that there is a group that we just didn't have a handle on.

Mr. Denning: Correct me if I'm wrong, Tom. My understanding is with the 50% tax credit we have now for us, we are getting about \$700,000.00 a year from that. Is that? Mr. Fullenkamp: No, it's about \$900,000.00. Mr. Garrett: It's more than that. Originally the year was \$700,000.00, but it is closer to \$900,000.00. It's on the income tax graph. Mr. Fullenkamp: \$931,000.00. Mr. Denning: So right now from our residents we are getting \$900,000.00 from the tax credit. Mr. Garrett: That's just due to the credit. Mr. Denning: Just due to the credit. Okay. If we give that credit

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back, we are only going to get \$540,000.00 by increasing our tax 1% on our residents that live here and work here or work in a place that does not collect income tax.

Ms. Fry: Wasn't that number already baked in? Mr. Denning: No, I don't think so. Ms. Fry: If you look at the middle column. Mr. Denning: That's for the 75% credit. Mr. Schonhardt: That's raising the credit to 75%. Ms. Fry: Right, so if that changes the bottom number it is showing that the change in the credit is baked in. Mr. Fullenkamp: Yeah, it is baked into residents, not for outside. Mr. Lohr: I think what Mr. Denning is concerned about is the number that we are looking at there, is that a net of what we are losing from adjusting the credit and what we are gaining by raising? Mr. Schonhardt: It is a net. Mr. Lohr: So that is all incorporated in that. Mr. Schonhardt: It's a net. Mr. Denning: We are not lowering that \$700,000.00. We are just lowering it. In the case of the 75% credit, we are lowering it. Okay. Mr. Schonhardt: \$200,000.00, correct.

Mayor Flaute: Okay, how can that happen if you are raising the credit 75%? Okay. Mr. Denning: We are still getting that \$900,000.00 we are already getting. Is that what this is saying? Mr. Garrett: No, you wouldn't if you change the credit it would change the calculation of that \$900,000.00. Mr. Denning: Okay. Mr. Fullenkamp: It's all spreadsheet stuff. Mr. Schonhardt: There is an individual spreadsheet for the individual scenarios so you can see who wins, who loses, and who is a draw. Mr. Fullenkamp: I mean this seems to be more about how we get votes versus how we raise revenue. I need to see the numbers that include all the income taxpayers in the City of Riverside and outside to really know what these relative values are, looking at these numbers right now. Mr. Schonhardt: No, it was fully intended to say these are the folks we have to appeal to if we want to do something. Mr. Fullenkamp: Okay. Mr. Schonhardt: Yes, we do need to add some numbers.

Mr. Fullenkamp: So is you were tasked to do is look at income tax? We didn't look at property tax? Mr. Schonhardt: I did not look at property tax and primarily the rationale behind that is from my perspective is the property tax increase is going to hit everybody. If you are retired or not, if you have unearned income, you are still going to pay higher property taxes. Mr. Fullenkamp: So we want certain people to not have to pay? Mr. Schonhardt: I think that there's some rationale for looking at those of us who work and are using the highways and byways and benefitting from a lot of the services being provided perhaps more than those who are on a fixed income or are retired makes sense. Mr. Fullenkamp: Okay. I guess we disagree. That's okay.

Mayor Flaute: You didn't evaluate anything with the storm sewers or anything like that? Mr. Schonhardt: I got poo poed on that. Mr. Fullenkamp: What do you mean? Mr. Schonhardt: Mr. Carpenter suggested that I don't walk into that fire storm that you guys are already evaluating the storm water utility fees. Mayor Flaute: So we already know the answer to all that? Mr. Schonhardt: I was led to believe that whoever is working on it is going to provided that answer and it wasn't something that I should necessarily. Mr. Lohr: We don't have the whole answer, but we do know generally how much we could generate with the storm water. It depends on where we set the rate. I think the recommendation from that Storm Water Master Plan was \$6.00 or \$7.00 a month per each residence. That would generate I think if I remember correctly around \$700,000.00 or \$800,000.00 annually. It all depends on where you set the rates for that. Mayor Flaute: Okay, as long as we know that information. Mr. Schonhardt: I was already told that was something that was well underway and I didn't need to waste my time there. Mayor Flaute: Okay, are there any other questions?

Mr. Denning: So if we make the decision to raise 1%, can we earmark that specifically? Mr. Schonhardt: Yes, we've discussed and again that's how you ensure the public they are going to get the things that they would like to have done. Mr. Denning: So this is what we are going to and this is how we promise. Mr. Schonhardt: The recommendation would be since we are already heavily funding the Safety Services, Police, and Fire out of the General Fund that we take .5% of that additional 1% and put it towards Police and Fire raising the amount that we dedicate to Police and Fire to 1% and that we take the other .5% and apply it to what I call the Annual Street Maintenance Program providing for the street improvements that are really coming fast and furious over the next several years and actually get very

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expensive. Mr. Denning: And the reason we do it that way instead of putting a road tax levy on the property is because once we get our let's say 3 mills gets us \$.5 million then it stays at \$.5 million and doesn't increase. With the income tax, as people's income goes up that dollar to us would go up also. Mr. Schonhardt: Correct. Mr. Denning: Alright. Thank you.

Mr. Schonhardt: So I will work with staff to look at and get a number as close as we can on the non-residents who do work here so they are paying tax here. Mr. Denning: Yeah, I think the last time we went through this exercise was 7 years ago. Mr. Garrett: When we did the credit we determined it was about 50/50. Mr. Denning: It was about 50/50, so that's what I'm curious about. Mayor Flaute: Alright. Are there any other questions or comments?

Mr. Curp: Could you also do a scenario with a 2% and 100% credit? Mr. Schonhardt: I did 2% with 100% credit and it didn't generate. I didn't even want to present it because I already presented the 2% at 75% and it only generated \$200,000.00 and it wasn't enough difference between the two to actually make it worth me presenting it to you. It's in the detail spreadsheets I have, if you want to look at it. Tom can make it available to you if you want to see the detail. Mr. Fullenkamp: Please, Tom, make those available. Send those to us. Mr. Curp: Thank you very much. Mr. Fullenkamp: Yeah, thanks. Mr. Schonhardt: Thanks for having me. Mayor Flaute: Thank you. Thanks for coming and for all your work. Does anybody else have anything?

There were no further questions or comments.

**ITEM 7: RECESS:** Council took a recess at 6:45 p.m.

**ITEM 8: RECONVENE:** The meeting was reconvened at 7:00 p.m.

**ITEM 9: PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE:** The Pledge of Allegiance was led by Assistant City Manager, Chris Lohr.

Mayor Flaute: At this time I would like to have a moment of silence one of our Police Officers. His name was Patrolman Larry Safreed. Every year I have the opportunity to go down to the Montgomery County Law Enforcement Memorial, which is a very moving event because what it does is honors all of the Officers who have been killed in the line of duty. One of the Officers is Larry Safreed, who was a Riverside Police Officer and his end of watch was October 2, 1984. Officer Safreed was killed when his cruiser was struck head-on by a drunk driver. He was ready to be at the end of his shift around midnight and was several blocks from the station when he was struck. He was able to call in that he was involved in an accident. Officer Safreed was transported to the local hospital where he succumbed to his injuries. So at this time we would like to have a moment of silence for Officer Safreed. Thank you all very, very much.

**ITEM 10: MINUTES:** A motion was made by Mr. Denning to approve the minutes of the April 5, 2018 and April 19, 2018 regular Council meeting minutes. Mr. Fullenkamp seconded the motion. All were in favor; none were opposed. **Motion carried.**

**ITEM 11: ACCEPTANCE OF PRIOR MONTH'S CITY FINANCIAL REPORT:** A motion was made by Mr. Denning to accept the April financial report. Mr. Fullenkamp seconded the motion. All were in favor; none were opposed. **Motion carried.**

**ITEM 12: COMMUNICATIONS**

- A) Wesley Livesay for reappointment to the Health and Safety Commission. – *Will be rescheduled.*
- B) Kyle Winning for reappointment to Parks and Recreation Commission.

Mayor Flaute: Next thing we have is a Board Interview of one of our Parks and Rec Commissioners who is up for reappointment. His name is Kyle Winning. Kyle, would

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you please come forward and talk a little bit about your experience and anything else you would like to tell us?

Mr. Winning: Well first off, thank you Mr. Mayor and the rest of Council and staff. I've been on Parks and Rec now for a little over a year. It has been a pretty eventful year for us. We kicked off all of our summer events, which I'm hoping are only getting bigger and better. One of the events I would like to highlight is the Maytoberfest which is when staff brought to us they wanted to do something with the Eintracht that's where we went with the theming and run with it. That's an event I truly hope we can grow into something bigger and better and turn it into a revenue generator to help cover the cost of our other City events since that's kind of a contentious topic right now. I'm hoping as it grows we can split some beer sales with Eintracht and other types of things to cover the cost of that event and the rest of the events to help make the park events more revenue neutral than they are now. We don't spend a lot, but if we can bring in some outside money and put it towards the parks and park events, we are better off for it.

One of the other things we are working on that I'm excited about is the Parks Master Plan. Parks can come and ask for money, but we don't really have a grand plan. You guys might be generous enough to give us \$5,000.00 for the parks, but what's the best use? That's one of the reasons we are pushing for a Parks Master Plan. We are in the phase of doing an assessment and finding out what we have, what we would like, and what the condition of everything is. One of the things I really want to push for that is to have a master list of quick to approve projects for our other civic groups. It might be the basketball court at Shellenbarger needs relined, there could be a Girl Scout troop or a Boy Scout troop or whatever that is looking for a civic project, we will have that list publicly available and it's not to say it will be rubber stamped by any means, but that's something we are looking to do to the park. Shellenbarger Park we might say needs a bench every 1,000 feet or 1,500 and a group might be looking to do something like they, they would be able to say we can focus on this, still go through the process of getting the City Manager and Parks and Rec to sign off, and say that's a quality bench, you are installing it correctly, etc.

I really hope Parks and Rec can grow. One of the things I'm kind of working towards, we have some new members in our fray, Mr. Hood just got appointed, I would like to work with City Council and the rest of Parks and Rec and try to get a little more autonomy. Right now we are more of an advisement group, but now that we have taken on some of the summer events I would like to see Parks and Rec taking those over a little more and maybe taking some of the burden off Mr. Lohr. He's been a great help for us. Without him these events wouldn't be happening, but now that the ball is rolling I would rather Parks and Rec push it than necessarily City staff. That's one of the things I would like to work on in the future is maybe update the legislation that formed our Commission to give us a little more autonomy of where we can come ask for a budget like Health and Safety does and that will be the budget for our park events instead of it being something staff has to do so we can free up staff to work on other things and we can grow with the base we have, the energy we have going in Parks and Rec to keep giving the City something to look forward to. I will gladly answer any questions anyone has. Mayor Flaute: Thank you, Mr. Winning. Are there any questions for Mr. Winning? Thank you, sir. Thank you very much and thanks for your service. We appreciate it. Ms. Arnold: Will we have a motion to bring forth legislation?

A motion was made by Mr. Denning to bring forth legislation for the reappointment of Kyle Winning to the Parks and Recreation Commission. Mr. Fullenkamp seconded the motion. All were in favor; none were opposed. **Motion carried.**

#### **ITEM 13: PUBLIC HEARING**

- A) Ordinance No. 18-O-658 approving a change in the district boundaries as shown on the zoning map of the City of Riverside, Ohio as initiated by a resolution of Council for the properties located at 2100 Brandt Pike, Parcel ID No. I39 00610 0015 and I39 00610 0016, from B-1 to R-3 zoning district.

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Mayor Flaute: We need to have a public hearing now. Mr. Manager, do you want to explain that a little bit? Mr. Lohr: Mr. Taylor, could you give us a little bit of information on that case? Mr. Taylor: Certainly. What we have before you, Planning Commission reviewed a case and I'm sorry I can't remember the date we had on that. It is basically rezoning. This is a location over by the Marathon gas station off of Beatrice. There are two parcels just north of that the owner of the gas station has. Those parcels have been vacant for some time. The zoning there was changed to a B-1 in 2014 and it was some sort of business use prior to that in 1994 through that Zoning Ordinance. Reviewing that with Planning Commission, they've passed to recommend to change that B-1 to an R-3. Most of that neighborhood back there is already an R-3 and it abuts an R-3 and a B-1, which is the gas station. On the other corner is another house and it is also in a B-1, so it is just that small strip, four parcels, of a B-1 district. This will kind of be extending that R-3 out to Brandt Pike. The applicant is going to build two duplexes, one on each lot and they are looking to do military housing there. Staff recommended this to Planning Commission. Planning Commission has recommended this.

In looking at this, one of the topics we discussed in Planning Commission is the Brandt Pike corridor has been a difficult corridor for businesses. There have been several businesses on there that have tried to open and there is a lot of turnover there. Then you have Brantwood just up the street. I think that corridor has turned and is showing to be more of a residential district and that's what would thought process was and the Planning Commission's thought process was. If you have any questions, I will be happy to answer them. I know there are a couple of people here who would like to speak in favor of this proposed.

Mayor Flaute opened the public hearing at 7:09 p.m. and invited members of the audience to come forward and give testimony.

Mr. Tom Tobias took the oath to give sworn testimony.

Mr. Tobias: I'd just like to mention on top of Mr. Taylor's notes that when we looked at this Sam has owned this property for quite some time and it is a commercial property and as you will notice there is only 50x140. That's not a very large piece of property to put a commercial business on, so we went up and down the corridor from Avondale, which is right there where the garden center is, and we looked at all the properties from there all the way to Harshman and we said can we legitimately put a business in here and make it run. Well Sam's business, the Baptist's next door, Tobias Heating and Air Conditioning, UPS, and Jergens is all any people have been in there for any length of time that have been stable. The rest of them have been in and out. They had trailer places where they sell trailers, they go out. You have had businesses where they sell cell phones and they are out of business and then there is something else. Now that's a green building and it was a blue building in it last month or whatever.

We feel that if we are allowed to do this and Sam has the gas station there and the convenience store, so it's kind of like a neighborhood or a mom and pop store and there's not many of those left as you know. What we would like to do is if we could take a put a couple residences in there. I have a duplex in there. Do they have a plan in their package? Mr. Taylor: It's just the map of the two lots. Mr. Tobias: Okay, well there is a plan that we submitted to the Council before. There it is and we have built that duplex before and we have rented it off to military and it rents very easily, we have very good tenants because #1 if you don't know I'll tell you the military takes care of their places very well and they usually keep the lawn and everything else mowed and things like that. We think it will be an addition, especially building up that area and the houses across the street so we thought it would blend in very well. That's why instead of going commercial, we would like to do the residential because everything around Sam's is residential and there are houses all around him and this would blend right in with the area. That's kind of where we are coming from.

There were no additional requests to speak in favor of or in opposition of the proposal.

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Mayor Flaute: Are there any questions or comments from Council? Mr. Fullenkamp: So I see this is an R-3 development and I'm going to talk to Mr. Taylor. What are the requirements in our Code in terms of lot width for an R-3 development? Mr. Taylor: Off the top of my head, I have no idea. Mr. Fullenkamp: Okay. My understanding is it is 60 feet. Are we going to have to go through a variance process? Is that a good way to do this? Mr. Taylor: Most likely. The other option would be to go through and combine those two lots into one lot and just put one duplex on it. That's the other option. A variance would be another option to allow it.

Mr. Fullenkamp: Okay. I have a couple of other concerns. In the standards for approval, there are two things I wonder if they have been considered and the two are #1 and #6. It says that the zoning district classification use of the land will not materially endanger public health or safety. #6 is my second that the proposed zoning district classification and use of the land will not cause undue traffic congestion or create a traffic hazard. When I look at these drawings, I see us having people back out onto Brandt Pike. With some of the obstructions that occur on the Marathon station there, four driveways right there, was that considered during the discussion in Planning Commission? Mr. Taylor: During the Planning Commission, that specific use and plans we haven't discussed those because the duplex buildings themselves and I did make another drawing it was the proposed type of building that would go there and then the plot plan is again just a proposed plot plan. Those aren't discussed and it would be reviewed through Planning when proposed development application is received, so those weren't looked at.

Mr. Fullenkamp: I looked at all the residential properties north of that and none of them have entrances onto Brandt Pike unless they have turnaround points on their property. I'm concerned. My concern is safety here is people backing out onto Brandt Pike is probably not a very good idea, especially near that intersection. Mr. Taylor: I think that is a very good point and so how the driveways would be configured would be an important part when we review the applications for those buildings. As for the land use itself changing from an R-3, the context of that question is that district putting the rest of the area in danger or harm.

Mr. Fullenkamp: The drawings that I saw talked about curb cuts on Brandt, four curb cuts on Brandt. Mr. Taylor: Yeah, there would be curb cuts. The configuration of the driveways are proposed and so you could easily put a residential property or building of some sort and change that driveway and how that driveway is being built, I don't know if that is getting the cart before the horse on a land use.

Mr. Fullenkamp: Well all I have is what was given to me and I have to vote yes or no tonight at least it is the first reading. I want to make sure we do it right. I really am concerned. I don't have an objection to the rezoning. I want to make sure that if we do this #1 I'm a little concerned about having it go for a variance after we rezone. I think those discussions maybe could have been held beforehand. This backing onto Brandt Pike is a serious concern and if I can be given some sort of guarantee that's not how it is going to be, I can support it. If we are going to leave it at four driveways where people are going to back out, I can't support that. Mr. Taylor: Again, I would just point out what the driveways look like and what the final project would look like afterwards, we don't know. Just again going back to the standards of approval, is the proposed zoning district classification is that classification putting the rest of the area in danger and that's the question that is being asked there. That was what was answered. I think those are very valid points there we would love to discuss when an application for a building comes in if this change was to go ahead.

Mr. Fullenkamp: So you are willing to consider these things? Mr. Taylor: Yeah, I think we would consider these. Mayor Flaute: Well I would think so, that's common sense. Mr. Taylor: Access management is one of the things we have to look at no matter what project we do. Mr. Fullenkamp: Okay. Thank you.

Mr. Curp: Yes, I have the same concerns and I took the time to look up what the requirements are for an R-3 and they are 60 foot widths. These lots wouldn't qualify unless you do a combination or if you do a variance. I think if we start getting into this situation where we rezone and then require a variance just to develop the lot, then I question why we even put together a Zoning Code and Standards. It doesn't make

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sense to me. Mr. Taylor: I would like to point out those are great points, but 90% of the lots in the R-3 district in Avondale are 50 or less foot lots. Mr. Curp: That's right. Mr. Fullenkamp: That's for new development. Mr. Curp: So those lots are all grandfathered. They are all non-conforming lots based on the situation and if you go back and do some homework you will find that a number of years ago we talked about there would be no more residential development or development period on lots that don't conform to the requirements and that we are not going to get into this situation of having unless it's a planned development, some kind of PD or PUD. If this gentleman wants to go forward with this, he can easily do a lot combination and put a house in there that might work. He might be able to do some kind of circular drive in the front that would keep vehicles from backing out onto Brandt Pike.

Even vehicles coming out nose forward onto Brandt Pike is a difficult situation because I drove past there again tonight. I'm familiar with that area. I'm over there all the time. I drove past there this evening on my way here because I always recommend that everybody take a different route to work every day so you get to see all of our community and you get to understand the issues that go on in all our neighborhoods in our community. I came down Brandt Pike from the north to turn onto Beatrice and come across to Harshman. There was a car trying to get out of Beatrice onto Brandt Pike, there was a car down at the gas station on Brandt Pike, and there was me keeping them from doing that. There were cars coming from the other direction keeping them from doing that and now we want to put two, two-family structures on two substandard sized lots and create additional problems there that the Police Department is going to have to deal with sooner or later and the Fire Department because there are going to be wrecks because it is just an accident looking for a place to happen. I concur with earlier comments about especially standard #6, undue traffic congestion and traffic hazards.

I'm also concerned that this wasn't noticed properly before it got to the Planning Commission. There was not enough lead time between the public notice and the time that the Planning Commission hearing was held. If that is so, we need to go back and do this over and do it right because the whole purpose of doing public hearings and the proper amount of lead time for public notices is to give the residents in that area who are potentially impacted by this to give them an opportunity to come and be heard. My indication and somebody can correct me and say that it is incorrect is that this wasn't noticed properly and the hearing went on anyway. If that's so then we need to start over and do it right because that's not the way I want to treat our citizens in this community.

Mayor Flaute: The only thing about traffic is if you are going to have a business there then you are going to have more traffic than if you have residential folks living there. The issue that you ran onto tonight is only going to be worse because there is a business.

Mr. Curp: Maybe it is and maybe it isn't; if you take a look at the color chart, it has the red numbers on it, there is single ownership for all four parcels involved – 15, 16, 17, and 18. 18 is the gas station, and it's possible they could run some kind of an egress behind the gas station out to Beatrice instead of dumping all that traffic onto Brandt Pike. That would alleviate the problem of all that traffic on Brandt Pike from four residential units, probably with one car each and maybe more. Since this is a single ownership, they can remedy that. Lots 15 and 16 could easily be combined to put maybe row houses or townhouses and get accomplished what they want to do. The last thing I want to happen is see a veteran who has survived being shot in Iran, come back and lose their life backing out onto Brandt Pike. What kind of Welcome Home is that? I'm back to the lots are too narrow, it's too dangerous and if we didn't do the proper procedures in having a public hearing, then let's do it over and do it right.

Mr. Taylor: I believe Ms. Arnold may have some information about the notice. Ms. Arnold: I typically don't handle the notices for Planning Commission or BZA because I don't always know the case information in time. Typically that is handled by the other department but I will be taking care of it going forward. It was published on the 13<sup>th</sup> and the meeting was on the 16<sup>th</sup>.

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Mr. Curp: Here is the notice which says Notice of Public Hearing; it was placed on April the 13<sup>th</sup> and it says the hearing will take place on Monday, April 16<sup>th</sup>. In the code, it says seven business days; for council it is 10 calendar days but for planning commission it is seven business days and Friday to Monday is not seven business days.

Mr. Fullenkamp: I want to add that I was called by a resident about this issue, noticing that ad was in the paper on a Friday for a meeting being held Monday and I am the one that notified our clerk because I was concerned. Our process clearly defines the clerk is handling all these advertisements, not individual departments. Mr. Lohr: You are correct; I don't believe that has been the practice in the past many years. When was it you were notified that it wasn't noticed properly? Mr. Fullenkamp: The Friday it was in the paper; someone made a call to me. Mr. Lohr: It is an interesting legal question now that they have held the planning commission meeting and approved the request with it not being noticed properly. I don't know where the law director would stand on this; if that invalidates planning commission case or not. It would have been helpful for us to have that information before the planning commission meeting. I don't know what the legal answer would be as to if we can have this vote tonight or not. Mr. Fullenkamp: I think we should pull it.

Mr. Curp: I think we are missing the point here; for me it's not can we legally do it because there may be court decisions or opinions from attorneys that say yes you can, there's no harm in oversight. For me it is about how we treat our residents and this is not the way to do it.

Mr. Lohr: Did you inform Ms. Arnold before the meeting? Mr. Fullenkamp: I don't remember when I informed her. Ms. Arnold: It was after and that's when Mr. Carpenter was informed as well. Mr. Curp: It's not Ms. Arnold's fault; the whole process broke down and I'm not here to assess blame, I'm here to try to fix things. The best way to fix it is to start over. Mr. Fullenkamp: The process is right here in the UDO; more importantly, we need to follow the processes we have.

Mr. Lohr: Given the concerns, I think the appropriate action is to pull the legislation.

Mayor Flaute: We will close the public hearing and address this during the legislation part of the meeting. The public hearing was closed at 7:31 p.m.

Mr. Denning: We have a property owner that went through the process but I think it is our own fault, we should have done it correctly and now they are going to have to go through the process again. I apologize to the applicant but we need to do it right.

A motion was made by Mr. Fullenkamp to remove Ordinance No. 18-O-658 from the agenda. Mr. Denning seconded the motion. A roll call vote was as follows: Mr. Fullenkamp, yes; Mr. Denning, yes; Ms. Campbell, yes; Mr. Curp, yes; Ms. Fry:, yes; and Mayor Flaute, yes. **Motion carried.**

**ITEM 14: 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 15: CITY MANAGER'S REPORT:**

- (1) FYI Items
  - a. Council Request Sheets
  - b. Council Agenda Calendar
  - c. City Manager's Project and Activities Report
  - d. Income Tax Scorecard
  - e. Open PO Report

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- (2) Monthly Verbal Reports
  - a. Economic Development
  - b. Police Department
  - c. Fire Department
  - d. Service Department

Economic Development Update – Mr. Bob Murray: The folders are just informational with the latest business list which I cleaned up but there are probably 2 or 3 businesses still on there we need to look at. That is the starting point for us to start doing the 50 calls. We are trying to make 50 calls to our most important businesses and investors in the City of Riverside in a three month period. We will use this list to go out and visit.

Some of that is a listing for K-Mart. You've seen a sign up there for quite some time, he did just get the marketing materials together, and he does have it listed for \$3.25 Million. We'll see how he does with that; he is a very good, well respected realtor in town.

Going to my spreadsheet, we do have people looking at Smiley's and we have a developer running the numbers there as well as at the MTC Building. I think they have a very unique solution for MTC and hopefully we'll bring that forward as soon as they finalize their proposal and are satisfied it can be profitable. I haven't seen anything at the carwash. I did add K-Mart to this and I will be adding comments as he goes through his marketing process. Dropping down to Wright Point, we are getting a lot of inquiries and we are lucky that a lot of our tenants are growing. We have a meeting tomorrow with one of CDO's subcontractors to bring them into the building. SPGlobal continues to grow and bring new start-ups into their space. Space Dynamics just won a major contract and they are talking about new space in the other building. LDSS who has been with us a very long time is looking to expand into Suite 100. Some things have gone fairly well and there are inquiries we are fielding here all the time, so I think we have a bright future with these buildings.

As far as Wright Point capital improvements: the parking lot around this building will be started on June 11<sup>th</sup> and take about four days. The tenants will be made well aware of this and we will work out alternatives for them. Pinnacle Architects is working on the third floor lobby upstairs making it more presentable for SPGlobal. I put the main lobby in the other building on hold as well as the fire alarm due to budgetary constraints. I will get these first two done and move on to the others. The fire alarm has been corrected and it is not a problem right now and that can wait a while with the fixes we've done.

Moving forward with the Eintracht, IAP is working on that scope. I've kind of held that up until I get local participation with their contracts. I haven't seen enough of our local guys winning awards with IAP; they don't have enough Dayton contractors on their list, so we're making sure they fill out the 21 page application that addresses all the concerns the State of Ohio has with the contractor. I have to get more people filling those out and once we do, we will publish the sewer project. They did get a quote for an ADA ramp to the second floor and we are looking for some funding for that. The Club has hired a wedding event manager to have weddings there and he already has two booked.

Mayor Flaute: On the Spin-Kemp Shopping Center, I heard they are redoing the parking lot. Do you know about that? Mr. Taylor: They submitted an application but not drawings for what they wanted to do. They want to do it in sections and we are waiting for them to provide the drawings. We also want to make sure when they pave it, that they restripe it with the correct number of spaces. Mayor Flaute: Is there a requirement for them to put curbs or parking blocks around it? Mr. Taylor: A resurfacing would not be enough to trigger that improvement. Mayor Flaute: That's a shame, it is a safety concern. Mr. Lohr: I think staff can suggest that be a part of the project but it is not required.

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Police Department Update – Chief Frank Robinson: Sargent Jimmy Vance is doing well in his first year as Sargent and he just completed the STEP program which is a program to further his education. I try to send everyone to those trainings as much as possible. I attended the Police Memorial at Riverscape and it was a very good event. Mrs. Safreed with her daughter, granddaughter, and great granddaughter were there – four generations of the Safreed family. Office Decker walked her down the aisle during the ceremony.

I attended the Ohio Chief's Conference a few weeks ago. There were a lot of interesting topics and one they have every year is records retention which is very prevalent right now. Other topics were highlighted and I attend every year.

We had our officers attend a free interview class to up their skills when they are talking to the folks out on the street. It's how to talk to people so you can glean information by showing respect.

Detective Krueger attended NIBIN (National Integrated Ballistic Information Network) training. You can take spent ammunition, send it in, and see if it has been spent in other places. We will be the first department in Montgomery County to do this. We sent her to the free training and we are going to try to incorporate all the other departments so we can exchange information for future evidentiary purposes in the entire area. When she is back, we are going to reach out to every department.

Mr. Denning: It's an ammunition DNA database. Chief Robinson: Yes, basically.

Chief Robinson: A month or so ago we had a lot of daytime burglaries and things pick up around this time of year. Daytime burglaries happen so if you can reach out to your neighbors and tell them to be careful during the day, this happens. We had a lot of these in Forest Ridge about a month and a half ago; the people were arrested and they got sentenced to 3 years apiece. We are definitely working that hard. At the end of 2017, we had both the BP stations got broken into right around the same time. We were able to solve that with DNA and a subsequent confession from the folks. So we are making progress on these things.

We've had trailer thefts with the big one being the Shriners. I can't give you all the details because the investigation is ongoing but I had to change the Officer of the Year schedule from tonight because he is out working this case. Major Colon and Officers Abney and Cooper were working pretty hard on this and we ended up in Huber Heights arresting six people. It was a good find and we continue to look for other vehicles.

Mr. Fullenkamp: Are we filling the database for the crime mapping system you have; I'm not seeing reports on that website. Chief Robinson: That information got wiped.

Ms. Fry: With all the data recovery problems you've been having, are we doing anything different in the event that we lose data again? Do we have hard copies we are maintaining of our police reports? Mr. Lohr: We may need to limit our discussion on that because there is an ongoing investigation and it may expose us to further risk with future attacks. We are making sure our backups are occurring daily and they are quality backups. We recently had another incident which had minimal impact because we made sure the backups are adequate. We are also looking at replacing some of our anti-virus software; we have that on our network but unfortunately it did not catch the malware that got us. There are a number of other things; we have evaluated the way our system works and any vulnerabilities that may be there and at this point we are confident that we do have it secured. In the meantime we are working on enhancements to the system.

Fire Department Update – Chief Daniel Stitzel: Chief Turner went up to do inspection of our new medic and finish out the punch list on anything we find that still needs to be done. We are expecting it to be brought back into the area in the next couple weeks for striping and to have its radios and equipment installed. We are progressing nicely on that, maybe a little ahead of schedule.

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The crews have been really busy lately. We started the hydrant flushing and notified the residents that will be going on until mid-June. It takes about a month to go through all of the City and check those hydrants. We are also trying to finish up our annual EMS certification and that is almost wrapped up.

For our full time vacancy we've extended the application period for one month. We had a low turnout with the shortage of Fire Fighters/Paramedics in the region and we are trying to provide more opportunities for people to apply. We want to establish an eligibility list that will be good for 6 to 12 months.

Recently we participated with Wright Patterson Fire Department in a joint standby with the fly in – the Memphis Belle event, the B17s and the B51s. Nothing went as planned because of the weather so things were altered at the last minute. We were pre-staged and ready with the 80 year old planes flying around our city. We've been working on that, attending meetings and working with the incident action plan.

The Fire Fighters Union contract has been completed and they are signing their part of it. We should have that wrapped up tomorrow.

Lastly, community Para-medicine has a new element. I met someone who works for RTA and they have a Para-transit Service; it's a service we are going to start incorporating into our program where if somebody needs a ride to a doctor's office, as opposed to an emergency, since ambulances are not permitted to transport to those facilities, we can call the Para-transit. It's \$3.50 for a one-way trip and if they can't afford it, we are looking into alternative funding and fundraising through the Union. I don't suspect that will be a very frequent event but it's nice to know we have that option.

Service Department Update – Mr. Jay Keaton: We've been busy in the service department with 90% of the main roads swept and I scheduled a couple crews to come in at midnight and sweep around the wall as well as cleaning the pork-chop islands. Kudos to the guys because dumping sweeper debris has a lot of contaminants and each load costs about \$300 to dump. We did some research to find who takes this kind of debris and I believe we've saved \$20,000 with that research. We also did a lot of in-house crack sealing; using 2017's money, I was able to secure a crack sealing machine along with the rubberized material with which to seal with this year. We did Pleasant Valley, Rohrer, about 95% of the Valley View Plat is done and we also did Spaulding Road. Again, that was using last year's money so it didn't impact us in our budget for this year. We are catching up on the mowing and the potholes.

Before we move into the residential areas with our sweeper, the thing is fantastic. It is a regenerative air sweeper and we wanted to get away from the vac-style sweepers that produce a lot of exhaust and dust in the neighborhoods. Regenerative air is old technology but very effective; it shoots air onto the road to get debris out of the cracks. The air recovers within itself, goes up, regenerates, and is shot back down again. Again there is no exhaust to this so you have a lot less dust as you are moving through the residential areas. We'll hit the campaign trail when we get ready to do that so we can get the cars off the streets.

We are reviewing applications for the maintenance worker.

We are ahead of schedule on some of the projects. Brantwood overlay for phase I and II are complete; there are a few items left undone by CESO – no parking signs on the hydrant side of all the streets in phase II as well as a broken catch basin lid that needs replaced.

The crack sealing project is done ahead of schedule; our in house is done and our permissive tax crack sealing which involved Burkhardt Rd., Harshman North, and Beatrice Drive is done. Union Schoolhouse Road has the surface milled off; I have non-performed some items in that to try to save the city some money on things that did not need to be repaired. There were things I was better able to look at in the construction phase such as catch basins that were set to be repaired but it was found repairs were not needed. That helped save a little money towards the guard rail ends

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our engineer specked incorrectly. I was also able to glean from this project all the catch basin lids and we recovered 11 of those to use in other places in the city which would have cost \$600/each when broken. There was also several yards of full depth base repair in this project we were able to non-perform because once we milled the top off there were no signs of base failure in the intermediate coarse or the base. That saved us \$25,816.

The micro surface is scheduled for the first of July; we've gotten the word out to the residents on that. The crew hand delivered to 200 residents along these streets info with websites to look at and phone numbers to call. I also had Ms. Minnich work up an article on what other infrastructure projects are going on in the city so they will know what their tax dollars are being spent on. The residents will be able to go to American Pavements website and see exactly when their street is going to be taken care of. We will get the paint/stripping project done early; probably in June or July instead of August.

Mr. Lohr: I just have one thing; Mr. Carpenter sent out some information in regards to the Service Director position. I would like to get that into the Dayton Daily News for next weekend, so if you have any comments, get them to me the early part of next week.

Mr. Curp: I have a question about information the manager sent out yesterday about the code enforcement software. It said the money was going to come from budget account 100.107.5289, money that was budgeted for architect and planning but unless the chart of accounts has changed, 5289 is contracted services. 5283 is architect and planning, so my question is where is the money coming from? Mr. Lohr: It is the architect and planning account, 5283. Mr. Curp: My next question is if we were planning on hiring an architect or planners or whatever for some project, what projects are not going to get done because we are taking this money? Mr. Lohr: Not having been involved with that decision, I would like to get some information and answer that question tomorrow by email if that is all right.

**ITEM 16: PUBLIC COMMENT ON AGENDA ITEMS:** There were no public comments on agenda items.

**ITEM 17: NEW BUSINESS**

**A) ORDINANCES**

- I) Ordinance No. 18-O-658 approving a change in the district boundaries as shown on the zoning map of the City of Riverside, Ohio as initiated by a resolution of Council for the properties located at 2100 Brandt Pike, Parcel ID Nos. I39 003610 0015 and I39 00610 0016, from B-1 to R-3 zoning district.**

Ordinance No. 18-O-658 was removed from the agenda following the public hearing.

**B) RESOLUTIONS**

- I) Resolution No. 18-R-2368 appointing the Clerk of Council as the Riverside City Council's representative for Ohio Public Records Training.**

Mr. Lohr: This is the annual resolution to appoint the clerk as the public records training representative.

A motion was made by Mr. Denning to approve Resolution No. 18-R-2368. Mr. Fullenkamp seconded the motion. All were in favor; none were opposed. **Motion carried.**

- II) Resolution No. 18-R-2369 authorizing the City Manager to enter into a contract with the lowest responsive and best qualified bidder to L.J. Deweese Co. Inc., for the Community Development Block Grant Project, ADA Curb Ramp Replacements.**

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Mr. Lohr: this is the resolution to award the bid for the CDBG Project to do the sidewalk replacement; there have been some alternates added and I'll ask Mr. Taylor to fill us in on that.

Mr. Taylor: The original bid you got in your packets was \$76,992; when got that base bid we looked at the alternates to have a continuous flow of the ramps so you wouldn't have a ramp on one side of the street and no ramp on the other side of the street. These add-alternates complete the intersections and as you'll see tonight we have a request to do the rest of the ramps with the other CDBG Grants. About 50% is what we are getting with those add-alternates. We originally planned this to be a \$100,000 project which was a 50/50 grant, so this \$87,000 will keep us under that \$100,000 threshold.

Mr. Fullenkamp: For future reference, it would be helpful to me if I knew what the base bid was and what intersections were being done. I may have that in some old paperwork some place, but all I see here are the alternates and the base bid all in one bid. We're talking about putting an application in for next year to do the rest of them but I don't know what the rest are; the base bid and what intersections are included. Mr. Lohr: I can send out a map we have. Mr. Fullenkamp: That's good but for future reference, I'm interested in the alternates but I'm also interested in a reminder about what exactly we are doing. When you talk base bid maybe include more than just the alternates.

Mr. Curp: Where is the city funding coming from; have we had a certification from the Finance Director that the funds are available? I'm trying to find it in this budget document and I'm not sure I see it. It might be more than \$42,000 for us because if CDBG awarded a certain dollar amount, anything over and above, the CDBG match might not go up. That aside, the question is where is the money coming from? I looked in account 107 and I don't see it; I looked in CBDG and I don't see it; so I'm trying to figure out where the money is coming from because we are operating in the red. Mr. Garrett: The CDBG project was built into the original budget that was approved with \$50,000 in the grant award and we are also transferring in money from the general fund. I don't have the exact figures in front of me. Mr. Curp: I would think that money would have already been transferred in from the general fund; at least show up on here as part of the transfers when the budget and the appropriation were put together. We shouldn't be having supplemental appropriations in the middle of the year for things we budgeted and appropriated for in January. For example, I see 107.5311, Neighborhood Revitalization for \$55,000 and 5391, Nuisance Abatement for \$49,000; our nuisance abatement might fit under our neighborhood revitalization, but my question is where it is? Mr. Garrett: The CDBG project was budgeted in the CDBG Fund with a transfer coming in from the General fund for the city's share, fund 223. 53...I'm not quite sure which one. Mr. Curp: 223.5391, Community Park Beautification, \$100,000; 5810, Advances Out \$50,000; maybe this wasn't budgeted. Mr. Garrett: We might not have changed the name but the park was last year's project. Mr. Curp: I'm just telling you what I'm reading off a piece of paper; so my question is where is the money coming from because I want to make sure it's covered and we aren't going to come back here in another week or so and do a supplemental appropriation because we forget to account for this money. It's kind of like rezoning to R-3 for something that doesn't fit and then coming back and doing a variance later to fix the mistake. We have financial problems in this city.

Mr. Lohr: We won't be asking for a supplemental; it is coming out of the line item Mr. Garrett referenced that is earmarked for CDBG projects. Mr. Fullenkamp: Are you saying it is misnamed as a Community Park Project? Mr. Lohr: I think what Mr. Curp was referring to maybe the excel spreadsheet that was used. What was the line item again? Mr. Curp: 223.5391. Mr. Garrett: We might not have updated the title on the line but the ADA ramps were built into the original budget. We can look that up and confirm tomorrow. Mr. Lohr: I think it is misnamed on the excel spreadsheet but in our budget it is named appropriately.

A motion was made by Mr. Denning to approve Resolution No. 18-R-2369. Ms. Fry seconded the motion. Four were in favor; Ms. Campbell and Mr. Curp were opposed.  
**Motion carried.**

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**III) Resolution No. 18-R-2370 authorizing the City Manager to submit an application to Montgomery County for a Community Development Block Grant for the City of Riverside's Sidewalk Curb Ramp Access Improvement Program.**

Mr. Lohr: We are able to submit to the county for more than one CDBG project; that said, we typically expect to get \$80,000 to \$100,000 submitting one application for that dollar amount. We have two options that we think are very good projects; we can submit one or the other or both. I'll let Mr. Taylor explain.

Mr. Taylor: If you were to decide you wanted to submit both project applications, we would have to prioritize one over the other. The first is the ADA ramps which would complete all the ramps in the Tall Oaks neighborhood. There were 64 ramps there; we are doing about 30 in the one you just approved and 34 ramps in this other application. The cost is about \$90,000 and we would ask for a 50/50 split to increase our chances, so we are looking at a \$45,000 ask and a \$45,000 local match. These are good projects; the ramps and the sidewalks in that neighborhood are in really bad shape and this would finish that neighborhood out.

The other project is the Valley Street sidewalk. We have quite a bit of money wrapped up in that already and this should score really well because you have federal funds on it through the TA and we already have local matching funds. This second project is asking for \$100,000 from CDBG and our match would be what we are already paying. We wouldn't be adding any more money from the general fund. When I talked to Ms. Jones from the County, she talked about her recommendation would be to prioritize the Valley Street project because it is a project we already have programed and we are not expanding our budget. She also likes projects that are scalable meaning if they don't have the money we request, they will award us the money they have. It is similar to the CBDG ADA ramps we had last year; we asked for \$80,000 and they gave us \$50,000. The benefit of submitting both projects is that there is a chance we may get a bonus or extra money for them.

Ms. Fry: When you say prioritize; if they say they are only going to award one, it will be the Valley Street project. Mr. Taylor: Yes, there is a spot on the application where we put either a 1 or a 2. Ms. Fry: So there would be zero chance they would award the other project and not Valley Street. Mr. Taylor: I would like to say yes but it's been my experience that they kind of do what they want. Mr. Lohr: My understanding is prioritization is taken into account when they award the funds but if they did not think the number one project was appropriate and thought the two was great, they will award the number two and ignore the one. It's merely a suggestion on our part.

Mr. Fullenkamp: So where are we on the sidewalk assessment program in that neighborhood or the ADA ramps? Mr. Taylor: It was unfunded in the budget and what the City Manager has asked me to do is put together what we would do for next year. I haven't worked on that yet but we have the research done so basically we would need to identify where we want to do those, we would need to create an estimate, we would need to notify the people what we are going to do, then there would be several resolutions we would have to pass, and award a contract. There is quite a bit of work that needs to be done; so we would put together a construction package, do a bid package, do a bid, do an award, and notify the residents. There is a 30 day process there. Mr. Fullenkamp: So we don't know how much sidewalk needs to be replaced in the plat? Mr. Taylor: No; I asked for money to have Choice One measure that up and check that out; it was unfunded.

Mr. Curp: As part of that discussion on whether to fund that, we discussed there are some things we could do just from a staff standpoint. Zoning enforcement could go around and communicate with residents that have some significant safety problems with the sidewalks that we'd like for them to fix those. They don't have to wait for a formal program for that to get done. We had that discussion, so my question would be what progress have we made towards that? Mr. Taylor: We cited some folks in that area and the cost for that section was \$20,000 plus for the resident to replace that length of sidewalk. We contemplated taking them to court which would end up as guilty with a \$5 fine; it would come down to if they don't do it, we could do it and

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charge it to them. So I would need the money either way whether we try to force people to do it or not.

Mr. Fullenkamp: So I assume there are a lot of property owners that need to make repairs on their sidewalks. Mr. Taylor: Hundreds. Mr. Fullenkamp: Have we approached any of them other than this one person? Mr. Taylor: I'll have to look at how many we've cited for aprons, driveways, and approaches. Mr. Fullenkamp: In that area. Mr. Taylor: Throughout the city it has been quite a few but in that area it has been 2 or 3 residents. Mr. Fullenkamp: Is that all we can cite or all that we've dared to cite? Some people will just repair it. Mr. Taylor: Some people will and again it comes down to prioritization of man power; we have one code enforcement officer. Writing a violation is very easy but we can write more violations than we can follow up on. Mr. Lohr: I think having the history of not enforcing that aggressively there is probably some hesitancy on staff to do that. Is that something council as a whole would like us to pursue? Mr. Fullenkamp: Is there any risk of doing the ADA ramps and then dropping the project; once you go down this road of installing ADA ramps then comes the expectation of doing the ramps in the whole neighborhood. Have we looked into that at all? If we just say no, we are going to stop; then you run into those intersections where you have ADA ramp on one side and there's no place for them to go. Mr. Taylor: From a staff standpoint, we want to finish projects all the way through; but then we have our constraints with funding and prioritization. Mr. Fullenkamp: My concern is we are about half way done and the consideration tonight is how we prioritize that project. The project on Valley, other than spend money, we have done nothing; right? We haven't built any sidewalk anywhere. Mr. Taylor: We built the other sections of the sidewalk as part of the Safe Routes to School program. Mr. Fullenkamp: I understand but this is a separate project from those other projects, so in terms of prioritization, is there any liability in terms of having an ADA ramp on one corner of the street and no ADA ramps on the other corner. Mr. Lohr: I would assume there is no legal liability but I can check with the Law Director.

Mr. Fullenkamp: So your recommendation is to prioritize Valley Street as number one and the ADA ramps as number two. Mr. Taylor: Before I spoke to Ms. Jones at the county, I liked the ADA ramps because I like finishing projects. Mr. Denning: But if she recommended this would be the best answer. Mr. Taylor: It comes down to if you want to appropriate another \$50,000 in projects for next year and follow through with a project, or do you feel more comfortable waiting to do it another year. Mr. Denning: I hope they both come through. Mr. Taylor: That would be my hope but again as it's been pointed out, we are in a spending deficit so do we want to spend more money on another project or do we want to complete one.

Mr. Curp: I would consider applying it to Valley Street as completing that project and we are already on a hook for money there. Mayor Flaute: So we should do Valley Street and we should pass both resolutions. Mr. Denning: And make Valley Street priority number one. Ms. Fry: If we pass the first resolution, that means we are on the hook for \$45,000. Mr. Denning: If it gets approved. Mr. Fullenkamp: Are we on the hook for CDBG funds or can we turn them back in if we don't have the money to finish the project; is there a penalty for not spending the money? Mr. Taylor: There is a subjective penalty for everything we do but I'm not aware of a nominal penalty. Mr. Lohr: Do we do a resolution to accept that funding or do we just do this one resolution at the beginning. We could refuse to sign the agreement but Mr. Taylor is right in that it would probably leave a bad taste in their mouth.

Mr. Taylor: But that's also how we got the money to tear down Sparky's; there was extra money. Mayor Flaute: So they will find a use for it.

Mr. Fullenkamp: So we are going for 50/50 because it increases our scoring. Mr. Taylor: It's my understanding that it increases your chances. Mr. Fullenkamp: So why not just go all in for everything? They've always cut back on the amount of the reward. That's what they did to the CDBG grant. Mr. Taylor: I'm game on whatever you want me to do. Mr. Lohr: I think they like to see the municipality take part in good faith.

Mr. Fullenkamp: I recommend we increase the share to 80/20 on both projects and see what happens. Mayor Flaute: It could decrease our chances. Mr. Denning: I think

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on Valley Street since we don't have to add anything additional to the budget, we need to leave it alone and make it priority one. If we want to go 80/20 on the ADA ramps, I'm game for that. Mayor Flaute: I agree with that.

A motion was made by Mr. Denning to approve Resolution No. 18-R-2370 submitting a grant for 80% funding with a 20% local match. Mr. Fullenkamp seconded the motion. All were in favor; none were opposed. **Motion carried.**

**IV) Resolution No. 18-R-2371 authorizing the City Manager to submit an application to Montgomery County for a Community Development Block Grant for the City of Riverside's MOT-RIVERSIDE IFS 2, Valley Street Sidewalk Project.**

A motion was made by Mr. Denning to approve Resolution No. 18-R-2371 Ms. Fry seconded the motion.

Mr. Fullenkamp: Why not increase that number? Mr. Lohr: We're asking for \$100,000. Mr. Fullenkamp: Is there a maximum? Mr. Lohr: It's just based on history; there is only \$750,000 in their bank this year. Mr. Denning: So we're asking for \$100,000 at 50/50 and we're already on the hook for the money; what this really does if they give us the money is it decreases our input by \$50,000. Mr. Lohr: Right. Mr. Denning: I would leave this one alone and make it the first priority.

Ms. Campbell: Did you already put the applications in? Mr. Taylor: No; they are due tomorrow and I can put these changes in. Ms. Campbell: Did you put in for the Safe Routes to School because you can get more. Mr. Lohr: Absolutely.

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

**ITEM 18: PUBLIC COMMENT ON NON-AGENDA ITEMS:**

Mr. Frank Smith of Byesville Boulevard: This is an old issue; you have sprayed Jerry's lot once and it needs it again. I would like to put in a request to see if Mr. Salmons reimbursed the city for the expense of that spraying and I would like it in writing.

Mr. Lohr: To add to this, we have inspected Mr. Salmons property a number of times recently because we want to stay on top of it. We haven't seen a significant dust problem out there. We spoke to Mr. Salmons today and he is still working on acquiring equipment which he expects to have next week, then we are planning to send staff out to educate him on how to make the mixture to spray. We will definitely be communicating with him next week to make sure that gets done.

Mr. Steve Massa of Planters Avenue: Two things; one, it's not been beneficial for staff to sit up here and say they have seen no dust. You've treated once for it and yes, it has worked very well but it has been four weeks and it has worn off. We can't keep going around and around about if there is dust; it's been established there is dust and it's already been established we have a solution for the problem and it just needs to be implemented. Residents shouldn't have to keep coming up here and asking about it; it angers the staff and it angers the folks at Salmons Trucking.

Secondly, I noticed the job posting for Zoning Administrator and Code Enforcement Officer on the city's website. I'm greatly concerned about who will examine the applicants and make the hiring decision. I believe this council before me should be very informed and involved concerning the hiring of these applicants. Leaving this decision solely to Mr. Taylor and Mr. Lohr would further nurture underhanded behavior.

Mayor Flaute stopped Mr. Massa and told the audience we would not have bashing.

Mr. Massa: Our city needs now more than ever, qualified people with a solid, moral foundation. People willing to do the right thing in spite of adversity. Are we going to continue to ignore the elephant in the room? Harsh words, yes; but if I didn't say these words, who would. If you think I'm wrong and you have information supporting your claim. I'm listening.

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Ms. Jan Pitzer of Wake Forest Road: This is to piggy back on Mr. Massa's comments; I'm greatly concerned that the Code Enforcement Officer and Zoning Administrator, who are under Mr. Taylor, have both decided to leave our city. I am greatly concerned that Mr. Taylor will be the person choosing who replaces them. For your information, I am the resident that called Mr. Fullenkamp regarding that public hearing regarding it being in the paper on the 13<sup>th</sup> and the hearing being on the 16<sup>th</sup>. Did the letters go out to the surrounding 300 feet of residents and businesses notifying them of the hearing? I knew something was wrong because Ms. Arnold is very proficient in her position as far as putting in advertisements. This advertisement did not have her name or her title. I feel we are dealing with underhanded, shady circumstances and to know Mr. Taylor is going to be the one who will be interviewing for the new Code Enforcement and Zoning Administrator, I feel that City Council or someone should be involved in that process as well.

Mr. Lohr: I would just like to point out that Mr. Taylor nor I, neither of us have the authority to hire anyone. That decision is made solely by the City Manager and I do know that City Council is involved with the approval process of appointed Department Heads. For those positions, it is Mr. Carpenter's authority to hire those without any approval. If there are any questions about the hiring process, I would be glad to answer them.

Ms. Bernadette Baker of Mentor Avenue: I'm concerned about the project that is going in on Harshman. They have one project just being completed for 55 and older. I have great concerns about the water runoff and I have talked to Mr. Keaton about it. He is going to walk with us to see what we are talking about; he knows pretty much what is going on, but we are going to show him right now and what is going on. Now they are talking about selling a property right next to mine, I am at the end of Mentor, and there is a lot of water coming down there. They are trying to put in another 2 or 3 story, 3 to 4 bedroom HUD housing right beside me. We have a little community down there that has a lot of seniors, we each have an acre so we're far and few between, and I have concerns of people coming through the woods and coming through that area if they do build that project. We already have traffic and it's getting ridiculous.

I went down to Valencia the other day to talk to Mrs. Jergens about what's going in and I was there for a half hour with the police blocking the street. Four cruisers and two unmarked cars, it didn't look like a lot of action, but that is right beside where you guys are trying to put this other HUD stuff. We have all kinds of apartments on Harshman beside us and now they are trying to put in more. There are a bunch of HUD apartments on Taylorsville and the neighbors are having problems; people and the traffic. The property values have gone down and there are a whole lot of issues with this.

My house is nice, I try to keep it up and I've put a lot of money in this house. I want to say that you have to consider the people of Riverside. I don't know how this got zoned what it is; when it changed or how it changed, but we don't get advised of anything. We didn't even know the 55 and older building was going in until after it was built. Now we have people running around in the woods and we are wondering who these people are? When they started bulldozing I stopped by and talked to them. I talked to Mr. Taylor a couple times on this project and he said the city didn't have any drawing or plans yet and it was just in the planning to get some kind of reimbursement or something. I talked to the guy who installed them and he said he did put the plans in but I talked to Mr. Taylor again and he said he didn't. I'm just really concerned and I want to know how we are going to find out what's going on with this. A lot of older people are not computer savvy.

Mayor Flaute: Someone will be in touch with you. Ms. Baker: Somebody better be in touch with me because I'm not going to give up either. The residents should be the priority here and the seniors should have a view and a say-so. Thank you.

**ITEM 19: COUNCILMEMBER COMMENTS:** Mr. Curp: I would like to get a list of the properties that have been cited for sidewalks.

Ms. Fry: It seems to me that we have residents that come back to our meetings every two weeks looking for something new to be done and they are not getting addressed.

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They should be able to express themselves and we might not like what they have to say but this is the only recourse they have. When they come here they are asking for us to follow through with what we said we are going to do. Our answers should reflect whether we did what we said we were going to do and if not, when we are going to do it. That's all it has to be.

Ms. Campbell: I worked for 21 years at Jergens and we had similar complaints in regards to the dust. They put in some sprinkler systems to dampen the dirt and it helped a lot.

Mr. Fullenkamp: I want to add onto what Ms. Fry said; one of the infuriating parts of having people talk to members of staff after the meeting is we don't get any feedback. They speak to the residents and we don't know what the nature of the conversation was and whether any solutions were offered. That is a flaw in not encouraging staff to respond on the record as to what the solutions are. I'm not saying you have to respond that night but Council is often not aware of the conversations that take place between staff and the residents and that's after they come before us and ask us to "fix this for us". I think it's important for us to close that loop. Ms. Fry made a very good point, we don't have to like what we hear but we do have to demand solutions from staff and make sure these problems are resolved. She made a good point and I think there are ways to accomplish this.

Mr. Denning: I may have a suggestion for that, Ms. Arnold already gives us a list of the speakers and their phone numbers. I would suggest that if conversations go on after Council meetings that a summary comes with the list of names so we have an idea of what happened and if the answer is we are going to get back with them, then I would suggest when that happens, we get an email so we are well informed of what happened both ways. I think we need that. We are assuming you are doing your job but maybe not. We need to know what's going on. Mr. Lohr: We can definitely do that for you.

Mayor Flaute: I did 7 weddings in the last 2 weeks. I was also interviewed by Channel 7 for the Stebbins project at 2257 Hazelton. It was a very good piece they did and we will be sending that to the National League of Cities so they can put that on their website. Mr. Denning: Is it on our website? Mayor Flaute: Not yet, but I'm working on it. Thanks to everyone who did work on the Bike Rodeo at Rohrer Park, I appreciate everyone's work on that, especially the Police and the Health and Safety Commission. The next one is on June 2<sup>nd</sup> at Beverly Gardens and if anyone needs bike helmets for your kids, please bring them over – free bike helmets and the kids get to talk to the Officers and do some bike exercises. Last night I went to the Memphis Belle celebration and it was a class act. Family members of the crew on Memphis Belle were there to give talks and it was very emotional. Very nicely done. I don't know if anyone else got any questions from 629 Little Meadow Drive, if you do, please see me or the staff so we can tell you what is going on with that. IN Crowd is at Community Church on Wednesday, May 23<sup>rd</sup>, at 6:30 and everyone is welcome. It's going to be Cajun, we'll even be having alligator to eat.

Mr. Denning: I drove down Springfield Street and I saw these nice signs that I assume we put out but I'm a little confused on what it is supposed to say; it says "Welcomes Memphis Belle" and some of them say "Welcome Memphis Belle" and some say "Salutes to Memphis Belle". My thought was we really messed up when we ordered these or whoever we ordered them from messed up. I think it's great we are putting something out there but when we put something out there I think it should give the correct message. It should say "Riverside Welcomes" or "We Welcome You". I'm curious and it frustrated me.

Mr. Murray: We did have a short turn around; we used DanCo which is right down the street from us and he used a process he hadn't done before but those were \$81 and we are used to spending \$156 per banner. The Chamber did half and we did half; they did welcomes and we did salutes. Mr. Curp: You don't have a noun. Mr. Murray: The noun was the company at the bottom. We'll do better next time.

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**ITEM 20: ADJOURNMENT:** A motion was made by Ms. Campbell to adjourn. Ms. Fry seconded the motion. All were in favor; none were opposed. The meeting was adjourned at 8:54 p.m.

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William R. Flaute, Mayor

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Clerk of Council

Thursday, June 7, 2018

**ITEM 1: CALL TO ORDER:** Mayor Flaute called the Riverside, Ohio City Council Meeting to order at 6:00 p.m. at the Riverside Administrative Offices located at 5200 Springfield Street, Suite 100, Riverside, Ohio, 45431.

**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, present; 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; Frank Robinson, Police Department; and Daniel Stitzel, Fire Department.

Mr. Fullenkamp was in attendance at the work session but not in attendance for the business meeting.

**ITEM 3: EXCUSE ABSENT MEMBERS:** There were no absent members.

**ITEM 4: ADDITIONS OR CORRECTIONS TO AGENDA:** Mr. Curp made a motion to add an Executive Session to deal with a personnel item, that being the Clerk's attendance or non-attendance. Ms. Campbell seconded the motion. All were in favor; none were opposed. **Motion carried.**

**ITEM 5: APPROVAL OF AGENDA:** The agenda was approved with the addition of an Executive Session to discuss personnel as allowed by Section 103.01(d)(1): *Unless the City employee or official requests a public hearing; to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a city employee or official or the investigation of charges or complaints against a City employee or official.*

**ITEM 6: WORK SESSION ITEMS:**

A. 2019 Budget and Finances

Mr. Carpenter: We are here tonight to talk about the 2019 through 2022 Budget Projections and Revenue Projections. A PowerPoint Presentation was displayed.

It's a lot of different information and I was trying to put this in some kind of format so we could have a good conversation about where the budget is projected to be and what our revenues are looking like going forward. We are going to talk about an overview of our finances, expenditures vs. revenues, revenue options, and some actions I want to request from Council.

The first slide is our basic operations paying for our personnel, operations, and debt service. There is an average 2.5% growth on the revenue side and an average 2.5% increase on the expense side. That means we are not doing any streets; we are not going to complete Springfield Street, Airway Road, Valley Street – some of the things we said we are going to do, but this is if we do none of that. There will also be no capital equipment purchases – no additional or replacement police cruisers, fire apparatus, or service apparatus. If that is the case we are going to have a balance in our reserves, we are not going to deficient spend, and we will have more revenues than expenditures. But I think we all agree that is not really where we want to be.

The next slide is those basic operations, rate of revenue growth and rate of expenditures at 2.5% - everything from the first slide but then we are going to add in all the infrastructure commitments. We are going to complete Valley, Airway, and Springfield Streets. If we do all that by the year 2022, we are still going to have a positive reserve balance but there will be some deficient spending in 2020 and 2021. Again, that is no residential streets and no capital equipment.

The third slide shows us fulfilling our infrastructure commitments but we are also going to do \$1,000,000 (one million) worth of residential street work per year and no

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capital equipment. In this scenario, you can see continuous deficient spending and somewhere between 2021 and 2022 our reserves are depleted.

Mr. Fullenkamp: What are you calling reserves? Mr. Carpenter: The General Fund balance. Mr. Fullenkamp: That doesn't include the \$400,000 in the contingency fund. Mr. Carpenter: Right; it doesn't address the contingency fund or what is left over in permissive tax, the state highway fund, or the Wright Point fund.

Mr. Curp: Doesn't the Wright Point debt carry the Wright Point fund. Mr. Carpenter: Are you talking about the expenses or the revenue side. Mr. Curp: The amount of the note. Mr. Carpenter: That is in here. Mr. Curp: Plus the debt service. Mr. Carpenter: yes. Mr. Curp: Is the note in the reserves? Mr. Carpenter: The note is not reflected in the reserves; the reserve is just talking about the general fund.

Mr. Carpenter: This slide represents basic services, infrastructure commitments, \$1,000,000/year worth of work on residential streets, and about \$600,000/year on capital equipment. I went back and it fluctuates from year to year but it averaged about \$600,000 per year for all departments. If we take this path, our reserves will be depleted in 2021 because we will be continuously deficient spending.

Mr. Fullenkamp: Looking at the gain and the loss, why does the loss get smaller in 2022? Mr. Carpenter: It is because the major thoroughfare work will be done. We have a good grant to local match ratio currently.

Mr. Carpenter: This slide is reflecting all of our expenditures by group: debt, with Wright Point in the group; operating; capital equipment if \$600,000/year is spent; streets if \$1,000,000/year is spent; major projects, reflecting all our current local matches which can be reduced if awarded OPWC grant funding; and personnel, which is increased by 2.5% annually. The next slide shows the expenditures vs. the revenues based on current revenues and as you can see, it is a great deficient from year to year.

I included a slide that shows income growth if we opted for an increase in income tax which would be on top of our annual 2.5% growth from year to year. Those were the options laid out and I believe the numbers were good numbers and on the conservative side.

There is a slide with RITA Calculations which is derived from the slide that showed if we did major thoroughfare projects, capital equipment purchases, the residential street improvements and the basic services; if you take that deficient and average it over 4 years, it's a \$2,000,000 deficient. The next graph shows all the RITA projections with the different options and there are a few options that will cover the deficient that is projected.

Mr. Fullenkamp: On this graph, are these increments to our current income tax collections? Mr. Carpenter: These were RITA's projections for how much additional revenue would be generated. I was trying to show it different ways. Mr. Fullenkamp: And the next slide is all revenues? Mr. Carpenter: Yes. Mr. Fullenkamp: I would like to have a slide that just shows RITA's projections because it's been suggested those are higher than the other projections and I'm old school thinking that it's somewhere in the middle. Mr. Carpenter: I can send that out tomorrow. This is the overall amount of revenue we would collect from year to year and the red line that gets angled is our expenditures. At the highpoint in 2021, if we went with that option, every year we would cover our expenditures; that would be the 2.25% with 75% credit and it would cover all our expenditures from 2019 to 2022.

Mr. Denning: That doesn't move us forward on the residential streets too much. Mr. Carpenter: That's the issue it doesn't really address things beyond 2022. Mr. Denning: It only addresses what we've committed ourselves to as far as the main thoroughfares; it doesn't include any additional main thoroughfare stuff that we are going to have to do after 2022 like Airway east and streets we are going to have to do over again. Mr. Carpenter: Right, this is just a short term view. Mr. Denning: We wouldn't be doing enough but we would be doing a little. Mayor Flaute: It's more than

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we are doing now. Mr. Denning: that's about what we are doing right now. Mr. Fullenkamp: We are falling behind every year. Mr. Carpenter: This is just for that particular window, that rate would cover our expenses.

Mr. Denning: This doesn't include the 35 bridge or any of that stuff. Mr. Carpenter: Nothing beyond 2022 at this point.

Mr. Carpenter: So the options; we talked a lot about income tax because it was the focus with Mr. Schonardt. We could also consider levies and I did confirm 1 mil equals \$240,000. We could consider a bond; the City of Clayton recently did a \$6.0 M bond over 10 years which is about a \$700,000/year payment. Other options are inside millage and a storm water utility. The reason I didn't talk about a storm water utility is because most of that would be for the storm water work; some could be used for streets but the majority of the money would be for storm water projects.

To sum up we could continue current level service and we can complete the approved projects probably with some bond financing but we are really just status quo, keeping things just the way they are which we know is not good. We need to address things beyond 2022; our major thoroughfare project list has 28 different projects and we've been choosing one at a time to try to stay within our budget but you can see that's really not going to happen unless we take some action. We know we need residential street repairs; the estimate from Choice One is \$30 M (thirty million dollars) and this year we are spending \$340,000; the previous year it was nearly \$500,000. It's dwindling but it's going to be tough to get them all done. We have a lot of storm water problems that came to light with all the rainfall and there are 15 to 16 projects identified in the storm water master plan with an estimated cost of \$15 M and that was a few years ago. We are going to have to replace capital equipment, that's just a known fact, and the IT structure came to light recently and we might have to replace that sooner than later. And this doesn't really address staffing issues, we have a really tight budget this year and compared to other cities we are lightly staffed. In the Fire Department, we are having trouble keeping 9 per day with an average of 6.5. We have a lot of concerns going forward and if we want to take that next step, we are going to have to generate some more revenue.

The action I'm asking is that Council provide some direction for July 20<sup>th</sup>; if we are going to go to the ballot we have to have something before August 8<sup>th</sup>. If I can provide more information or a recommendation, I can do that. How would you like to see it?

Mr. Fullenkamp: Part of the process is we need to anticipate what our needs are. You threw out a couple numbers tonight and I want to confirm a couple of them. \$600,000 is what you are saying we need to spend on capital equipment per year. Mr. Carpenter: Yes; on average. Mr. Denning: That includes Fire, Service, Police, and Admin. Mr. Carpenter: Yes.

Mr. Fullenkamp: On thoroughfare improvements, we are looking at about \$800,000 to \$1M/year. We have 28 other major thoroughfare projects; how much should we be planning per year to accomplish those tasks and over what term. We have to at least estimate these things. Mr. Carpenter: We are working with Mr. Keaton and Mr. Taylor to determine the condition of those streets now. Mr. Fullenkamp: Same with the residential streets; what is a reasonable time frame to get every one of these streets up to snuff – 5 years, 10 years; and what kind of money is that going to take. That will help determine how much you want to bond instead of trying to do it at \$1 M per year over 30 years. Those have to be put on a schedule so we aren't in this same do-everything-at-once routine going forward. I'm assuming we have numbers and know in what order these streets should be done if we started today. We need to set a time frame and determine what revenue is needed to cover that.

Mr. Fullenkamp: We really do need to go out and resolve some of these issues. Let's establish a plan and how we can do this. We have to know what our real needs are for everything the city needs to be doing for the residents to make sure the infrastructure is maintained properly and make sure we are properly staffed. We need the resources to do these things and we can make the political decision on what is the proper mix of taxes and how that is raised be it through property taxes,

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assessments, or through income taxes. That's our job but we have to know what we need before we can make those long term decisions.

Mr. Carpenter: So you are looking for a recommendation on how much money towards major thoroughfares, residential streets, and capital equipment – a more firm number; and what are the needs if we want to address the parks and staffing. Mr. Fullenkamp: We have to think further out than four years or even five years. What's it going to take to put this city on firm fiscal footing for even the next decade or two? That makes it easier for the next council members coming in to do their job and for staff too.

Mr. Denning: A question for Mr. Keaton; how often should a street be redone? If we had all brand new streets tomorrow, in 15 years would we need to do them again? Mr. Keaton: That's correct; last time it took 18 years and that was working under a road levy. Mr. Denning: If we got them all done in the next five years, we would still have streets that needed done. Mr. Keaton: That would be a big task to get anything done like that; I think the 20 year plan we talked about before is a good plan where you do treatments to stave off the mill and fills from turning into the reconstructs. Mr. Denning: We need to work with the water department too. Mr. Keaton: I have a meeting with Montgomery County Friday.

Mr. Denning: I used the numbers you gave us from Clayton and if you run that up to \$30 M; it would cost us \$3.5 M/year for 10 years. The last time we talked to Choice One, our 30 year plan was \$2M/year. We have to come up with a better answer and I think Mr. Fullenkamp has given some good direction on what we need back.

Mr. Carpenter: Between now and the next work session, I'll have the information we talked about tonight. Then we can talk more in depth and come to some kind of commitment on how we want to proceed as far as if we want to put something on the ballot. Mayor Flaute: Do we need a special meeting for that? Mr. Carpenter: I want to schedule a retreat and I think that would be a great place where we could hammer this out. Mayor Flaute: Do you remember the dates you proposed for that? Mr. Carpenter: I was trying to do two days a week through June and July. I did get some response and there were two dates in July that that three people agreed upon.

Mr. Keaton: Before we start actually building our plan, we need to get all the players involved because what streets we choose to pave and what type of fix we do really needs to be coordinated with the underground infrastructure folks. We need to be prepared for that and if we align with them, they will help pay for restoration. When they tear our street up to get to their stuff, they help restore that. It's a win, win because we aren't going to have the water main breaks and they will help with the monetary costs. Mr. Fullenkamp: How quickly can you get that accomplished? Mr. Keaton: They had a five year plan just recently. Mr. Carpenter: They wanted a three year lead time.

Mr. Fullenkamp: That will help reduce our costs but between now and when we decide to put something on the ballot we've got to have something to talk to the residents about. Mr. Carpenter: Do you want specific streets or just dollar amounts? Mr. Fullenkamp: Personally, I want to know what we need over the next 20 years. We probably have that number but flush it out a little bit more. I mean, we can explain that specific streets will depend on county schedules and the condition of the streets but we got to have a plan. Mr. Carpenter: That was my thought – dollar amounts, because conditions change.

Mr. Denning: I think the big thing we need to be telling people is when we put this on the ballot, whatever we put on there, this is what it is going to be for and it is earmarked for that and nothing else. I think that's important for the residents to know that if we say we are going to do the streets and that is the only thing it can be used for.

Mr. Fullenkamp: We have to coordinate this with our Fire and Police levies as well. Mr. Carpenter: The Police/Fire/EMS levy has to be renewed before the end of 2019.

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Mr. Fullenkamp: Please feel free to call any of us; I'm more than willing to talk and you can bounce ideas off me.

Ms. Fry: Can you clarify for me the 20 year plan; my understanding is we address all the streets in 20 years and then we start over again. Mr. Keaton: It is a perpetual plan that takes 20 years to accomplish and it's the kind of thing council has to push over the hill and let it roll. The process will take care of itself as we go along, some slight tweaks due to weather where some other streets might need to be bumped up but it also helps the outside agencies. I am going to ask the county for their 20 year plan tomorrow that will help us with our 20 year plan. Ms. Fry: Does the 20 year plan already exist. Mr. Keaton: Yes. Ms. Fry: Does it have a bottom line number that answers these questions. Mr. Keaton: Yes.

Mr. Taylor: One thing the 20 year plan doesn't do is if you do a group of streets in 2019, then in two years you have to do crack sealing, and in five years you need to do another process. We are missing the key number to maintain what we've done. Mr. Keaton: Correct. Mr. Taylor: I think that's what we need to add to the costs. Mr. Fullenkamp: That's an important aspect; it's not just paving, you have to maintain it.

Mr. Denning: So do we need \$2.7 M/year or do we need \$8.7 M/year to do this continuously? Or do we need \$5.0 M/year for the next five years and then \$1.2 M/year after that to keep it going because there are ways for us to do either one. Maybe we put something on the ballot with a sunset in five years that people would be willing to pay extra for and then it's going to go down and we be able to keep things going in a positive direction. We need to know what that number is. Mr. Fullenkamp: I'm reluctant to make everything look really nice and then think they will support a tax levy to maintain that.

Mayor Flaute: So the days for a retreat, I think there are some working folks here. Mr. Denning: Saturday would work best for me. Mr. Carpenter: I'll get the dates during the break.

Mr. Fullenkamp: I have a request; since Ms. Fry doesn't have it, send us out the 20 year plan again or a link to it. Mr. Keaton: We need to make adjustments to reflect the streets we just crack sealed. Deputy Mayor Lommatzsch: So it will be an updated list? Mr. Keaton: Yes.

Mr. Curp: Will that include the change in ratings for streets that suffered a very hard winter? Mr. Keaton: Correct; it's almost across the board from what I've seen. We didn't see anything go from a mill and fill to a complete reconstruction that wasn't already a reconstruction. Mr. Curp: I think some streets went from a micro resurfacing to a mill and fill. Mr. Keaton: Yes. Mr. Carpenter: We drove all the streets for micro surfacing and some of them did progress to mill and fill. Mr. Curp: It would be helpful if Montgomery County could provide us a list of the streets and the years because we need to look at if we can keep up with them. Mr. Keaton: That's exactly what I'm doing tomorrow. We're going to talk about their restoration process, their issues with their sanitary sewer restoration, and their plan for Riverside for five years, ten years, and as far into the future as I can get from them.

**ITEM 7: RECESS:** The Council took a recess at 7:48 p.m.

**ITEM 8: RECONVENE:** The meeting was reconvened at 7:00 p.m.

**ITEM 9: PLEDGE OF ALLEGIANCE:** City Manager Mr. Carpenter led all those in attendance in the pledge of allegiance.

**ITEM 10: MINUTES: Consider approval of the minutes of the May 3, 2018 and the May 17, 2018 regular council meetings.** A motion was made by Mr. Denning to approve the minutes of the May 3, 2018 meeting as written. Ms. Fry seconded the motion. All were in favor; none were opposed. **Motion carried.**

The minutes of the May 17, 2018 meeting have not been completed.

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**ITEM 11: COMMUNICATIONS:**

A) Board Interviews

- I) Wesley Livesay for reappointment to the Health & Safety Commission

Mr. Livesay: I am seeking reappointment to the Health & Safety Commission; I have been a member of the commission since 2015. We have the bike rodeos twice a year usually one in May at Rohrer Park and one in June at Beverly Gardens. We also are involved making kids identification cards for kids in the community; we do that volunteering at things like Breakfast with Santa, the pre-school central office, the Stebbins Crosstown Showdown, and other events. The ID cards are something the parents can give to the authorities if a child is missing and hopefully it will speed up the search with a positive impact at the end. I really enjoy being involved in the community and helping to make a positive difference.

Mr. Lommatzsch: I'm glad you can find time; on Facebook you are really busy. Mayor Flaute: You do a great job.

A motion was made by Mr. Denning to bring forward legislation to reappoint Mr. Livesay. Deputy Mayor Lommatzsch seconded the motion. All were in favor; none were opposed. **Motion carried.**

- II) Mary Kay Walters for reappointment to the Health & Safety Commission

Mayor Flaute: I don't see Mary Kay here but she does attend a lot of meetings and she is very active on the commission.

A motion was made by Deputy Mayor Lommatzsch to bring forward legislation to reappoint Ms. Walters. Mr. Denning seconded the motion. All were in favor; none were opposed. **Motion carried.**

B) Council Clerk Annual Review Discussion

Mr. Denning: Let's just wait until the Executive Session to discuss this. Mayor Flaute: Mr. Curp have you been working on that? Ms. Fry: It is Mr. Fullenkamp and I. We have something but we want to review it one more time and we should have it within the next week. Mayor Flaute: Thank you for your work.

**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: PRESENTATION:** Mayor Flaute: We have the President of the Jaycees here this evening for a special presentation.

Mrs. Julie Denning: It's actually the Board of Directors here tonight and I am the Chief Financial Officer of the Riverside Jaycees this year. With me is John Evans, our Chapter President, and Brennan Caudill, our Community Development Vice President. We also have in the room with us, our past President, Mike Denning.

The Riverside Jaycees were established in 1979 originally as the Overlook Mad River Township Jaycees. Over the years we became the Mad River Township Jaycees, the Mad River-Riverside Jaycees, and as we became a city, the Riverside Jaycees. We take great pride in the fact we have stayed strong in our city and changing as our city has changed. We've changed our names but we have kept the same strong traditions for 39 years and we will celebrate 40 years in 2019.

Some of our projects over the past 39 years have been: 38 years of Easter Egg Hunts for about 600 kids each year; we've taken approximately 1,000 kids shopping at Christmas; we donated the first thermal imaging camera to the Riverside Fire

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Department; we donated the bite-suit that is currently being used for our K-9 Officer; we've had numerous sponsorships for sports and youth teams throughout the city; we've provided over 800 Thanksgiving food baskets; adopted more than 1,000 families for Christmas; donated the first animal oxygen mask for the Fire Department; donated and dedicated the Police and Fire Fighter Memorial that sits across the street; donated the flagpole and the memorial stone in honor of our service members – past, present, and future; we organized the first City Flags for Center of Flight; we co-hosted in conjunction with the Riverside Police Department the first National Night Out Against Crime for the City of Riverside back in the 1990s; along with the Lions Club, we held the first Founder's Day Festival; we have provided thousands of dollars in scholarships for our seniors at Stebbins High School; we have provided many dinners at Mad River Manor, as well as Christmas and Easter gifts for each resident; and of course, we run our Haunted House and this year we will celebrate our 33<sup>rd</sup> year of scaring the yell out of you. This is our fundraiser that allows us to do so many things as well as the support of our community, the support of the city when we have events going on, the support of our businesses and the support of our residents sometimes when we are in need of donations. This is just a few of the highlights of our past 39 years of service to the Riverside Community. We've always focused on the betterment of our community and our creed says "We believe that service to humanity is the best work of life".

With that in mind, we are here today to continue our service to our community and our residents in need. We understand there is a new program our Fire Department would like to get started called Para-transit. We felt this could help so many in our community in so many ways and make sure that our emergency vehicles and our emergency personnel are available for true emergencies. We are here to show that support for this program and to continue dedication to our community. We ask the Fire Chief to please come forward.

On behalf of the Riverside Jaycees, we would like to help get this program going for our Fire Department and for our community with a donation of \$350 for the new Para-transit program.

Chief Stitzel: At the last meeting or two we talked about a new element of the para-medicine program where we are going to be trying to provide alternate transportation to people who don't need to go to an emergency room but may benefit from going to an urgent care or a different facility that ambulances are not permitted to transport to. That's what this will go towards. We are working with RTA and the air transit program they have in conjunction with our community para-medicine program. We are really thankful to the Jaycees and what they have done and we are looking at some other options to continue to fund that. We are half way through the EPA grant we got last year and we are hoping that continues because that has been of big benefit in keeping this program running. Thanks to the Jaycees; it means a lot to have something like this and knowing we are going to be successful in making that difference in our community.

**ITEM 14: 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

Mr. Carpenter: If there is anything in the report for which you need further information, I will be glad to provide that as best I can.

Mayor Flaute: Under the Fire Department, policy on offsite Planet Fitness workouts and list of members to Planet Fitness; could you explain what that is all about? Mr. Carpenter: We were trying to find some alternatives for the fitness and workout

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opportunities for the Fire Department and we are looking at this as a better option than the space at 1791 Harshman but also an opportunity for Fire Department members to stay fit for their job.

Deputy Mayor Lommatzsch: Also it's an opportunity for them to mingle with the people of the community.

Mr. Denning: Planet Fitness is open 24 – 7 except for Friday and Saturday I think and they could go there any time they want.

Chief Stitzel: I stopped over to visit and they gave us a nice discount on the startup fee. So we are trying to work in cooperation with our local business and they are helping us out. At Station 6 we have one treadmill and if four or five fire fighters want to work out, they have to take turns and it takes half the day. This way we can send the whole crew and they can get it done in a lot less time. They stay in service the whole time and if there is a call they continue to cover those just as if they were working out at the firehouse. It's centrally located and the response times shouldn't be affected. We are trying to improve the overall health and wellness program of the Fire Department. Our current equipment is starting to age and break down so this will be a lot less costly for us with a lot more benefits such as reduction in injury claims, worker's comp, and other things in the long term big picture. We are hoping to incentivize it in the future.

Mr. Denning: A lot of insurance companies pay for memberships like this; we should check with our insurance. Chief Stitzel: The only ones I've seen covered is if it's a medical necessity and the doctor signs that they need to do it. Our insurance does not provide for preventative.

Mayor Flaute: Does Worker's Comp help. Chief Stitzel: no. Mr. Denning: We do get money back from Worker's Comp for other things we do so maybe some of that should go towards an incentive program.

Deputy Mayor Lommatzsch: I hope we don't run into trouble about just this one segment of our employee population getting this benefit. That would be my concern. Chief Stitzel: Planet Fitness says this is open to any of our employees that want to come out and do that. I just trying to get it started and hopefully it grows. Mayor Flaute: Is it just for fire fighters or police and everybody. Chief Stitzel: Right now what I'm doing is just for the fire department; the police department is working with Wright State in an athletic trainer program they have. We are doing different things right now but they are all open to each other. Right now I'm just trying to push that because our guys are there for 24 hours a day and in the evenings they have the time where they can do some workouts and work toward physical fitness and I want to give them that option. We don't have any equipment at 1791 and the equipment at Station 6 is starting to deteriorate.

Finance Department – Mr. Garrett: We finished May and hopefully the reports have been posted on the website. As we expected, we had a nice bump up in the income tax collections after the April filing season. In the month of May, we actually came in \$230,000 higher than what we had forecasted which put us \$121,000 ahead of what we planned. The end of April, beginning of May was the filing for the main city financial reports; we had the Julian Grube Accounting Firm helping us get our finance statements together and those were filed by the due date. Also the auditing team was in and did some final tune up and they are closing in on our audit. I think council got their questionnaires from them to tidy up the last few things for the annual audit. Finally our city's property and liability insurance renewal came due on May 25<sup>th</sup>; we got that in and have paid the premium for the coming year. The premium was slightly less than it was last year.

Mr. Denning: When was the questionnaire sent out to us? Deputy Mayor Lommatzsch: Last week; it came in the mail.

Economic Development Department – Mr. Murray: Starting with Linden Avenue; I'm continually trying at the empty MTC building and at Smiley's; we've run through

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several versions, some fairly unique and we'll keep that up. Right now we don't have anything financially vital that works there but we'll keep trying different scenarios to make something work. At Page Manor, Schottenstein's has secured a dispensary license and will be going in to 4751. No progress on K-Mart. Skipping down to Airway Shopping Center, Lynn Domescik asked us to accompany her to interview the stores over there so we did site visits and results are attached to the back of the sheet so you can get an idea of what's going on. The best comments were towards the police department; they received kudos from every store there. That was a big plus but something we knew already. We got some facts now instead of just hearing it from the Chief. I spent some time at Spin Kemp Shopping Center talking to Mr. Rodrigues who is the owner of the La Guadalupana Grocery Store and he is expecting his final inspection tomorrow. It will take him about a month to get stocked and we'll have a grand opening sometime in July. It looks fabulous and he's going to start on the outside shortly.

For Wright Point; I've been working for a while with Tenet3 and I've brought you several letters of intent from the company. They have kind of blown through all those letters of intent and they've now hired more people than I've brought space for you to look at, so they have signed a new letter of intent for 6,778 sq. ft. They have gotten several contracts and they've hired more people than we ever thought was possible. They will be rivaling CDO as one of our major tenants. This was a company we brought out of downtown Dayton, we gave them startup space, they came highly recommended from AFRL and sure enough they are a success. So we look for them to continue to grow; they absolutely love the space and will be a long time tenant I'm sure. CDO is still hiring and we see new faces all the time around here from CDO. SPGlobal continues to grow and they are waiting now to hear about a major contract from AFRL which will again add people to their space. UTC, United Technologies which is a huge company, are expanding as well and they look to be doubling their space in September. We have two proposals out; one for 2,000 sq. ft. and one for 10,000 sq. ft. to a company you all know and we are just waiting to hear from them. The buildings are doing really well and the income should pick up.

Wright Point capital improvements – we start tearing up the driveway on Monday. The front entrance will be closed and everyone will enter through the back. All the tenants have been informed. Booher is the subcontractor involved, a local company we all know and love and they will be handling the project. The 3<sup>rd</sup> floor lobby for CDO and SPGlobal, we are still waiting on the specs for that and Pinnacle Architects is involved with that. I am waiting on the other two major improvements due to budget constraints. I want to make sure I have enough to do the other two before I go to those. I was also stuck with a \$20,000 elevator repair so I may have to cut back on some of the capital improvements we scheduled for this year and put those off until next year. We'll see.

Mayor Flaute: I have four weddings tomorrow, are they going to be able to get into the building. Mr. Murray: Tomorrow is fine; Monday everybody will have to park behind the building. Mayor Flaute: How long will this take. Mr. Murray: They will be well directed with signs pointing to where they should park. It is supposed to take until the 18<sup>th</sup> or about 7 days.

Deputy Mayor Lommatzsch: For Smiley's; I hope you stay on those people. They went in and cleaned it up a little bit but it still looks so shabby as well as the house next door. Please don't let it get as bad as it was; it was a mess. Mr. Murray: I agree.

Administration Department – Mr. Lohr: We are doing a lot of work to hire personnel; we have the service director position; we are wrapping up accepting applications for fire fighter/paramedics and we have a fair amount of applications at around 18; Mr. Keaton and I finished up interviews today for a maintenance worker due to the retirement of Mr. Joyce at the end of April – we have some good candidates and we are going to put them through a practical skills assessment; we also have the code enforcement officer and the zoning administrator processes going on – we've gotten some good candidates for those, one for code enforcement we are hoping will come work for us and three candidates for the zoning administrator. We are interviewing

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those zoning administrator candidates and hope to have second interviews next week or the week after.

The next park event we have is music in the park at Shellenbarger Park on June 23<sup>rd</sup> from 12 to 2. We are going to have Papa Dogs food truck and Kona Ice. We've got the band Five coming; they played last year and we liked them enough to ask them back this year. Music Boosters are going to be accepting donations for parking across the street and I think it's going to be a good time. We had a lot of fun last year and I'm keeping my fingers crossed on the weather. If you can make it, come on out for that.

Our first event was Maytoberfest; I think we had a very successful event for our first go at it. We fought with the weather but we still had a fair crowd come out. Schmidt's Sausage Truck was awesome and we had a lot of people show up just for that. The Eintracht folks were great hosts; they had good food and beer themselves, we had the Sauerkraut Band there, and it was a blast. I think everyone on the Parks and Recreation Commission is hoping that will become an annual thing and grow into something we can build on. I think everyone we had at the event this year shows we can do that. I was encouraged by the turn out we had despite the bad weather and we'll make that bigger and better next year.

We have council videos up now on our You Tube channel. It is a learning process for us; we are going to get the order of the videos corrected. If you go to our website and hit the council tab, then council videos, it will take you straight to the You Tube channel where we have all of this year plus 2017. We will get 2016 videos loaded and that will pretty much complete all the videos we have. We will continue to do that as we move forward.

The street lighting assessment is coming up at the next meeting so I've worked at putting those numbers together, updating all those and finishing up with the LED replacement of the mercury vapor lights.

Mr. Curp: How many applicants do we have for zoning administrator and code enforcement officer? Mr. Lohr: I don't have an exact number; the last time I checked our Indeed account we had well over 100 for code enforcement and well over 50 for zoning administrator. I haven't checked since we started conducting interviews. Mr. Curp: Of the candidates that have reached the finals, are any of those from a distance such that we might have to pay relocation expenses? Mr. Lohr: No.

Mr. Curp: Mr. Manager; when we created the code enforcement officer position years ago, one of the requirements was that the position called for the individual working at least one weekend per month and at least one evening per week. A lot of the code violations take place on the weekends and the evenings; people call and there's nobody to go out and take care of the issue. They call me, they call other council members, they send emails, but there is no access for anyone to go out and take care of it, then come Monday morning we can't get in touch with those people or the issue is abated on a temporary basis until the next weekend. I'd like to see us go back to those conditions of employment. I don't know how we got away from it; I think it happened some time under the previous city manager because we had those conditions when that person came on board here. So if we are serious about addressing code violations in this city, it can't be an 8 to 5 job, 5 days a week. It just doesn't work and we see enforcement in the evenings and on the weekends.

Deputy Mayor Lommatzsch: I would like to confirm that is the same understanding we had previously and I get really upset on the weekends when I see all the signs going up and garage sales. I know we are not policing garage sales.

Mr. Curp: There's a furniture store from the Dayton Mall area that comes up here and puts four signs on the eastbound ramp at Woodman and four signs on the other side of the street. Those are there all weekend and I don't know how many people from this area are going to drive to the Dayton mall. We have a requirement that there are no signs in the right of way. I don't know if those people pick them up on Sunday night or what happens to the signs but it doesn't bode well for the image of the community. We have other things where people park their vehicles in their front yard

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or their side yard and there's other stuff that goes on. So the only way to address improving the appearance of the community as far as code violations is to have weekend and evening enforcement to go along with the 8 to 5.

Deputy Mayor Lommatzsch: We have people selling houses over in east Dayton and they nail signs to utility poles and they stick out. Not just one but there will be a whole trail of them if you follow them west. I have seriously thought about getting out of my truck and pulling them down myself but I don't know if I'm willing to risk it.

Mayor Flaute: I don't know if we ever got an answer if the person in the zoning position will be doing the work of the code enforcement officer when the officer is on vacation. Mr. Lohr: Yes; that is typically how it's been done. When I was the zoning administrator, I did enforcement when the officer was on vacation.

Planning and Program Management Department – Mr. Taylor: As we've discussed, Jeremy took a code enforcement position Springfield and Emily took a zoning position in Reynoldsburg. Their last day was May 25<sup>th</sup> and I've been trying to keep my head above water; I'm keeping up with the permits but not a lot of code enforcement. I was out with the police today to remove some dogs from a house; there was no running water or sewer. Sgt. Jackson and her crew were fantastic; they were able to make contact with the homeowner and had warrants. Hopefully that will be resolved but it was a day in the life of code enforcement that was interesting. I'm looking forward to filling those positions soon.

Planning Commission is going to be working on some interesting legislation that will hopefully be coming your way soon: a great Live/Work conditional use situation so we can be more flexible in our code; small cell tower; and massage parlors that we put the moratorium on. We'll be reviewing those and council should see those in July or August.

B & M Towing – June 14<sup>th</sup> is the deadline, we asked for an extension to gather all our paperwork from the two BZA meetings and there's a couple pieces we still hope to get by Friday but that is behind locked doors. After June 14<sup>th</sup> the courts will look at that and hopefully we will get a resolution.

Mr. Keaton and I had a preconstruction meeting with L. J. Deweese for the curb ramps; they will start August 1<sup>st</sup> with completion by August 31<sup>st</sup> which is the deadline for the grant. Mr. Smith from the county was there and he was good with the timeline. We are doing 34 curb ramps and we'll put that on Facebook.

This Saturday is Community Clean-up Day from 10 to 2. Bring your junk and drop it off.

Mr. Curp: Will we have document shredding? Mr. Taylor: No. Mr. Curp: Are we accepting refrigerator or freezers? Mr. Taylor: No, this is going to be pretty bare bones; Jeremy applied for a grant that we did not receive which is why we moved this back from May and it will be tough to cover the costs. Republic is giving us a good deal on the dumping and tipping fees as well as the dumpsters. Last year in May we did 20 dumpsters; if we do 20 dumpsters again, the \$2,000 budget will not be enough. We're doing tires again; last year we collected 350 to 400 tires but hopefully we won't have that many again.

Mayor Flaute: I saw that the county is taking refrigerators. Mr. Curp: Montgomery County, starting today at the south incinerator or transfer station in conjunction with DP&L is accepting refrigerators, freezers, dehumidifiers, and you do not have to have the coolant removed from them. They will remove the coolant. If it's a working product they will give you \$50 for a refrigerator and \$20 for a dehumidifier. So if people show up at Center of Flight and they have a refrigerator, tell them it is a short drive down to the transfer station and they can even get paid. Mr. Taylor: Maybe we'll take them, then take them down ourselves and fix the budget.

Deputy Mayor Lommatzsch: I want to suggest if you get a real firm cost on the shredder program you discussed before, present it to the Chamber for them to

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underwrite it. Mayor Flaute: That's good information. Deputy Mayor Lommatzsch: I truly meant to bring that up and do it for Saturday but for the fall it would be a good thing. Mr. Taylor: We are only having one this year. Deputy Mayor Lommatzsch: We can still have a shredder day.

Mr. Denning: We need to make sure the information that this is the only one for the year gets on our website. Folks are used to us having two and if we can only have one, make sure people know that. Cintas does document shredding and they may be willing to work some sort of deal and if the Chamber wants to underwrite it then they may discount it or something. Deputy Mayor Lommatzsch: We can just have a shredder day here at City Hall or Center of Flight.

**ITEM 15: PUBLIC COMMENT ON AGENDA ITEMS:** There were no public comments on agenda items.

**ITEM 16: NEW BUSINESS**

**A. ORDINANCES**

- l) Ordinance No. 18-O-659 making supplemental appropriations of the City of Riverside, State of Ohio, for the period January 1 through December 31, 2018. (First and second readings and consideration of adoption)**

Mr. Carpenter: You should have an updated supplemental at your seat which Mr. Garrett will explain.

Mr. Garrett: Yesterday we were informed we got a court order amending a property seizure that happened a couple years ago. The owner of the property appealed and we now have an order to return \$2,000 to that person. It is money we previously received and deposited and I've added it into the supplemental at the last second.

A motion was made by Deputy Mayor Lommatzsch to read Ordinance No. 18-O-659 for the first time in its entirety and approve its first reading. Mr. Denning seconded the motion.

Mr. Lohr read Ordinance No. 18-O-659 for the first time in its entirety and Mayor Flaute asked if there were any questions or discussion from members of council.

Mr. Curp: All these are increasing the expenses in these particular accounts; is this money being transferred from other accounts within the respective fund or is this money coming from the unappropriated balance? Mr. Garrett: It is coming out of the remaining fund balance. The largest is coming out of the Brantwood TIF fund and that's just tax money coming in and going out again. Mr. Curp: I understand that one and the Wright Point Fund but the other ones will come out of the General Fund, the unappropriated funds. Mr. Garrett: That's right.

Mr. Denning: So that basically increases our overall deficient by this amount. Mr. Curp: By this amount plus the amount we approved on a previous supplemental ordinances and the supplemental ordinances that will come forward. Mr. Denning: We started out with a \$200,000 deficient at the beginning of the year and we've added \$800,000, so we'll end up with a \$1.0 M deficient.

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

A motion was made by Mr. Denning to suspend the rule requiring ordinances be read on two separate occasions. Ms. Campbell seconded the motion. A roll call vote was as follows: Mr. Denning, yes; Ms. Campbell, yes; Mr. Curp, yes; Ms. Fry, yes; Deputy Mayor Lommatzsch, yes; and Mayor Flaute, yes. **Motion carried.**

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A motion was made by Mr. Denning to read Ordinance No. 18-O-659 for the second time by title only and approve its final adoption. Ms. Campbell seconded the motion.

Mr. Lohr read Ordinance No. 18-O-659 for the second time by title only and Mayor Flaute asked if there were any questions or comments.

Being none, a roll call vote was as follows: Mr. Denning, yes; Ms. Campbell, yes; Mr. Curp, no; Ms. Fry, yes; Deputy Mayor Lommatzsch, yes; and Mayor Flaute, yes.  
**Motion carried.**

## **B. RESOLUTIONS**

- I) Resolution No. 18-R-2372 setting forth reappointment of Kyle Winning to the Appeals for a two year term beginning April 19, Parks and Recreation Commission for a three year term beginning August 3, 2018 through August 2, 2021.**

Mr. Carpenter introduced Resolution No. 18-R-2372 appointing Kyle Winning to the Parks and Recreation Commission.

A motion was made by Mr. Denning to approve Resolution No. 18-R-2372. Deputy Mayor Lommatzsch seconded the motion. All were in favor; none were opposed.  
**Motion carried.**

- II) Resolution No. 18-R-2373 authorizing the City Manager to submit an “Edward Byrne Memorial Justice Assistance Grant” (JAG) application for the purchase of body cameras and cruiser cameras for use by the Police Department.**

Mr. Carpenter introduced Resolution No. 18-R-2373 authorizing submittal of a JAG grant application by the Police Department to upgrade the Watch Guard body cameras and cruiser cameras. Due to timing we have submitted the grant as it was due May 31<sup>st</sup> but we can withdraw. Our obligation would be a 25% local match of whatever is granted with the most being \$27,843. If we are awarded the grant, the local match would be appropriated in 2019.

Mr. Denning: Would that be part of the \$600,000 capital improvement budget? Mr. Carpenter: Yes.

A motion was made by Mr. Denning to approve Resolution No. 18-R-2373. Ms. Fry seconded the motion. All were in favor; none were opposed. **Motion carried.**

**ITEM 17: PUBLIC COMMENT ON NON-AGENDA ITEMS:** Mr. John Schnieders of Wynora Ave. stated council did a great job on appointing Mr. Winning to the Parks and Recreation Commission. I hope you folks can look at commercial vehicles with heavy equipment such as backhoes being parked in the neighborhoods at night. The second thing; as you know I volunteer at the animal resource center and there are some dogs out in our area and I tried like crazy yesterday to catch a little one. He looked like he had some beagle in him and he had tags on but my wheelchair scared him. I tried to get in touch with the animal resource center until almost dark. So he's running loose and it didn't look like anyone wanted to claim him. I'm fostering some dogs now; I keep them for a couple days and they get adopted out. For those who attended the bike rodeo at the school, it was a great success and I loved it. The police and some council members showed up and we had a great time.

**ITEM 18: COUNCILMEMBER COMMENTS:** Mr. Curp: I want to thank the Riverside Jaycees for coming in and giving us money. I've had the occasion to address the State Jaycees a couple times when it was hosted by the Riverside Chapter and in my comments to the State Jaycees I talked about how successful our Chapter is because of all the great things they do. One of the things I pointed out is we have a number of organizations in the community that do good work and the

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difference between those organizations and the Riverside Jaycees is that typically when it comes to money the other organizations ask us for money and the Riverside Jaycees give us money. While we are certainly happy to provide some financial assistance to the other organizations for the programs they do to benefit the community; it is always a pleasure to think about the assistance we get from the Jaycees. They don't ask for anything other than finding them something else to do; find them another project. Thank you very much.

Deputy Mayor Lommatzsch: I was at the MVRPC Board meeting and general meeting this morning and they evaluated the Executive Director and his raise. For those of you in the audience that use your computers, on the Miami Valley Regional Planning Commission website there are two new programs you might find interesting. Through GPS they have been able to come up with some footage where you can compare aerial sites of the county and downtown from 1949 to today. Also there is a new program that is State mandated and highly supported to try to coordinate getting people, disabled and elderly, where they need to go without duplicating services. The example given today was if you go to the dialysis center sometimes you will see four or five vans because of issues crossing county lines and one van can't stop to pick up someone because they live in a different county, so they are trying to coordinate that. The program is on the website; RTA and Greene Cats have some coordination already and that's kind of a pilot program they are looking at.

Maytoberfest I thought was a good start on what could be a really nice event. I was a little disappointed on the turn out from some of the people who work here; I didn't see any police or any fire folks and there was no visibility except for the few people who were putting the event on and I was a little disappointed in that.

As far as these events at the parks, when we had the bike rodeo in Rohrer Park it was very disconcerting to see the length of the grass and the trash that was there on Saturday morning. I know the shelter in Shellenbarger Park needs repairs and it could be to the point where it can't be repaired, but I hope when we do this music in the park, we will pay attention to have the park and that shelter cleaned up. The last time I was in the shelter it was pretty dirty, not trash, but maybe we can power wash it. When our volunteers are doing these events in the parks, they need to know they have our support.

Mr. Denning: I want to thank the Jaycees too. I took this project to them and it was their decision to come up with the money. This is an organization I grew up in and people need to understand the reason I'm up here is because of that organization. The purpose of the organization is leadership training through community service and they train young people to become leaders in their community by doing community service projects, learning how budgets work, and learning how to make things happen. I want to thank the organization as a whole for helping our community but also me, personally, to grow as a person.

Mayor Flaute: I want to add to that; it's the reason I'm sitting up here because I was an Oakwood Jaycee and President of the Oakwood Jaycees. The Jaycees taught me so much; I was a farm boy coming to the big city and they taught me a lot. They are a good, good organization and if you know any young people that want to learn some skills or just have fun please go to the Jaycees.

I did eight weddings in the last couple weeks; I attended the Memorial Roll Call at the Air Force Museum; I attended the bike rodeo – thank you Mr. Schnieders and everyone else who worked on that; and thanks to everyone who worked on the Eintracht event. I did talk to General Hudson at the Memorial Roll Call and he informed me that we have 42,000 people coming to our city in five days for the Memphis Belle.

The Mayor was offered an office in the city offices and almost every mayor I talk to has an office in their city. I put it out there and two things came to light so I decided to turn it down: one, it could have invited interference from the council and mayor and disrupted staff; and secondly, it was suggested council and the mayor could bring residents back for conversations but we shouldn't be bringing people back past the

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locked doors unless we have a really good reason to do it. That's why we have the front offices and it's really the way we should do it. St. Helen's Festival is this weekend; stay safe and enjoy this big event that happens in Riverside once a year.

Mr. Curp: While we are on St. Helen's Festival, are we addressing the noise issue with the bands? Mr. Carpenter: I have not made contact with them but I will reach out tomorrow.

Deputy Mayor Lommatzsch: I did speak with Mr. Hilgefurd, who is the Chair this year, just prior to this meeting and asked him if he had any interface with the residents that had approached the city and he has.

Mayor Flaute: We told them to turn the microphones off at 11 p.m. and no more paging is allowed. Why the bands would play after that, I don't know. Mr. Curp: It's the loudness; we had to address it with the bar on Spinning Road that burned down when they started having bands on their patio and we started getting complaints from the neighbors about the loudness and the noise. Mayor Flaute: I will do what I can do to make sure that doesn't happen.

**ITEM 19: EXECUTIVE SESSION:** A motion was made by Deputy Mayor Lommatzsch to enter in to executive session discuss personnel as allowed by Section 103.01 (d) (1): *Unless the City employee or official requests a public hearing; to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a city employee or official or the investigation of charges or complaints against a City employee or official.* Mr. Denning seconded the motion. On call of the roll: Deputy Mayor Lommatzsch, yes; Mr. Denning, yes; Ms. Campbell, yes; Mr. Curp, yes; Ms. Fry, yes; and Mayor Flaute, yes. The council entered into executive session at 8:17 p.m.

**ITEM 20: ADJOURNMENT:** The council came out of executive session at 8:50 p.m. and with no further business, a motion was made by Deputy Mayor Lommatzsch to adjourn. Mr. Denning seconded the motion. All were in favor; none were opposed. The meeting was adjourned at 8:50 p.m.

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William R. Flaute, Mayor

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Clerk of Council

Thursday, June 14, 2018

**ITEM 1: CALL TO ORDER:** Deputy Mayor Lommatzsch called the Riverside, Ohio City Council Special Meeting to order at 6:00 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, absent; Ms. Fry, present; Mr. Fullenkamp, present; Deputy Mayor Lommatzsch, present; and Mayor Flaute, absent.

Staff present was as follows: Mark Carpenter, City Manager; and Dalma Grandjean, Law Director.

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

Mr. Denning arrived at 6:10 p.m.

**ITEM 4: ADDITIONS OR CORRECTIONS TO AGENDA:** There were no additions or corrections to the agenda.

**ITEM 5: APPROVAL OF AGENDA:** A motion was made by Mr. Fullenkamp to approve the agenda as presented. Mr. Curp seconded the motion. All were in favor; none were opposed. **Motion carried.**

**ITEM 6: EXECUTIVE SESSION:** A motion was made by Ms. Campbell to enter in to executive session to discuss personnel as allowed by Section 103.01 (d) (1): *Unless the City employee or official requests a public hearing; to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a city employee or official or the investigation of charges or complaints against a City employee or official.* Ms. Fry seconded the motion. On call of the roll: Ms. Campbell, yes; Ms. Fry, yes; Mr. Curp, yes; Mr. Fullenkamp, yes; and Deputy Mayor Lommatzsch, yes. The council entered into executive session at 6:02 p.m.

The council came out of executive session at 6:25 p.m. and the meeting was reconvened.

**ITEM 7: CONSIDERATION OF RESOLUTION – PERSONNEL MATTER**

**a. Resolution No. 18-R-2375 terminating the Clerk of Council and appointing successor.**

A motion was made by Mr. Denning to approve Resolution No. 18-R-2375 and in Section 2 inserting Mary Ann Brane's name. Mr. Curp seconded the motion.

Mr. Fullenkamp: I would like to discuss how we are going to move forward with the position. I think it's important that we move quickly; that we get our advertisements out and we have a replacement in place in the two months that we spelled out. Are we all comfortable with this advertisement or do we need a chance to look at this. Mr. Curp: I had a couple minor adjustments; typos not content. Mr. Fullenkamp: Do we have an opinion on how quickly we want to get this advertised and where? Next week? Mr. Curp: I agree; we can get things moving.

Deputy Mayor Lommatzsch: Why don't we decide on a date we want this to close. Resumes close by July 15<sup>th</sup>? Or depending when they get the job posted; do you want to go a month out from that day? Do we want a smaller group of council to go through the initial screening of the resumes or do we want council to see all of them? Mr. Curp: I think we should see all of them. Mr. Denning agreed.

Mr. Fullenkamp: Where are we going to advertise? Deputy Mayor Lommatzsch: That; and are we going to offer a salary commensurate to their experience? Mr. Fullenkamp: I think we have a range.

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

Mr. Curp: Back to where we advertise. Mr. Fullenkamp: There's a lot of good websites and we have the Dayton Daily News available to us. Mr. Curp: Also the Ohio Municipal League.

Mr. Carpenter: Mr. Lohr is off tomorrow but by late Monday or Tuesday, we can have a list of places and if you have something in mind you can send it to us. Deputy Mayor Lommatzsch: Why don't you call Tony Rodgers for suggestions to advertise? Ms. Campbell: Maybe they would squeeze it in on TV. Mr. Curp: Another place to consider would be the Ohio School Board Association's website because those clerks have transferable skills. Deputy Mayor Lommatzsch: They do virtually the same thing. Mr. Fullenkamp: I just want to get a good sampling and some good qualified people. I have the old resumes if anyone wants to see them.

Mr. Denning: So looking at the calendar, we would close on the 20<sup>th</sup> of July if we got this rolling on Monday or Tuesday.

Deputy Mayor Lommatzsch: How do we want the resumes submitted? Mr. Fullenkamp: Give them a choice of mail or email; also, do we want to give them three or four weeks.

Mr. Denning: We're trying to find a quality person so I think having it open longer will be important. I would like to see the resumes date-stamped when we get them in; if you have that one that waited until the last minute and they are local, that might give us a little flag to think about. Mr. Fullenkamp: I'm not so worried about that; someone could be on vacation for a couple weeks. As long as they meet the deadline is all I care about. Mr. Curp: They could be part of Elder-Beerman and they lose their job at the last minute or they are on a retention bonus and couldn't apply until late. Mr. Denning: Just a thought.

**ITEM 8: 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 6:34 p.m.

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William R. Flaute, Mayor

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Clerk of Council

Thursday, June 21, 2018

**ITEM 1: CALL TO ORDER:** Deputy Mayor Lommatzsch called the Riverside, Ohio City Council Meeting to order at 6:00 p.m. at the Riverside Municipal Center located at 1791 Harshman Road, Riverside, Ohio.

**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, present; and Mayor Flaute, absent.

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; Daniel Stitzel, Fire Chief; Frank Robinson, Police Chief; Miranda Futrell, Victim Advocate; and Mary Ann Brane, Interim Clerk of Council.

**ITEM 3: EXCUSE ABSENT MEMBERS:** A motion was made by Mr. Denning to excuse absent member Mayor Flaute. Ms. Campbell 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 meeting adding items 11, a presentation by the Riverside Jaycees, and correcting the number of a resolution from a number already used; 18-R-2375 was changed to 18-R-2383.

**ITEM 5: APPROVAL OF AGENDA:** A motion was made by Mr. Denning to approve the agenda as revised. Ms. Fry seconded the motion. All were in favor; none were opposed. **Motion passed.**

**ITEM 6: WORK SESSION ITEMS:**

- a. Budget Discussions

Mr. Carpenter did a review of council's discussion at the June 7<sup>th</sup> work session which highlighted a four year plan to address major thoroughfare improvements already programed, repair some residential streets, and spend an average amount per year on capital equipment.

Mr. Carpenter gave a new PowerPoint presentation "Major Thoroughfare and Street Plan Funding 2019-2038".

Challenges: deteriorating road/street conditions; combined total for thoroughfares/residential streets plan of approximately \$75 Million dollars; engineer's recommendation to spend \$2 Million per year on residential streets; additional revenue necessary to spend \$1 Million per year; and how best to tackle the problem.

Objective for years 2019 – 2028: use revenue generated from a ballot issue for infrastructure improvements; a minimum of \$10 Million spent on residential streets; continue work with Major Thoroughfare Plan; generate and spend \$25 Million over 10 years on infrastructure; and keep the new revenue in a fund that stays cash positive.

Objective for years 2029 – 2038: use revenue generated from a ballot issue for infrastructure improvements; a minimum of \$10 Million spent on residential streets; complete Major Thoroughfare Plan; generate and spend \$36 Million

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during this time period on infrastructure; and keep the new revenue in a fund that stays cash positive.

Actions: ask residents to approve additional revenues for infrastructure improvements; partner with neighboring municipalities, Montgomery County, and local businesses to reduce project costs; consider a bond to do more work now to save on inflation and prevent further deterioration; and aggressively apply for grant funding.

Factors to Consider: PROS – recent savings on Major Thoroughfare projects, our costs 40% or better; Bids for projects are below engineer estimates; and reduction in dollars transferred to the service department can be used for capital equipment citywide. CONS – we cannot assume grant funding will be available; and to beat inflation estimates of 5%, we need to spend approximately \$3.8 Million each year.

Options: Income tax rates that would like provide \$1 Million per year for residential streets and allow for completion of Major Thoroughfare projects in the next 20 years

- 2.5% and 50% credit
- 2.5% and 75% credit
- 2.5% and 100% credit
- 2.25% and 50% credit
- 2.25% and 75% credit

Review: need to generate over \$2 Million dollars each year; savings from grants and bids lower than estimates should be reinvested into capital equipment and infrastructure; renew the Police, Fire, EMS levy; pursue a storm water utility; and address the Fire levies.

Summary: completing our current level of service and completing approved projects is possible, however, additional revenues are needed for: major thoroughfares beyond 2022; to perform residential street repairs; to resolve storm water problems; to replace capital equipment; for IT infrastructure; and staffing.

Action by Council: provide direction before July 20<sup>th</sup> – deadline at the Board of Elections for ballot items is August 8<sup>th</sup>.

Council discussed bond issues and preference to an income tax as opposed to a property tax. Council asked the cost of a micro surfacing repair compared to a mill and fill and found a micro surfacing is one third the cost of a mill and fill but a mill and fill would last about four times longer. Council also had concerns that the long term, 20 year spending plan for streets and thoroughfares could be underestimated for the later years of the plan.

Council asked Mr. Carpenter to provide the following information to continue the discussion at the next meeting: what savings there could be with a bid for multi-year contract for streets; check on limitations on how long the city would have to spend bond money; check to see if there would audit problems by having bond money in the bank waiting to do repairs; and check on storm water utility.

**ITEM 7: RECESS:** The Council took a recess at 7:07 p.m.

**ITEM 8: RECONVENE:** The meeting was reconvened at 7:17 p.m.

Thursday, June 21, 2018

**ITEM 9: PLEDGE OF ALLEGIANCE:** Interim Clerk of Council Mary Ann Brane led all those in attendance in the pledge of allegiance.

Deputy Mayor Lommatzsch: Today is our Fire Chief's birthday; she led all those in attendance in singing Happy Birthday to Chief Daniel Stitzel.

**ITEM 10: MINUTES:** No minutes were available to consider.

**ITEM 11: PRESENTATIONS:** Riverside Jaycees  
Mr. John Evans, Chapter President: The Jaycees have a history of being doers and we have a new project in mind. Mrs. Julie Denning is the project Chair and she will present the project to you this evening.

Mrs. Denning: We are going to have a Shredding Event. The event will be for 2 hours from 10 a.m. to Noon on Saturday, July 28<sup>th</sup> at Airway Shopping Center and will be performed by Shred It. Folks will need to provide proof of residency. We have some flyers for you and would ask that you help us get the word out by posting the information on the city's social media. I have a file to send of the flyer that will help with the posting.

Deputy Mayor Lommatzsch: How much does cost. Mrs. Denning: \$250 per hour. Deputy Mayor Lommatzsch: Please talk with the Chamber to see if they will underwrite 2 hours, so we can have a 4 hour event.

Mrs. Denning: We have a favor to ask of the service department and that would be to borrow traffic cones and barriers for the event.

**ITEM 12: ACCEPTANCE OF MAY 2018 CITY FINANCIAL REPORT:** A motion was made by Mr. Denning to accept the report presented by the Financial Department. Ms. Fry seconded the motion. All were in favor; none were opposed. **Motion carried.**

**ITEM 13: ACCEPTANCE OF WRITTEN CITIZENS PETITIONS:** Deputy Mayor Lommatzsch advised citizens to fill out a form if they wished to speak about agenda or non-agenda items.

**ITEM 14: CITY MANAGER'S REPORT:**

- (1) FYI Items
  - a. Council Request Sheets.
  - b. Council Agenda Calendar.
  - c. City Manager's Project and Activities Report.
  - d. Income Tax Scorecard.
  - e. Open PO Report.
- (2) Monthly Verbal Updates
  - a. Fire Department
  - b. Police Department
  - c. Service Department

Thursday, June 21, 2018

Mr. Carpenter: If there is anything in the report for which you need further information, I will be glad to provide that as best I can.

Mr. Fullenkamp: Did we increase the number of police on duty for the St. Helen's Festival? Chief Robinson: The increase was four officers per day which is a lot less than in previous years. St. Helen's hired private security this year and there weren't many issues.

Mr. Carpenter: I heard back from council members and the best day for a retreat is Saturday, July 7<sup>th</sup>. Council discussed the day and time of the retreat and it was decided they would meet at 9:00 a.m. at a location still to be determined. Council instructed the clerk to notify Mayor Flaute of the date and to make sure the agenda of the special meeting is posted as required.

Mr. Carpenter: We've had lots of complaints about fireworks lately. We will enforce the ordinances and post information from the Ohio Revised Code on our social media platforms.

I want to thank Carroll High School for their community service in Shellenbarger Park and the work they did at the Eintracht.

Lastly, Brandon McClain from the Montgomery County Recorder's Office will be at the July 5<sup>th</sup> meeting to give you a short presentation on two new programs they are implementing.

Deputy Mayor Lommatzsch: The folks at Carroll High School have helped us in the past with community service projects and they did great work at Shellenbarger Park and the Eintracht. Before school starts in the fall we should ask them to a meeting to formally recognize those students and the organization.

Mr. Fullenkamp: I have a request. Instead of the financial documents from the financial software; I would prefer to see those in an Excel spreadsheet. Will you check to see if those can be converted?

Fire Department Update – Chief Stitzel: the city's new medic is now in service; applications for our full time position has closed and we have 9 candidates for that position; we have 1 part time application on file and there is not much interest in part time; we are using new EMS software; hydrant flushing will be completed in another week; we sold Engine 5 and will use the proceeds from that to purchase a new command vehicle; and we are considering hard billing non-residents for EMS services but will have to hire an outside company to do that which will require a resolution from council.

Police Department Update – Chief Robinson: Officer Smith has completed training; Officer Brewer has become a Certified Instructor giving us four on staff; Officers Stanford and Decker did a demo/training at Stevenson School – a school shooting training that was traumatic in that we did shoot blanks so the students would know what the sound is like; we had an arrest following an accident and the vehicle had marijuana and THC that looked like gummy bears; we've been working on the computer breach and we know that the data has never left the city, the data is encrypted with ransomware and we can't get to it but we do believe we've closed the gaps; there have been over 100 overdoses in Montgomery County – we've had 5 Narcan uses with 1 fatality in June and 5 fatalities for 2018; we are still battling heroin and meth, here and all over the nation, and those drugs lead to other crimes and trouble for the police.

Thursday, June 21, 2018

Mr. Fullenkamp: There is a home on Byesville that has had 2 or 3 overdoses; have we considered nuisance abatement? Chief Robinson: I believe that has been boarded up by nuisance abatement previously.

Ms. Fry asked a question regarding domestic violence statistics. Ms. Futrell, Riverside's Victim Advocate was at the meeting and able to provide the answer.

Service Department Update – Mr. Keaton: we are in the second phase of our interview process to fill the position opened by the retirement of Mr. Joyce – there is a practical skills test as well as a test on how a person deals with an angry resident; the Community Park fence has been hit again; Union Schoolhouse Road is complete; received a call from ODOT and the City of Dayton regarding some repairs they are doing to Old Troy Pike and we will be getting about \$10,000 of free work in the area of that city limit line; micro surfacing starts next week with American Pavements as our contractor; the crew is working the list and we are at about 80% staff with vacation season coming up; kudos to Lori Minnich on the project with Carroll High School at Shellenbarger; we will be getting out the Dura-Patcher soon; and we have swept all the streets in the city once, picking up 70,000 pounds of loose material.

Deputy Mayor Lommatzsch: Please fix the blinking light in the council chambers.

Mr. Fullenkamp: Do we have a plan for Airway? Mr. Carpenter: yes but we have no money. I would like to move it to next year and hope to get funding. We are looking for grants. We need to get the total cost and come to council to dip into the reserves; it's about \$500,000 to do Airway or \$177,000 to patch it. Mr. Keaton added there are other areas of major concern and our materials line item is nearly depleted.

**ITEM 15: PUBLIC COMMENT ON AGENDA ITEMS:** There were no public comments on agenda items.

**ITEM 16: NEW BUSINESS**

**A. RESOLUTIONS**

- I) **Resolution No. 18-R-2383 declaring the necessity of assessing numerous streets between certain termini in the City of Riverside, Ohio for various types of street lighting for one year, beginning January 1, 2019.**

A motion was made by Mr. Denning to approve Resolution No. 18-R-2383. Mr. Fullenkamp seconded the motion. On call of the roll: Mr. Denning, yes; Mr. Fullenkamp, yes; Ms. Campbell, yes; Mr. Curp, yes; Ms. Fry, yes; and Deputy Mayor Lommatzsch, yes. **Motion carried.**

- II) **Resolution No. 18-R-2376 Declaring certain property owned by the City to be surplus and no longer needed for City purposes and authorizing its disposition.**

Thursday, June 21, 2018

A motion was made by Mr. Denning to approve Resolution No. 18-R-2376. Mr. Fullenkamp seconded the motion. All were in favor; none were opposed.  
**Motion carried.**

- III) **Resolution No. 18-R-2377 declaring medic 105 to be surplus and no longer needed for City purposes and authorizing its sale by sealed bid, broker, direct sale to a public safety entity, or auction.**

A motion was made by Mr. Denning to approve Resolution No. 18-R-2377. Ms. Campbell seconded the motion. All were in favor; none were opposed.  
**Motion carried.**

- IV) **Resolution No. 18-R-2378 authorizing the City Manager to submit a grant application for funding under the Victims of Crime Act and authorizing the expenditure of matching funds.**

A motion was made by Mr. Denning to approve Resolution No. 18-R-2378. Ms. Campbell seconded the motion. All were in favor; none were opposed.  
**Motion carried.**

- V) **Resolution No. 18-R-2379 setting forth reappointment of Wesley Livesay to Health and Safety Commission for a three year term beginning August 3, 2018 through August 2, 2021.**

A motion was made by Mr. Denning to approve Resolution No. 18-R-2379. Ms. Campbell seconded the motion. All were in favor; none were opposed.  
**Motion carried.**

- VI) **Resolution No. 18-R-2380 setting forth reappointment of Mary Kay Walters to Health and Safety Commission for a three year term beginning August 3, 2018 through August 2, 2021.**

A motion was made by Mr. Denning to approve Resolution No. 18-R-2380. Ms. Campbell seconded the motion. All were in favor; none were opposed.  
**Motion carried.**

- VII) **Resolution No. 18-R-2381 authorizing the release of excess escrow funds related to the Brantwood Subdivision Project.**

A motion was made by Mr. Denning to approve Resolution No. 18-R-2381. Ms. Campbell seconded the motion. All were in favor; none were opposed.  
**Motion carried.**

**ITEM 17: PUBLIC COMMENT ON NON-AGENDA ITEMS:** Ms. Jan Pitzer of Wake Forest Road: I have three items this evening. Who is responsible for the content of the City Website and Facebook pages? There was no mention on the website or Facebook of the Premier Mobile Mammogram service that was in the city's parking lot for a day. Mr. Carpenter: I am not aware of who organized that event and it was not on our city property; it was in the parking lot of a building we do not own.

Thursday, June 21, 2018

Ms. Pitzer: There is a swimming pool at the corner of Bayside and Spinning Road that is of the depth that the City Codified Ordinances say must be enclosed. It is not enclosed and it is a safety issue. I have complained previously and nothing has been done.

Ms. Pitzer: In regards to St. Helens, why didn't the City put up No Parking Signs as they have done in the past? People were parked on both sides of the street, blocking driveways, and creating an unsafe situation should an emergency vehicle need to get through. Chief Robinson: We only received one complaint about the parking. Mr. Carpenter: I made the decision to not put out the signs this year; it takes our Service Department an entire day to put those signs out, another entire day to take them down and our resources are limited. I also received some thank you calls for not putting the signs out. We focused on the intersections but monitored the situation to make sure we could get through for emergencies.

Mr. Denning: Perhaps in the future, St. Helen's volunteers can put the signs out since it is their event.

Deputy Mayor Lommatzsch: My biggest concern is that a child will run out into the street and get hit by a car; some of the rides are very close to the road. We should try to partner with them; it is a big event and they may have outgrown their space so maybe it should be moved to a different, more accommodating location.

Mr. Carpenter: I did talk to the organizers of the event regarding noise but they did not turn it down enough. Ms. Pitzer: The bands played until midnight and it was noisy.

Mr. Frank Smith of Byesville Blvd: I spoke to the former clerk quite a while back and asked for the paperwork that showed Salmons Trucking reimbursed the city for spraying down their lot. I haven't gotten anything regarding my public records request. I also want to report that one of Mr. Salmon's truck drove through the plat last evening. Regarding the overdose house on Byesville, it has been shut down before.

**ITEM 18: COUNCILMEMBER COMMENTS:** Mr. Fullenkamp: We received a letter from the Montgomery Co. Water Service regarding PFAs in our water being at safe levels and there was also an article in the June 14<sup>th</sup> newspaper where State and Local leaders said the water is okay to drink. Safe levels of these chemicals have been redefined and there is a national report being withheld from the public by top government officials. I encourage everyone to contact our congressmen and senators to urge them to release the report. Ms. Fry: Mike Turner worked on that and the report was released today. Mr. Fullenkamp: The increase in chemicals is due to fire suppressing foam used in training at WPAFB and the base is not addressing the problem. It will eventually come back to the local governments to fix.

Mr. Fullenkamp: I also want to mention that Coco, the ape, died this week. Coco was the ape who learned sign language and could communicate with over 1,000 signs. Her most used sign was "I love you". If you have a chance to get on your computer and watch some of her videos it is very interesting. She taught us that animals are more than just that. Coco was 45 years old.

Deputy Mayor Lommatzsch: I work with the Miami Valley Military Affairs Association and the base is addressing the water issue vigorously. They have

Thursday, June 21, 2018

closed down wells but we should all be aware it didn't occur overnight and it's not going to get clean overnight.

Mr. Curp displayed a pair of little pink sneakers and said: We have a serious immigration issue in our country. Over 2,300 children have been separated from their parents; 2,300 just since May. That is the size of Jamestown. (He named several more surrounding cities and jurisdictions with similar populations.) A number of the children sheltered have been described as "tender age" children or children who would fit in the shoes display. News media have tried to access the shelters and access has been denied; however a VIP traveled to the area today and gained access right away. There is testimony that 1,500 children cannot be found. It is incumbent upon all of us, regardless of your politics, to contact our federal officials to find a way to reunite these children with their parents. What often happens is the parents get heard before a judge before the children do and then the parents get deported. We need to reunite these families.

Deputy Mayor Lommatzsch: Stated eloquently as always Mr. Curp.

Ms. Campbell: I agree with Mr. Curp. Who cages kids?

**ITEM 19: EXECUTIVE SESSION:** A motion was made Mr. Denning to enter into executive session for the discussion of Wright Point leases which is allowed by law per the Codified Ordinances *Section 103.01 (d) (7) – To receive and consider from an applicant for a permit, license, variance, zoning change or other similar privilege granted by the City, the following information confidentially received from the applicant: (C) Production techniques and trade secrets.* Ms. Campbell seconded the motion. On call of the roll: Mr. Denning, yes; Ms. Campbell, yes; Mr. Curp, yes; Ms. Fry, yes; Mr. Fullenkamp, yes; and Deputy Mayor Lommatzsch, yes. Council entered into executive session at 8:45 p.m.

**ITEM 20: RECONVENE:** The Council came out of executive session at 9:50 p.m. and the meeting was reconvened to consider Resolution No. 18-R-2382.

**Resolution No. 18-R-2382 authorizing the City Manager to enter into a lease agreement with Tenet 3.**

A motion was made by Mr. Denning to approve Resolution No. 18-R-2382. Ms. Campbell seconded the motion. All were in favor; none were opposed.  
**Motion carried.**

**ITEM 21: ADJOURNMENT:** A motion was made by Mr. Denning to adjourn. Mr. Fullenkamp seconded the motion. All were in favor; none were opposed. The meeting was adjourned at 9:55 p.m.

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William R. Flaute, Mayor

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Clerk of Council

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

**MEETING DATE:** July 5, 2018

**AGENDA ITEM NO(S):** 11A

**AGENDA ITEM CAPTION:** Public Hearing for Ordinance 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.

**ADMINISTRATIVE COMMENTS:** Notice of Public Hearing published in the Dayton Daily News on June 23, 2018. The ordinance will be presented for a 1<sup>st</sup> reading during the legislation portion of the meeting.

**STAFF RECOMMENDATION:** None.

**EXHIBITS:** Legal Notice and excerpt from the Planning Commission minutes

**SUBMITTED BY:** Mary Ann Brane, Interim Clerk of Council

**APPROVED FOR COUNCIL CONSIDERATION:** Mark Carpenter, City Manager

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ACTION TAKEN

MOTION:

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MADE BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_

FOR: \_\_\_\_\_

AGAINST: \_\_\_\_\_

APPROVED ( )

DENIED ( )

TABLED ( )

OTHER (EXPLAIN):

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COMMENTS/STAFF FOLLOW UP:

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***City of Riverside  
Planning Commission Meeting***

***June 18, 2018***

***Members Present:*** Julie Denning  
Rick Kaufhold  
Tony Rodgers  
Harold Vasquez

***Members Absent:*** David Owens

***Others Present:*** Brock Taylor, Planning & Project Management  
Mary Ann Brane, Interim Clerk of Council

**ITEM I: CALL TO ORDER:** Chairman Denning called the City of Riverside Planning Commission meeting to order at 6:43 p.m.

**ITEM II: ROLL CALL:** Mrs. Denning, present; Mr. Kaufhold, present; Mr. Owens, absent; Mr. Rodgers, present; and Mr. Vasquez, present.

**ITEM III: APPROVAL OF MEETING MINUTES:** There were no minutes available to approve.

**ITEM IV: CASES: Case# PC 18-0002: 2100 Brandt Pike Zoning Map**

**a. Public Hearing – Case# PC 18-0002**

Mr. Taylor gave a review of PC 18-0002: Applicant Satnam Singh, 2100 Brandt Pike, Riverside, Ohio, 45404; Parcel IDs I39-00610-0015 and I39-00610-0016; current zoning of B-1 (neighborhood business); current use is vacant. Mr. Singh is requesting a zoning map amendment to rezone the parcels to R-3 (Medium-Density, Single-Family Residential). Surrounding districts are B-1 to the north and south; R-1 to the west; R-3 to the east; and the majority of Brandt Pike is residential. The case was heard on April 16, 2018 and is being referred back to the commission due to an irregularity in the Dayton Daily News notice. The public hearing notice was published on April 13, 2018 but our code requires a 7 day notice.

Mr. Taylor: There were two issues pointed out by council. First, the minimum lot width for an R-3 district is 60 feet and these lots are currently 50 feet wide. Most the residential lots are nonconforming in that area. As I explained to council, those considerations of how a development is going to happen are typically not reviewed in a rezoning case because we are

talking about a land use and not what a particular project is. So the standards of approval are what we want to pay attention to. If this were to go through and a development project were to come up; there are many ways that could be done and it's up to the applicant. They could ask for a variance as an option; they could split or combine the lots; grant easement from the property to the south which the applicant also owns; there are multiple ways we can help them.

The other issue was about safety. They provided us a potential development that could go there with the two driveways and council's concern was cars backing onto Brandt Pike; that could be dangerous. Again, you think about land use and how land uses affect areas. You think about intensity and residential is less intensive than any commercial use. By changing the zoning to residential you are automatically making it less intense which means you are making it safer.

Again, there are a lot of ways to tackle this at the development phase; at the land use phase, thinking and talking about those are okay but they shouldn't weigh heavily in your decision, in my opinion.

Mr. Rodgers: We are having a public hearing, correct? Mr. Taylor: Yes. Mr. Rodgers: I would be interested in hearing from them. Is this the first they are hearing about this? Mr. Taylor: They were both at the council meeting and spoke at the public meeting there. I've been in touch with Mr. Tobias quite frequently over the last few weeks to talk about this and a couple other things we are working on. They are well aware of what's happened here and they are well aware of the development issues.

Chairman Denning opened the public hearing at 6:51 p.m.

Mr. Tom Tobias of 2040 Brandt Pike took the oath to give sworn testimony. Mr. Tobias: That last group we were in front of went off on tangents; they talked about ingress and egress and all kinds of stuff. We are here just to convert from commercial to residential. Once we do that and we have development plans – that's the time to correct it. If we have to look at the options Mr. Taylor talked about that would be the next step. I think they lost focus on what was going on.

Chairman Denning: So you are abreast of the fact that the lots themselves don't meet our current UDO and would require some modification on some of the things you presented. Mr. Tobias: Sure, we knew that. We put a few things on the lots just as examples and we probably shouldn't have done that. Sometimes too much information is as bad as not enough. We were just showing them what can be done with the properties.

Chairman Denning asked if anyone else wished to speak. Seeing none, the public hearing was closed at 6:54 p.m.

Mr. Rodgers: Regarding a decision by the planning commission on this matter, if the council wants to counter that does it require a super majority? Mr. Taylor: No; issues like this are recommendations to the city council and they have the final say by a majority vote.

Chairman Denning: I did receive some communication from council about their concerns, which if as planning commission, it is our job to strictly just look at the usage as far as rezoning, most

of the concerns have to do with things in the planning stages of the building – ingress, egress, added traffic, 50 foot lots, all those things that can be addressed when they go to plan. I wanted it to be noted that I brought up those concerns but my understanding is we are only looking at whether or not we want to see it go from business to residential. All the other stuff will come later.

Mr. Rodgers: Do you believe some of the statements made by the applicant tonight would go towards resolving this. Chairman Denning: I believe so; my concerns were that the designs submitted were what they were going to do. I also want to apologize to the applicants that they had to go through this a second time due to the mailings not getting out in a timely manner or our newspaper notice not getting out. I know you've heard apologies and this is only worth my breath but I feel really bad about that. We do have some things we are going to put in place tonight that will hopefully solve that problem so it won't happen again. I think most of this can be addressed in the planning phase and I wanted to hear that what they want is to be able to put some sort of residential dwelling there whether it means later modifying the lot or changing the designs up, whatever it takes to be able to put something there. I'm satisfied with that.

On a motion by Mr. Kaufhold, seconded by Mr. Rodgers, it was moved to approve the proposed zoning district change from B-1 to R-3. On call of the roll: Mr. Kaufhold, yes; Mr. Rodgers, yes; Chairman Denning, yes; and Mr. Vasquez, yes. **Motion carried.**

**ITEM V: OLD BUSINESS:**

**a. Live-Work Space Ordinance Draft**

Mr. Taylor: This is one I've been working with Mr. Tobias on; he's very interested and he brought this to my attention about one year ago. It's about live/work spaces; how they can be used and how they can be potentially beneficial to the city. I found some different ordinances and have put together what I think is a pretty good ordinance for us. I've divided this into two different kinds of sections: one for residential allowing a commercial use and one for a business use allowing a residential. The major difference between the two is in the residential, there's a tool I put in so that if there are complaints or an issue we can revoke the commercial use from the residential area. I didn't put that process in the business because it is a more intensive use.

I circulated this through staff and some residents and if we go down on the first page to section (A) (b)(v) where it says *no more than three employees* two suggestions were maybe not limit that to a number but limit it to a square footage of space. I don't know what that would look like but I think that's a potential option. The other option would be limiting it to parking space.

This is different than what I've seen anywhere else. I think it's very progressive and forward thinking. The subsequent pages are just how they would look in the code and if you are looking at districts, it's under conditional use, which I think is another ingenious caveat so planning commission gets to review this no matter what if this comes into play. That's another place we could take care of employees; we could put *a number to be determined by planning commission* and that's something subjective you could look at.

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## M E M O R A N D U M

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Date: July 5, 2018  
To: Mayor, City Council & Department Heads  
From: Mark Carpenter, City Manager  
Re: City Manager's Report

The City Manager's report includes the following items:

- (1) FYI
  - a. Council Request Sheets
  - b. Council Agenda Calendar
  - c. City Manager's Project and Activities Report
- (2) Monthly Verbal Updates
  - a. Finance Department
  - b. Economic Development Department
  - c. Administration Department
  - d. Planning and Program Management Department

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

# COUNCIL REQUESTS

REQUESTED ITEM		DATE OF REQUEST	DUE DATE	STAFF ASSIGNED	ESTIMATED COMPLETION DATE	REQUESTED BY:
1	Research Public Records Kiosk	8/4/2016		M. Carpenter	Collecting Data - August 2017	Mr. Curp
2	Calendar with grant application due dates	8/18/2016		C. Lohr	In process Summer 2017	Mr. Fullenkamp
3	Personnel File of Major Sturgeon / Interview Scoring	4/6/2017	5/3/2018	C. Lohr / B. Arnold	In process 3/23/18	Mr. Fullenkamp
4	Final Research Paper for UD Study	4/27/2017		B. Taylor		Mr. Fullenkamp
5	All Narrative Comments made during UD Study	4/27/2017		B. Taylor		Mr. Fullenkamp
6	Analysis of UD Survey Responses by Region	4/27/2017		B. Taylor		Mr. Fullenkamp
7	What does "a vehicle's common industrial cargo weight classification rating exceeds that of one (1) ton" mean and what is the source of that defining language from 1117.03 Definitions?	4/30/2018	ASAP	B. Taylor		Mr. Fullenkamp
8	Requirements, Process and Procedure for Non-Conforming Certificates/Certificates of Zoning Compliance	5/3/2018	5/17/2018	B. Taylor		Mr. Fullenkamp
9	List of Sidewalk Code Violations	5/17/2018	5/25/2018	B. Taylor		Mr. Curp
10	List of Projects/Programs that will not be accomplished as a result of the funds transferred from the budgeted Architect's Fees to pay for Zoning Software	5/17/2018	5/25/2018	M. Carpenter		Mr. Curp
11	Fix blinking light in Council Chambers	6/21/2018				Deputy Mayor Lommatzsch
12	Ck into providing financial reports in Excel format	6/21/2018				Mr. Fullenkamp
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<p style="text-align: center;"><b>June 21, 2018</b></p> <ol style="list-style-type: none"> <li>1. Work Session: 2019 Budget (Per Council)</li> <li>2. Monthly Financial Report</li> <li>3. Monthly Update: Police, Fire and Service</li> <li>4. Resolution: Necessity for Street Lighting (2017)</li> <li>5. Resolutions: surplus</li> <li>6. Resolution: VOCA grant</li> <li>7. Resolutions: Health &amp; Safety appts.</li> <li>8. Resolution: release of escrow</li> <li>9. Resolution: lease agreement Tenet 3</li> </ol>	<p style="text-align: center;"><b>July 5, 2018</b></p> <ol style="list-style-type: none"> <li>1. Work Session: Mont. Co. Recorder's Presentation</li> <li>2. Work Session: Budget Discussion</li> <li>3. Monthly Update: Finance, Economic Development, Administration, and Planning and Program Management</li> <li>4. Public Hearing: Map Amendment</li> <li>5. Ordinance: Map Amendment (1<sup>st</sup> Reading)</li> <li>6. Resolution: Preliminary Legislation for ODOT project</li> </ol> <hr/> <p style="text-align: center;"><b>July 7, 2018</b></p> <p><b>Council Retreat</b> – Ronald McDonald House 10:00 a.m.</p>
<p style="text-align: center;"><b>July 19, 2018</b></p> <ol style="list-style-type: none"> <li>1. Work Session: TBD</li> <li>2. Monthly Financial Report</li> <li>3. Monthly Update: Police, Fire and Service</li> <li>4. Ordinance: Street Lighting Assessment (1<sup>st</sup> Reading)</li> <li>5. Ordinance: Supplemental Appropriation</li> <li>6. Resolution: National Night Out Donation (2017)</li> <li>7. Resolution: 2019 Salt Purchase</li> </ol>	<p style="text-align: center;"><b>August 2, 2018</b></p> <ol style="list-style-type: none"> <li>1. Work Session: TBD</li> <li>2. Monthly Update: Finance, Economic Development, Administration, and Planning and Program Management</li> <li>3. Ordinance: Street Lighting Assessment (2<sup>nd</sup> Reading)</li> </ol>

<p style="text-align: center;"><b>August 16, 2018</b></p> <ol style="list-style-type: none"> <li>1. Work Session: TBD</li> <li>2. Monthly Financial Report</li> <li>3. Monthly Update: Police, Fire and Service</li> <li>4. Ordinance/Public Hearing: Street Lighting Assessment (2<sup>nd</sup> Reading)</li> <li>5. Resolution: Road Salt</li> <li>6. Resolution: Grass Mowing Assessments</li> <li>7. Resolution: OPWC Grant</li> </ol>	<p style="text-align: center;"><b>September 6, 2018</b></p> <ol style="list-style-type: none"> <li>1. Work Session: TBD</li> <li>2. Proclamation – Prostate Cancer Awareness Month / Constitution Week</li> <li>3. Monthly Update: Finance, Economic Development, Administration, and Planning and Program Management</li> </ol>
<p style="text-align: center;"><b>September 20, 2018</b></p> <ol style="list-style-type: none"> <li>1. Work Session: TBD</li> <li>2. Monthly Financial Report</li> <li>3. Monthly Update: Police, Fire and Service</li> </ol>	<p style="text-align: center;"><b>October 4, 2018</b></p> <ol style="list-style-type: none"> <li>1. Work Session: TBD</li> <li>2. Monthly Update: Finance, Economic Development, Administration, and Planning and Program Management</li> <li>3. Resolution: Child Abuse Awareness Donation</li> <li>4. Resolution: Accepting Amounts &amp; Rates for Tax Year 2019</li> <li>5. Resolution: TIP Grant Application</li> </ol>
<p style="text-align: center;"><b>October 18, 2018</b></p> <ol style="list-style-type: none"> <li>1. Work Session: TBD</li> <li>2. Monthly Financial Report</li> <li>3. Monthly Update: Police, Fire and Service</li> <li>4. Ordinance: 2017 Trash Assessments</li> <li>5. Resolution: TIP Grant Application</li> <li>6. Resolution: Donation to Hometown Holiday</li> </ol>	<p style="text-align: center;"><b>November 1, 2018</b></p> <ol style="list-style-type: none"> <li>1. Work Session: TBD</li> <li>2. Monthly Update: Finance, Economic Development, Administration &amp; Planning and Program Management</li> <li>3. Proclamation: Wright-Patterson Air Force Male Chorus Day</li> <li>4. Ordinance: Trash Assessments (2<sup>nd</sup> Reading)</li> <li>5. Ordinance: Codification of Ordinances (Emergency)</li> <li>6. Resolution: 2017 Bus Shelter Project</li> </ol>

<p style="text-align: center;"><b>November 15, 2018</b></p> <ol style="list-style-type: none"> <li>1. Work Session: TBD</li> <li>2. Monthly Financial Report</li> <li>3. Monthly Update: Police, Fire, &amp; Service</li> <li>4. Resolution: Advance Payment of Taxes</li> <li>5. Resolution: BAN Renewal</li> </ol>	<p style="text-align: center;"><b>December 6, 2018</b></p> <ol style="list-style-type: none"> <li>1. Work Session: TBD</li> <li>2. Monthly Update: Finance, Economic Development, Administration, and Planning and Program Management</li> <li>3. Resolution: Lion’s Club Donation – Project Share</li> </ol>
<p style="text-align: center;"><b>December 20, 2018</b></p> <ol style="list-style-type: none"> <li>1. Work Session: TBD</li> <li>2. Monthly Update: Police, Fire and Service</li> <li>3. Monthly Financial Report</li> <li>4. Ordinance: Permanent Appropriation</li> </ol>	<p style="text-align: center;"><b>December 27, 2018 – Special Meeting Final Supplemental Appropriation</b></p>
	<p style="text-align: center;"><b>NOTES FOR FUTURE</b></p> <p><b>January 14<sup>th</sup> – Cpl. Dixon / PFC Ullmer Recognition</b></p> <p><b>Council Appt. to Investment Review Board – Jan 2020</b></p> <p><b>Charter Review Commission – January 2019</b></p> <p><b>Auditor of State – December 2018</b></p> <p><b>Dispatch Contract Renewal – July 2021</b></p> <p><b>Bank Agreement for deposit of public funds – August 2022</b></p> <p><b>Public Records Training – July 2018</b></p>

# MEMORANDUM

**TO:** Riverside City Council

**FROM:** *Mark Carpenter*  
City Manager

**DATE:** July 5, 2018

**SUBJECT:** Bi-Monthly Projects & Activities Report

**CC:** City Department Heads

## PERSONNEL & HUMAN RESOURCES:

**Firefighter/Paramedic:** Interviews are being scheduled

**Public Service Director:** The position is posted and receiving applications.

**Zoning Administrator:** Mr. Jeff Green accepted our offer to become our Zoning Administrator

**Code Enforcement Officer:** Mr. Robert Gibbs was hired as our Code Enforcement Officer with his first day being June 28, 2018.

## PUBLIC SERVICES AND GENERAL CONSTRUCTION:

**RT 35 Crack Seal:** Bid Opening July 3, Scheduled for July 19 Council Agenda

**Micro Surfacing:** The project is expected to be completed on July 2, 2018

**2018/19 Salt Bid:** The lowest bid was once again the Detroit Salt Company. However, the quote was for \$69.87 per ton which is \$21.70 higher than last year's bid of \$48.17 per ton. We have estimated the need for 1,200 tons above what we currently have in storage.

## PUBLIC SAFETY:

### **Police Service Information:**

The following represents the activity of the Riverside Police Department for the month of May 2018:

Patrol Officers made 358 traffic stops, issued 286 tickets, and took 54 state crash reports (This number may not be accurate due to network issues.)

The Victim Advocate received 22 new reports for domestic violence and other misdemeanor crimes. She provided 43 individuals court support. Conducted 2 Domestic Violence Officer Trainings and attended the Bike Rodeo.

The Detective section investigated 32 new felony crimes and assigned for follow-up or investigation. This includes: 16 breaking and entering/Robberies/Thefts, 3 frauds, 2 felony crime of violence and 3 sex offenses/rape.

	Overtime		Dispatches	
	<b>2017</b>	<b>2018</b>	<b>2017</b>	<b>2018</b>
January	109.75	151.75	1779	2323
February	145.25	197.25	1474	2257
March	259.75	160.75	1898	2398
April	164.25	117.25	1911	2264
May	201.75	169.25	2031	

**Fire/EMS Service Information:**

**Department Activities**

- Working with Reach Out Montgomery County on RTA Paratransit program integration
- Planning the switch over to the new emergency reporting software
- Engine 105 was purchased by a department from South Carolina

**Capital Project update:**

- New Medic is in service

**ECONOMIC DEVELOPMENT:**

Preparing the first Riverside One Page E-Newsletter for distribution. We currently have 202 email addresses for our distribution list.

**Wright Point Improvements:**

Parking Lot: Construction completed

**Business Outreach**

We have received a proposal to operate the Rohrer Park Concession stand. We are evaluating the offer to see if it will benefit both parties.

**PLANNING & PROGRAM MANAGEMENT:**

Staff attended a training session regarding small cell tower placement and regulations

St. Mary's Development and Miller Valentine received the tax credits they applied for and will proceed with the Riverworks Apartment project. Staff is requesting a conceptual site plan to share with Council

Community Clean Up day; had approximately 120 vehicles, 15 volunteers, and filled 12 dumpsters.

Working with the Planning Commission on:  
Live/Work space as conditional use  
Small Cell ordinance  
UDO updates for Hospitals/Medical Clinics  
Massage Parlor Ordinance

**GENERAL ADMINISTRATION AND FINANCE:**

**Park Events:** Family Fun Festival is scheduled for July 7, 2018.

**Stormwater:** Staff is scheduling a meeting with the Miami Conservancy District to discuss the history of Lily Creek and City of Riverside stormwater issues.

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

**MEETING DATE:** July 5, 2018

**AGENDA ITEM NO(S):** 15) A) I)

**AGENDA ITEM CAPTION:** 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. *(1<sup>st</sup> Reading.)*

**ADMINISTRATIVE COMMENTS:** Consideration of 1<sup>st</sup> Reading.

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

**FISCAL IMPACT:** N/A

**SOURCE OF FUNDS:** N/A

**EXHIBITS:** Ordinance

**SUBMITTED BY:** Brock Taylor, Planning and Program Director

**APPROVED FOR COUNCIL CONSIDERATION:** Mark Carpenter, City Manager

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ACTION TAKEN

MOTION:

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MADE BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_

FOR: \_\_\_\_\_

AGAINST: \_\_\_\_\_

APPROVED ( )      DENIED ( )      TABLED ( )

OTHER (EXPLAIN):

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COMMENTS/STAFF FOLLOW UP:

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18-O-660

**AN ORDINANCE BY THE COUNCIL OF THE CITY OF RIVERSIDE, OHIO APPROVING A CHANGE IN THE DISTRICT BOUNDARIES AS SHOWN ON THE ZONING MAP OF THE CITY OF RIVERSIDE, OHIO 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.**

WHEREAS, the City of Riverside Planning Commission has recommended and passed P.C. 18-0002 on June 18, 2018, pursuant to Section 1105.07 (B) (1) UDO Text and Official Zoning Map Amendments initiating changes in the Zoning District Map and amending of text to include a change of a B-1 Neighborhood Business to R-3 Medium Density, Single Family Residential; and

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

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

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

Section 1: That the Planning Commission having recommended approval of the rezoning of the within described property; it is the legislative determination and decision of this Council that the recommendation of the Planning Commission be and the same is hereby approved and the rezoning initiated by P.C. 18-0002 is hereby approved and adopted into the district boundaries of the Zoning Map of the City of Riverside, Ohio; and said map is hereby amended and changed to incorporate such change thereon, so that the property located at 2100 Brandt Pike and being further identified as County Auditor's Parcel ID Nos. I39 00610 0015 AND I39 00610 0016 is rezoned from B-1 Neighborhood Business to R-3 Medium Density, Single Family Residential, which resolution, maps, legal description and file date are incorporated herein and made a part hereof by reference thereto.

Section 2: That the Clerk of Council is directed to forward a certified copy of this Ordinance to the Director of Planning and Program Management of the City of Riverside, Ohio, and said official is directed to amend the Official Zoning Map and Amend the text of the U.D.O. of the City of Riverside, Ohio, to reflect the changes enacted by this Ordinance.

Section 3: This Ordinance shall take effect and be in force from and after the earliest date allowed by law.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CLERK

18-O-660

CERTIFICATE OF THE CLERK

I, \_\_\_\_\_, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance No. \_\_\_\_\_ passed by the \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

IN TESTIMONY WHEREOF, witness my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
CLERK

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

**MEETING DATE:** July 5, 2018

**AGENDA ITEM NO(S):** 15) B) I)

**AGENDA ITEM CAPTION:** 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).

**ADMINISTRATIVE COMMENTS:** None

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

**FISCAL IMPACT:** None

**SOURCE OF FUNDS:** N/A

**EXHIBITS:** Resolution and ODOT Map

**SUBMITTED BY:** Mark Carpenter, City Manager

**APPROVED FOR COUNCIL CONSIDERATION:** Mark Carpenter, City Manager

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ACTION TAKEN

MOTION:

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MADE BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_

FOR: \_\_\_\_\_

AGAINST: \_\_\_\_\_

APPROVED ( )

DENIED ( )

TABLED ( )

OTHER (EXPLAIN):

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COMMENTS/STAFF FOLLOW UP:

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6/18/2018

**PRELIMINARY LEGISLATION**

(LPA-ODOT-Let Project Agreement)

(CONSENT)

~~Ordinance/Resolution #~~ : 18-R-2384

PID No. : 108102

County/Route/Section: MOT BH FY20 (B)

The following is a/an Resolution enacted by the City of Riverside of Montgomery  
(Motion/Ordinance/Resolution) (Local Public Agency)  
County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

**SECTION I – Project Description**

WHEREAS, the (LPA/STATE) has determined the need for the described project:

*Patch bridge decks on one bridge on United State Route 35, in the city limits of the City of Riverside.*

NOW THEREFORE, be it ordained by the City of Riverside of Montgomery County, Ohio.  
(LPA)

**SECTION II – Consent Statement**

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

**SECTION III – Cooperation Statement**

The LPA shall cooperate with the Director of Transportation in the development and construction of the above described project and shall enter into a LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

The State shall assume and bear 100% of all of the costs of the improvement.

The LPA agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

**SECTION IV Authority to Sign**

The LPA hereby authorizes the City Manager of said City of Riverside to  
(Signature authority) (LPA-or its division, department or agency)

enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, the City Manager (Signature authority) is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City of Riverside to ODOT arising from any (LPA) agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

**SECTION V – Utilities and Right-of-Way Statement**

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

**SECTION VI – Maintenance**

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

**SECTION VII-Emergency measure**

(as applicable)

The Resolution (Motion/Ordinance/Resolution) is hereby declared to be an emergency measure to expedite the highway project and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 20\_\_\_\_  
(Date)

Attested: \_\_\_\_\_  
(Clerk)

\_\_\_\_\_  
(Contractual Agent of LPA – title)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6/18/2018

**CERTIFICATE OF COPY  
STATE OF OHIO**

City of Riverside of Montgomery County, Ohio  
(LPA)

I, \_\_\_\_\_, as Clerk of the City of Riverside  
(LPA)

of Montgomery County, Ohio, do hereby certify that the foregoing is a true and correct copy of

18-R-2384 adopted by the legislative Authority of the said  
(Motion/Ordinance/Resolution)

City of Riverside on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.  
(LPA)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable,  
this \_\_\_\_\_ day of \_\_\_\_\_ 2\_\_\_\_\_.

**SEAL**

\_\_\_\_\_  
(Clerk)

City of Riverside of Montgomery County, Ohio  
(LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.)



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**TIMS**  
 TRANSPORTATION  
 INFORMATION  
 MAPPING SYSTEM

Date: 6/14/2018