

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

PLEDGE OF ALLEGIANCE: Deputy Mayor Maxfield led the pledge of allegiance.

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

Staff present were as follows: Josh Rauch, City Manager; Frank Robinson, Police Chief; Mark Miller, Fire Chief; Nia Holt, Community Development Director; Jim Miller, Legal Counsel; and Katie Lewallen, Clerk of Council.

EXCUSE ABSENT MEMBERS: Mr. Denning moved, seconded by Mr. Joseph, to excuse Mayor Williams. All were in favor. **Motion carried.**

ADDITIONS OR CORRECTIONS TO THE AGENDA: No changes were made.

APPROVAL OF AGENDA: Mr. Joseph moved, seconded by Ms. Lommatzsch, to approve the agenda. All were in favor. **Motion carried.**

MONTHLY UPDATE

I) Police Department – Chief Robinson stated that there will be a revised surplus resolution coming to them next month. He shared information from the Ohio Revised Code (ORC), Section 3780.36 and 3780.99 regarding what the police department can do with regard to marijuana. He stated that Major Jackson was put in charge of planning during the eclipse. Sgt. Crigler and she did an excellent job with personnel planning and traffic control. He thanked the officers who came in on their off time to assist with the event. He thanked the service department as they did all the heavy lifting; they did a lot of work beforehand, during, and after. They did the most work. He appreciated them very much. He added that during the event there were 22 calls for service, and zero accidents that day. It was a team effort with every department. He stated Mr. Brown had an incident with his little library on his residence, and the police are still investigating it. He asked people to turn in any tips to the police department regarding the theft.

II) Fire Department – Chief Miller stated the lieutenants sworn in last month are all on the road and currently assigned to Station No. 6. This is the first time in a long time they have had that front end leadership at that fire house. He has received a number of accolades from the battalion chiefs on the additional accountability and consistency

among the shifts daily operations. He added they submitted for the SAFER Grant for full-time staffing and with the city manager's approval they went after six full-time positions, which are fully funded 100 percent for three years. After that they will be in a position to where they can encumber those funds, annually, as they continue to grow. He stated that most of the planning for the eclipse had to do with upstaffing. He explained how they divided the city into a north and south district, staffing each station evenly. During that time, they did 37 details. They only provided mutual aid twice as the cities of Dayton, Huber Heights, and Fairborn were all upstaffed as well. It was a three-and-a-half month planning process for the event. He added that the service department did a lot of work for them. This was a really good plan and a good practice run for future events.

III) Service Department – Mr. Rauch stated the kudos given by the police and fire departments on the service department were well deserved. The city receives a high level of service from the staff of the service department, in particular, Kevin Miller, who has been working a lot while they fill the director position. He thanked Mr. Miller, Ms. Rachelson, and the crews for doing the preliminary work with snow fencing can pylons. They kept an eye on the parks over the weekend and then cleaned everything up afterwards. They have a high level of service and dedication to the community. He thanked the police and fire departments and their staff for all the work they put into this. They prepared for the worst case scenario, and the overall smoothness of the day is evidence to the level of preparation staff put into it. In addition, the community deserves credit. Traffic was a lot lighter while he and Ms. Lewallen drove around and took photos to document the event. It was not a typical day. He thanked the community for making the space for visitors to come to Riverside and enjoy the event. There were no major incidents and that is what all the hard work went in to. Everyone did a tremendous job.

Mr. Denning stated that they planned their work and worked their plan spectacularly. Secondly, it is better to have it and not need it than to need it and not have it. He thinks everyone did an impressive job. There may have been some not so great comments on Facebook as to why they even bothered; he stated they bothered so they didn't have issues or problems and were able to work well with others.

Ms. Lommatzsch thanked Ms. Lewallen for keeping the community well informed before and during the eclipse with places to go and not to go. The maps and information helped people. The information was repeatedly put out there. It was a team effort.

WORK SESSION ITEMS

I) Community Improvement Corporation – Mr. Steve McHugh, legal counsel, stated legislation will soon be brought to council on a CIC; he added that the city has had a CIC in existence and has been dormant. In order to get the CIC operational, there has been a change a law, so they will need a few things from council. The articles of incorporation will need to be amended and updated. Council will act on this first then the CIC trustees will

operate on that. The same thing will need to occur with the code of regulations, the operating instrument of the CIC. By law they have to have in its membership the mayor, city manager, community development director, finance director or designee, and a representative of the planning commission. Council will have to approve that in order to create the board. There was a different board make up in the past. The manager has suggested that it be a heavily weighted city board since it will be managing city business. If circumstance change in the future, this can be changed. Once council approves this and the CIC is running, then those individuals will approve the code of regulations and become officers of the corporation. It is a corporation under Chapter 17 of the ORC; this is under 1724 that deals with community improvement corporations for counties. This is the way it is set up. The next thing they will have to do is appoint the board of trustees as set forth in the code. The trustees then will adopt a conflict of interest that they all have to agree to not get into situations that have conflicts. This is a requirement. He added that the state auditor came out with a requirement two years ago that CICs need to have their own public records policy and regulations. Traditionally, a CIC would follow the city's policy, as it was an agency of the city for economic purposes. They now need to have their own. He stated that they will then need to apply for a Tax ID and submit that to their paralegal who can do the tax filing. The last thing he recommends is if they form a CIC they should qualify it as a 501(c)(3) corporation. This is an extensive process because of the IRS regulations and requirements. It gives the CIC the benefit if someone wants to donate land to the CIC, they can take the tax claim on it and the CIC gets it as at a zero price. It gives the CIC the ability to operate and redevelop properties quite easily. They encourage property owners who have property they no longer want or can't sell, they can donate. In order to do that, they really need to be a tax-exempt organization. In his opinion, it is worth doing that.

Ms. Lommatzsch stated it works independently of council. Mr. McHugh confirmed this. He added that it can work with and negotiate in situations where council really cannot. He discussed other CICs acquiring tax distressed properties and how they can work with a list of contractors and be successful in selling both residential and commercial properties. The CIC can do a number of things that can help a community. He discussed how CICs can give loans with lower interest rates that end up creating businesses and employment in the community. The city isn't structured to take those obligations on where a CIC can.

Ms. Fry asked if selling the properties is the end goal for CICs or is there the ability to operate businesses. Mr. McHugh stated that CICs can buy property, sell property, rent property, operate property, and manage property. This is what makes them attractive as an economic development tool. They are a tool; they do not supersede the city staff or manager. They have abilities to do things that are attractive in a community. He stated that CICs can take a piece of city surplus property. Once transferred from the city to the CIC, the CIC can market it and get a profit to the city. It provides the ability to leave some of the money with the CIC to help the fund balance increase like a corporation does.

Discussion was held on the composition of the trustees. Mr. McHugh explained that the code or regulations or by-laws are the operating instructions and who are the directors, trustees, officers, chair, how to call a meeting, etc. Mr. Joseph stated once they have all their paperwork in order the CIC will have everything they need to file their 1023 to become a non-profit; that should be a pretty quick process. He added it takes between 6 – 9 months to get their non-profit status. He asked if it is an S-Corp or C-Corp or how it is structured. Mr. McHugh stated it is a non-profit corporation; it is its own creation under the ORC. Further discussion was held on filing with the IRS. Mr. Rauch added the CIC is audited by the state as they are separate from the city. Mr. Joseph asked how the CIC is funded. Mr. Rauch stated there are a variety of things that can be done to capitalize this. They do not have to have the question answered before they start. It can be anything from council appropriating money to the CIC to a transfer of property. Mr. McHugh stated the CIC will need some working capital. The goal is for the CIC to be successful and effectively be profitable as that is doing a good economic job for the city.

Mr. Joseph asked if the CIC has damages or a financial situation that would render the CIC bankrupt, who would be at fault. Mr. McHugh stated that it is separate, but it is connected to the city. In terms of liability, the CIC can borrow money, or their deals are separate unless the city is involved in the transaction. That is the benefit; the city can transfer it to the CIC and then the CIC can deal with it. The CIC whether it is under the city policy or its own policy, needs to have insurance and that needs to be considered as one of its expenses.

Mr. Rauch stated the shorter term steps will come to council in May with one or two resolutions that accomplish the following: reaffirm importance of creating a CIC; appoint the trustees; approve amendments to articles; and adopt a code of regulations. These documents will get the CIC off the ground. Once those approvals happen at the council level, then the group of trustees will meet and approve: amendment to articles; code of regulations, if not already approved; adopt conflict of interest policy; and appoint officers. Once this is done, they will discuss with council on how they will capitalize and find a firm or group to serve as an executive director. This will get them to the details on setting this up as a companion organization that can do things they cannot as a city, but help them implement their land use plan and get ahead of complex development in the city. He anticipates that this is an opportunity for complex issues like Wright Point, old landfills, brownfields, etc., the CIC can plan an instrumental role to buffer or support those conversations and open up avenues not available to the city today. Mr. Denning added that things could happen quicker using a CIC rather than waiting for approval through council.

II) Ranked Choice Voting – Mr. Rauch stated that since there was not a formal charter review commission due to lack of applicants, the city held two public meetings for charter review. In this review, a number of topics and suggestions were discussed. He plans to bring to them a list of the items discussed along with a staff recommendation where appropriate. There are ideas that were discussed where a staff recommendation will not

be given. For instance, elections based on wards or districts, this is how the governing body decides it will work or operate and does not have anything to do with the functions of how staff do their day-to-day work. A similar topic discussed was Ranked Choice voting to run elections. He wanted to set aside time for this discussion and will have a presentation from Rank The Vote Ohio at the May 9, 2024, work session.

Ms. Fry stated a few years ago she started to ask members of council what they thought about ranked choice voting. It was at the 2021 council election where there were three people who had started to collect petitions, which she signed, and there were discussions in the community where they tried to get a slate of four people they wanted to elect. It seemed counterproductive because there was a lot of negative campaigning, and those three new potential candidates ended up not turning in any petitions. She has since learned that ranked choice voting can be a solution to the civility problem where they feel like they have to have negative campaigning. This will probably be discussed at the next work session. She also wanted to find out what the community thought of ranked choice voting, rather than bringing forward something to council, she decided to take it to charter review. She stated that all gave an endorsement in some way for this. She reached out to Mr. David Owens regarding the capabilities of the county elections, and it does not seem to be an issue. She stated the other thing that came up is that there is a piece of legislation in the Ohio Senate in committee where they are considering penalizing communities that adopt ranked choice voting. She suggested that the ballot language they use to be contingent on whether that senate bills passes it into law or not. She stated that Mr. Miller seems confident that ballot language can be prepared that will give them an out should the state legislation pass it into law.

Mr. Owens stated that the voting system in Montgomery County is capable of doing the ranked choice voting. He stated that ranked choice voting will work to get the most voted for people on council. For instance, if there are seven candidates for council, they do not necessarily get the top choice as being the winner. If a voter gets three choices, then they get to select three of the seven. The next person can pick a different three. In ranked choice, a voter gets to rank all of them from #1 - #7. The next person then gets to pick who is their #1, #2, etc. When it is all done, whoever meets the threshold of the most #1's is considered winning the first position. The person who gets the most #2's is then considered as winning the second open position, and so forth. The most popular are the ones getting elected. He stated it is a bipartisan presentation to them; it is a more evenly spread out vote. The possibility for recounts also slims down a lot more. Ms. Fry stated that she appreciates having the majority being behind them when there is a large field.

Mr. Nick Brusky, Montgomery County Board of Elections, stated he is Mr. Owens' counterpart from the other party. He explained that the big costs that they have are primaries and recounts. This solves a problem with recounts in the fact that they will get candidates that get closer to a majority threshold and majority vote. He stated that ranked

choice voting is not something new, and it was pioneered in Cincinnati from the 1920s – 1960s. There was a diverse amount of political ideologies in the city. These opinions are almost forced to work together because it is hard for someone to achieve a pure majority in that regard. He thinks this is a good opportunity for the council to be looking at it. He explained that the ballot marking devices they use are fully compatible for ranked choice voting. Discussion was held on the benefit for a voter to be able to rank their votes.

III) Fee Schedule Resolution – Ms. Holt stated she has been working with the department heads to pull together a fee schedule that represents the entire work all departments do into a master fee schedule. The master fee schedule will assist the city staff and public in quickly locating the appropriate fees. She stated they will connect the fees to where they can be found in legislation or the ORC. She added there will be new sections in the code including administrative fees, public safety fees (excluding third party fees), and a placeholder for stormwater fees. She listed the other changes: reduced commercial demolition bond, added a pre-application fee, added a code enforcement follow-up fee for nuisance cases/repeat violators, increased cell facilities permit fee and moved to public service section, increase in right-of-way permit fee, and clarified the park shelter fee policy for nonprofits at \$15. She presented the document that included all fees created by the community development intern. Discussion was held on peddler, solicitor, and vendor licenses. Mr. Rauch stated that this is one of the first times that this has been put together in a format that is easily legible and where the authority to charge the fees originates. He stated that he can bring forward a resolution to them in May. Ms. Fry stated she would like to have a conversation about this, and she is curious about exceptions such as Girl Scouts. She stated that pointing a citizen to the ordinance may not be the ideal way to do this. She suggested using the website to carry this information forward in plain language. She asked if all fees or any fees are payable online. Ms. Holt stated that some of them are. If they are connected to the permitting system, then they can be paid online. Ms. Fry asked if they could chart a course to where online payments are more of a standard. Mr. Joseph asked if that would come with the stormwater and SSI in that platform. Mr. Rauch stated that the utility billing would be separate. They can use the utility billing for a fee assigned to a parcel for a specific service for a period of time like trash, stormwater, and potentially street lighting. Individual permits or other fees like a development deposit this would not be usable. Mr. Maxfield asked if at some point with this on the website that a person could click on the ordinance to link to the code that could link them to the explanation and possibly moving to getting them to pay online and be more interactive. Ms. Holt stated that one of their next steps is to go to updating their code. She does not want to mess with this too much. This will be something they do further down the line. Mr. Rauch stated for tonight he wanted to show them initial steps and where in the fee schedule where it shows the code, they could expand it to give a bit more detail to explain the fee and when a permit may be needed, adding context. They are not in a time crunch to adopt this; they can discuss it again at the May work session. The goal is to have it adopted as a master omnibus of current rates for applicable fees, and as they move

forward with the website and code rewrites, this becomes a living document they can continue to iterate on and put into a web format. This is especially useful for customers who come in for more over the counter types of permits. Electronic transactions are the wave of the present. He plans to bring the document back to them in May with a potential adoption in June.

IV) Glendean Development Agreement – Ms. Holt showed the approximate 10-acre parcel on Glendean that will be a 99-unit development of townhomes for sale. The developer has asked the city to consider possible support for the project as he needs additional land that the city owns for a larger storm water basin to capture some of the runoff. Staff is recommending selling this not only to help support the development but to also help improve some of the flooding issues in the community behind the neighborhood. She presented draft language to enter into a purchase agreement. They have been speaking to two brokers on a Broker Price Opinion (BPO). Ms. Minnich will meet tomorrow with one of them to discuss a parcel purchase price. The second one is entering into a Fee in Lieu as during the review of the application a traffic impact study was done and it was found because of the development an increase in traffic would occur on Springfield Street, and a turn lane would be required. They do not want to do this at this time since Springfield Street was recently paved. Instead of doing that, they will ask for the developer to give them money to hold in the meantime until they are in a place to add the turn lane. The last item is a letter of intent to get the actual cost of some of the construction going in. More is needed here, one of them is a not-to-exceed clause. They want to know the cost of the sidewalks, storm water basins, etc. They want to know the bids. They want to get it in a timely manner as well. Additionally, should the project change should it go to rentals rather than for sale, then that no longer allows for TIF funding, and they will need to have language in to change should the project change. Mr. Rauch stated this parcel is within that TIF district recently approved for Springfield Street. The developer is asking for TIF money for public infrastructure investments to make this project go. He is also asking the city to sell that parcel to accommodate his storm water basin. He added this is a high level of density for units for sale in Riverside. If the developer can pull that off, then that would be a win for the community advancing the land use plan. The challenge is they want to avoid a situation where they obligate a lot of TIF money to make a development come to life where it may not be appropriate. They have to be sure they are supporting things that are true public improvements. An issue they continue to collaborate with the developer on is getting to some hard numbers on the costs of this infrastructure so they can shed some light what staff will recommend to council as an appropriate level of support to lend to the project through a development agreement. They are letting them know as of today, the developer is proposing a development that is substantial and would significantly improve the ability to deliver on the land use plan and address storm water concerns. To get to a firm recommendation, they are trying to collaborate with the developer to get the hard costs. This will let them inform council on how many dollars of TIF revenue can be generated, and the value of the public infrastructure. It will tell them what seems

appropriate to support over 10 years. Ms. Holt stated that the planning commission has approved the development with the condition that they put a sidewalk in, the stormwater basin is built (and want the agreement to happen), they want vegetation and screening, and a hydrant. Mr. Rauch stated he was seeking direction that he is not to come back to them on this development until there are some firm numbers to go with it. Council stated that is what they wished. Discussion was held on what the potential cost of these townhomes would be.

V) Police Property Tax Levy – Mr. Rauch stated the 2024 budget book has been uploaded to the finance page of the city website. The link will take users to the ClearGov portal where the budget book lives. He presented the General Fund and explained when a community gets in trouble with the auditor it normally is from the General Fund information. He stated that they are not running a solvent budget, but this is not news as they have talked about it. The 2024 budget was adopted prior to the police contracts were negotiated. There are additional salary expenses not included in the number. They have not started on the fire contract, yet. The effort is to get to a balanced budget. They are on their way to that but not quite there. They will continue to work through some of these problems. He explained the shortfall is because police and fire are expensive departments, and the General Fund gives money to them now to keep those departments solvent. He presented the revenue table for the police budget. Transfers in are \$3.7 million, a bulk of that is from income taxes, but \$900,000 is a transfer in from the General Fund. He stated that property taxes alone account for \$1.2 million for police department revenue. He explained they have one more shot to try and secure that level of funding at the November election before that revenue rolls off the books. Between income taxes and property taxes, if they lose the property taxes entirely, this will create a \$2.0 million hole in the police department. It costs a little over \$5.0 million to run the police department with 83 percent being personnel costs; this is a reasonable number as bodies are needed to do the work. He stated there is no free money. In the current operating environment where they already heavily subsidize this department, the \$1.2 million in property tax is important on a fundamental level for the entire budget. He stated that if they vote to put this on the ballot in November, they will be in a much different ballot environment than in March. The schools will likely have something on the ballot and other organizations may have property tax issues on the ballot as well. He stated he will likely recommend pursuing a simple renewal to try and preserve the \$1.2 million funding assuming the voters approve that as it will keep the budget where it is now. It is vitally important because if they lose the funding there are service considerations they will need to make, and it also ties their hands as far as what they can do to solve other problems like Wright Point. Mr. Joseph stated that the city cannot use funds to campaign for a levy, but council members can. They did not do that last time. Discussion was held on what they could do and the message they could get to the public. Ms. Fry stated she would like legal guidance as to what they can do. Mr. Miller stated there are criminal statutes on how an elected official uses public monies or not uses public monies to support a levy. He advised them to be careful about speaking in support

of levy campaigns. He stated he can provide AG guidance and case law guidance at a future meeting. Mr. Rauch stated he will meet with representatives from the police union next week. The products of the conversations will come to council in the next several months. He added that a resolution for a simple renewal will come to them in the near future. Council had further discussion on educating the public about what was going on with the police levy. They also discussed the formulation of a civic committee and how they are funded along with their participation.

VI) School Resource Officer MOU Update – Mr. Rauch stated he will bring them an updated MOU for the agreement with the School Resource Officer (SRO). The signed an MOU in 2022 that governs the paradigm approach on how the city and the schools will work together to provide an SRO. In the intervening years, Mad River Schools has engaged the Montgomery County Educational Service Center to help pay for some of their costs associated with the SRO. The MOU cleans up the language on who is paying for what and how the grants come together. He explained the funding and costs of the SRO position and the grants involved. Ms. Fry asked if they don't get the grant money, this MOU will cover that. Mr. Rauch stated that it still obligates the school district to a 50/50 split with the city. He believes if they did not get the ESC grant any longer, that will trigger a conversation. The addendum is structured so that the school is always responsible for their half. It is more for accounting. She asked if the addendum is used as an extra document attached to the end of the MOU. Mr. Rauch stated that it is. He can give them the original MOU and this in their packets.

CITY MANAGER UPDATES - Mr. Rauch stated that May will have a busy meeting. There will be a few presentations and a couple of personnel matters. They will try to cover those things at the beginning and then have a recess and come back to tackle the rest. He stated they had a bid opening for the 2024 paving program. This will repave portions of SR 201, SR 202, and SR 835. The bids came in competitively. At the recommendation of CMT, the lowest and best bid was Belgray Construction because they had the most responsive to the bid packet. There was a lower bid, but it was less responsive to what they asked for in the bid documents. He will be bringing a resolution to them to move forward with Belgray. He stated that they budgeted \$220,000 for this project. The bid is competitive and gives them room in case there are change orders. The money is state highway money; they can't take any excess to pay for something else. This money has to be used for state highway repairs. He stated that Ohio Liquor Control sends them notice each year to raise objections if there are businesses in the community that should no longer have a liquor license, or the city feels should not have a license. He is aware of one such business based on nuisance and other complaints. He will inform them of that. It is not a guarantee that they will not have a license, but it is a way that council can formally notify liquor control.

COUNCILMEMBER COMMENTS: Ms. Lommatzsch reminded everyone about the Chamber dinner Tuesday night at The Gem on Valley Street at 6:00 p.m. Mr. Joseph thanked staff

and Mr. Rauch for all their efforts with the eclipse. They were prepared and had staff in place. Mr. Maxfield thanked everyone for all the organization and planning with regard to the eclipse. He stated there were a lot of positive comments from people thanking the city for what they did. He stated they appreciated all the time and effort staff put in. Ms. Fry stated that she is a big believer in community builders as a city does not run on its own. They are comprised of people who step up and do the work. Members of council do that, but above and beyond that are people who do things without seeking notoriety or money. One of those people is Mr. Brown's wife, the proprietor of a little library, Bibbidi Bobbidi Books on Silverleaf. She wanted to thank her for all the work she does to build community in Riverside. She is grateful the police department is actively investigating the theft. She wants to encourage her and those at home to reach out to her to thank her for the little library. Mr. Denning thanked staff for everything that happened on Monday as it went off without a hitch. He added that it would be nice to have that many police and fire on staff all the time, but they need to work on that to get levies past.

EXECUTIVE SESSION: Mr. Denning moved, seconded by Mr. Joseph, to enter into Executive Session for the following: 103.01 (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. Roll call went as follows: Mr. Denning, yes; Mr. Joseph, yes; Mr. Brown, yes; Ms. Fry, yes; Ms. Lommatzsch, yes; and Mr. Maxfield, yes. Council entered into Executive Session at 7:57 p.m.

RECONVENE: Council reconvened at 8:17 p.m.

ADJOURNMENT: Being no further business, Deputy Mayor Maxfield adjourned the meeting at 8:17 p.m.



Pete Williams, Mayor



Katie Lewallen, Clerk of Council