

Pride ~ Progress ~ Possibilities

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

May 2, 2024

Council Meeting

6:00 P.M.

City Council

PETER J. WILLIAMS, MAYOR

ANDY BROWN
MIKE DENNING
BRENDA FRY
ZACHARY JOSEPH
SARA LOMMATZSCH
JESSE MAXFIELD

Josh Rauch, City Manager

Katie Lewallen, Communications Manager/Clerk of Council

Calendar for year 2024 (United States)



Council Business Meeting

Council Business Meeting

January

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

March

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

April

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

July

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

September

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

December

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

- Jan 1 • New Year's Day
- Jan 15 • Martin Luther King Jr. Day
- Feb 19 • Presidents' Day
- May 27 • Memorial Day

- Jun 19 • Juneteenth
- Jul 4 • Independence Day
- Sep 2 • Labor Day
- Oct 14 • Columbus Day

- Nov 11 • Veterans Day
- Nov 28 • Thanksgiving Day
- Dec 25 • Christmas Day

AGENDA

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, May 2, 2024
Business Meeting 6:00 P.M.**

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) EXCUSE ABSENT MEMBERS
- 4) ADDITIONS OR CORRECTIONS TO AGENDA
- 5) APPROVAL OF AGENDA
- 6) PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE
- 7) MINUTES – Approval of minutes from the April 4, 2024, council business meeting and April 11, 2024, council work session.
- 8) ACCEPTANCE OF CITIZEN PETITIONS
- 9) PUBLIC COMMENT ON AGENDA ITEMS
- 10) NEW BUSINESS
 - A) RESOLUTIONS
 - I) **Resolution No. 24-R-2931** – A resolution replacing Resolution No. 24-R-2925 declaring certain police department vehicles owned by the city to be surplus and no longer needed for city purposes and authorizing its disposition.
 - II) **Resolution No. 24-R-2932** – A resolution declaring certain property owned by the city to be surplus and no longer needed for city purposes and authorizing its disposition this second quarter of FY2024.
 - III) **Resolution No. 24-R-2933** – A resolution authorizing the City Manager to enter into an addendum agreement with Mad River Local Schools to establish and appoint a School Resource Officer.
 - IV) **Resolution No. 24-R-2934** – A resolution authorizing the City Manager to enter into a contract with Belgray, Inc. as the lowest and best bidder for the State Route 201, 202, and 835 ADA compliance upgrade.
 - V) **Resolution No. 24-R-2935** – A resolution by the Council of the City of Riverside, Ohio to object to liquor permit number 8177928 held by Carr & Tamara Simpson

*If you need special accommodations to attend this meeting,
please notify the City of Riverside at least 72 hours in advance by calling 937.233.1801.*

doing business as Christy Club, located at 2623 Valley Pike and declaring an emergency.

VI) **Resolution No. 24-R-2936** – A resolution authorizing the renewed employment contract of Mr. Joshua Rauch for performance of duties as city manager of Riverside, Ohio.

VII) **Resolution No. 24-R-2937** – A resolution authorizing the appointment of and an employment contract for performance of duties of City Law Director for the City of Riverside, OH.

VIII) **Resolution No. 24-R-2938** – A resolution reaffirming the creation and purpose of the Community Improvement Corporation of Riverside, Ohio, and approving an amendment to the Articles of Incorporation.

IX) **Resolution No. 24-R-2939** – A resolution adopting the Code of Regulations of the Community Improvement Corporation of Riverside, Ohio.

11) PUBLIC COMMENT ON NON-AGENDA ITEMS

12) CITY MANAGER REPORT

13) COUNCIL MEMBER COMMENTS

14) SWEARING IN: Police

15) PRESENTATION: Police Department Officer of the Year

16) PROCLAMATION: Mental Health Awareness Month

17) EXECUTIVE SESSION – 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.

18) RECONVENE

19) RECOGNITION OF YEARS OF SERVICE/RETIREMENT: Law Director, Dalma Grandjean

20) ADJOURNMENT

MINUTES

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

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, present.

Staff present were as follows: Josh Rauch, City Manager; Kim Baker, Finance Director; Dalma Grandjean, Law Director; Jim Miller, Legal Counsel; and Katie Lewallen, Communications Manager/Clerk of Council.

EXCUSE ABSENT MEMBERS: No members were absent.

ADDITIONS OR CORRECTIONS TO THE AGENDA: No additions or corrections were made.

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

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

MINUTES: Mr. Denning moved, seconded by Mr. Joseph, to approve the March 14, 2024, council work session minutes and the March 21, 2024, business meeting minutes. Six were in favor; Ms. Lommatzsch abstained. **Motion carried.**

WRITTEN CITIZEN PETITIONS: Mayor Williams stated that anyone wishing to speak should fill out a form located in the back of the room and hand it to the clerk.

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

UNFINISHED BUSINESS

A. ORDINANCES

- 1) **Ordinance No. 24-O-849 – An ordinance to make supplemental appropriations for the current expenses and other expenditures of the City of Riverside, State of Ohio, for the period January 1 through December 31, 2024. (2nd reading, public hearing, adoption)**

Mr. Rauch stated this is the first supplemental ordinance of the year. They have received an updated exhibit that itemizes the items in the way the auditor would expect to see them. No numbers have changed.

Mr. Denning moved, seconded by Ms. Lommatzsch, to approve the second reading by title only of Ordinance No. 24-O-849. The clerk read the ordinance by title only.

Mayor Williams opened the public hearing at 6:03 p.m. No one came forward to comment. Mayor Williams closed the public hearing at 6:03 p.m.

No further discussion was held. Roll call went as follows: Mr. Denning, yes; Ms. Lommatzsch, yes; Mr. Brown, yes; Ms. Fry, yes; Mr. Joseph, yes; Mr. Maxfield, yes; and Mayor Williams, yes. Motion carried.

- II) Ordinance No. 24-O-850 – An ordinance declaring improvements to certain real property located in the City of Riverside, Montgomery County, Ohio, to be a public purpose; declaring such property to be exempt from real property taxation; designating specific public infrastructure improvements that directly benefit the parcels for which improvements are declared to be a public purpose; establishing a Municipal Public Improvement Tax Increment Equivalent Fund; and providing related authorizations pursuant to Ohio Revised Code Sections 5709.40(B), 5709.42, 5709.43, 5709.832, and 5709.85**

Mr. Rauch stated this an ordinance for a 10-year, 75 percent TIF District for the Springfield Street corridor.

Mr. Denning moved, seconded by Mr. Joseph, to approve the second reading by title only of Ordinance No. 24-O-850. The clerk read the ordinance by title only.

Mayor Williams opened the public hearing at 6:05 p.m. No one came forward to comment. Mayor Williams closed the public hearing at 6:05 p.m.

No further discussion was held. Roll call went as follows: Mr. Denning, yes; Mr. Joseph, yes; Mr. Brown, yes; Ms. Fry, yes; Ms. Lommatzsch, yes; Mr. Maxfield, yes; and Mayor Williams, yes. Motion carried.

NEW BUSINESS

A. RESOLUTIONS

- I) Resolution No. 24-R-2928 – A resolution authorizing payment of invoices with “Then-and-Now” certificates for the first quarter of calendar year 2024.**

Mr. Rauch stated this resolution is a practice to keep their payment processes clean and clear with the intent to do these quarterly. It makes good on payments that they incurred or will incur that they need legislative approval for.

Mr. Denning moved, seconded by Mr. Joseph, to approve Resolution No. 24-R-2928.

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

- II) Resolution No. 24-R-2929 – A resolution authorizing the city manager to declare a temporary state of emergency during the total eclipse event from Friday, April 5, 2024, at 12:00 a.m. through Friday, April 12, 2024, at 12:00 a.m. and to exercise all duties related to emergency preparedness and management pursuant to the City Charter, ordinances, and general laws of the State of Ohio, in order to minimize the effects upon the civilian population caused or that could be caused by any hazard associated with the total eclipse event and that are necessary to address mitigation, emergency preparedness, response, and recovery within the corporate boundaries of the City of Riverside, Ohio.**

Mr. Rauch stated that the resolution is council's support for the steps the city is taking to manage the eclipse event in the area. Riverside is split in half by Eastwood Metro Park and wellfields to the north and the base. The reasoning behind this resolution is that the base is having an event that will draw a large number of visitors in the area of 20,000 – 30,000 people. Eastwood Metro Park is also hosting a number of visitors. The major artery in Riverside is Harshman Road and there are no other roadways in close proximity that could get to either location. This could be a choke point. They want to be sure people are able to come to the events and be safe as possible. They will take control of traffic patterns and change as needed throughout the day to get people in and out of the base and to the major highways. The emergency resolution allows them to get ahead of traffic control and block some open fields to reduce the likelihood of people parking there and adding to the congestion. This will help minimize disturbances and littering. There has been a lot of communication on this and more will follow this evening and through the weekend. They expect a slow ramp up as people arrive over the weekend. After the eclipse, they may see a lot of people leaving and crunch time on the roads. He asked people to be patient and give one another grace so everyone can enjoy this once-in-a-lifetime event together.

Mr. Joseph stated they are creating anything new or giving him an ability he did not previously have under the Ohio Revised Code. Mr. Rauch is the chief executive of the city and can declare a state of emergency. This resolution is council stating they will support his actions. Mr. Denning stated that both the ORC and the charter state that the city manager has this ability. It is listed in the charter as the city manager being the public safety director. Mr. Rauch stated they want to be in front of this and are using this as a communication measure. They are trying to be proactive as there are two major venues drawing tens of thousands of people.

Ms. Lommatzsch moved, seconded by Mr. Joseph, to approve Resolution No. 24-R-2929.

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

- III) Resolution No. 24-R-2930 – A resolution authorizing the city manager of the City of Riverside, OH, to enter into final legislation with the Ohio Department of Transportation for the rehabilitation of Spinning Road Phase 2 (Eastman to Burkhardt) PID No. 116871.**

Mr. Rauch stated this is a required resolution by ODOT they have to have before the resurfacing project on Spinning Road, Phase 2. It is expected to go to bid on May 9, 2024.

Mr. Denning moved, seconded by Mr. Joseph, to approve Resolution No. 24-R-2930.

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

PUBLIC COMMENT ON NON-AGENDA ITEMS: No one wished to speak.

CITY MANAGER REPORT: Mr. Rauch shared information on lane closures and traffic patterns for the roadways surrounding the National Museum. He added that it will look and feel like the marathon at the base. He presented four maps that will be released on social media for the various gates and roads impacted. Electronic signs will also be near each of these gates providing information. He stated the surrounding communities have been speaking to one another to prepare for giving and receiving mutual aid. He gave a shout out to Kevin Miller and the service department for their work that has been instrumental with putting up snow fences and traffic cones where needed. It has already been a huge undertaking, but he is optimistic about thinking ahead and doing the best they can. He asked for everyone to maintain awareness.

Mayor Williams stated they share the thanks of staff, especially public safety and public service, as they have a lot of deep care for the community. He knows many people in the city share that sentiment. Hearing they are more than ready is no surprise to council, but they are incredibly grateful for it.

COUNCILMEMBER COMMENTS: Ms. Lommatzsch thanked the city manager for all the work he had done to be prepared for the upcoming eclipse. She hopes residents will be patient and get their gas and groceries ahead of time. Mr. Joseph thanked Mr. Rauch for everything he has been doing for the eclipse and that he has a good staff, the right people are in place. Mayor Williams thanked the schools as Mad River Local Schools, St. Helens and Carroll have all extended spring break by one day. He thinks East Dayton Christian will also be closed for Monday. He stated the relationships between the city and the schools are valuable especially when events pop up, and they lean on one another for the best advice. He thanked all the partners in the community. Mr. Denning thanked the service department with taking down the honeysuckle on Harshman and Springfield. He stated that it looks like the lights on Beatrice are getting wired up as well. Positive things are happening in the community in addition to the eclipse. Everyone is working together. He added that the parks are not closed to children, just to vehicular traffic.

EXECUTIVE SESSION: Mr. Maxfield moved, seconded by Mr. Brown, 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. Maxfield, yes; Mr.

Brown, yes; Mr. Denning, yes; Ms. Fry, yes; Mr. Joseph, yes; Ms. Lommatzsch, yes; and Mayor Williams, yes. **Motion carried.** Council entered into executive session at 6:29 p.m.

RECONVENE: Council reconvened at 8:39 p.m.

ADJOURNMENT: Being no further business, Mayor Williams adjourned the meeting at 8:39 p.m.

Pete Williams, Mayor

Katie Lewallen, Clerk of Council

WORK SESSION MINUTES

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

CITY COUNCIL
CALENDAR

2024 COUNCIL CALENDAR

April 4, 2024

- Ordinance: Supplemental Appropriations (2nd Reading)
- Ordinance: Creation of Springfield St. TIF District (2nd Reading)
- Resolution: First Quarter Then-and-Now (Kim)
- Resolution: Spinning Phase 2 Final Legislation (Josh)
- Resolution: State of Emergency – Eclipse (Josh)

April 11, 2024 – Work Session

- Monthly Update: Police, Fire, Public Services
- Ranked Choice Voting
- CIC 101 (McHugh, Downings)
- Fee Schedule Resolution (Nia)
- Glendean Development Agreement (Nia)
- Police Property Tax Levy
- SRO MOU Update

April 18, 2024

No Meeting

May 2, 2024

- Swear-In: Moffit (Police)
- Presentation: PD Officer of the Year, Employees of the Year
- Recognition/Reception: Dalma Grandjean, Law Director
- Proclamation: Mental Health Awareness Month
- Resolution: Quarterly Surplus – Fire, CDD, Finance
- Resolution: Revised Police Surplus
- Resolution: SRO MOU
- Resolution: Acceptance of Bid for 2024 Paving Program Ramps
- Resolution: Liquor License Objections
- Resolution: CIC
- Resolution: Law Director Contract
- Resolution: City Manager Contract
- Executive Session: Personnel

May 9, 2024 – Work Session

- Monthly Update: Finance, Administration, Community Development
- Ranked Choice Voting
- Charter Review Suggestions
- Stormwater Utility Fee?
- UDO Rewrite Update
- Complete Streets Update (Mara)
- Woodman Mill/Overlay - Burkhardt to Eastman

2024 COUNCIL CALENDAR

- Personnel Manual/Compensation
- ED/GE Grant Update?

May 16, 2024

No Meeting

June 6, 2024

- Charter Review Resolutions
- Resolution: Woodman Mill/Overlay - Burkhardt to Eastman
- Resolution: City Clerk Compensation

June 13, 2024 – Work Session

- Monthly Update: Police, Fire, Public Services
- SOPEC Update – Natural Gas
- Campaign Guidelines for Public Officials re: Levies

June 20, 2024

- Resolutions – Placeholder for any charter review recommendations to council
- Resolution: Adoption of Records Commission Policy (Katie)

July 11, 2024 – Work Session

- Monthly Update: Finance, Administration, Community Development
- Resolution: Fee List

July 18, 2024

-

August 1, 2024

-

August 8, 2024 – Work Session

- Monthly Update: Police, Fire, Public Services

August 15, 2024

-

September 5, 2024

LEGISLATION



MEETING DATE: May 2, 2024

AGENDA ITEM: New Business

TO: Riverside City Council

FROM: Frank Robinson, Chief of Police

SUBJECT: Resolution No. 24-R-2931 – A resolution replacing Resolution No. 24-R-2925 declaring certain police department vehicles owned by the City to be surplus and no longer needed for city purposes and authorizing its disposition.

EXPLANATION: This replacement resolution is due to two VIN #'s having typos in the exhibit and correcting the exhibit.

RECOMMENDATION

It is respectfully recommended that the Mayor and City Council approve the attached resolution.

FISCAL IMPACT

N/A

SOURCE OF FUNDS

N/A

EXHIBITS

Exhibit A – List of vehicles/VIN#'s

RESOLUTION NO. 24-R-2931

PASSED: _____

A RESOLUTION REPLACING RESOLUTION NO. 24-R-2925 DECLARING CERTAIN POLICE DEPARTMENT VEHICLES OWNED BY THE CITY TO BE SURPLUS AND NO LONGER NEEDED FOR CITY PURPOSES AND AUTHORIZING ITS DISPOSITION.

WHEREAS, the City Manager and Police Chief reported in Resolution No. 24-R-2931 that various capital property belonging to the City is no longer needed for municipal purposes and should be declared surplus; and,

WHEREAS, the Police Chief reported that two of the recommended items listed in Exhibit ‘A’ of Resolution No. 24-R-2931 had typos and that Resolution No. 24-R-2931 and Exhibit ‘A’, attached, replace Resolution No. 24-R-2931; and

WHEREAS, the capital property be disposed of in the most appropriate manner in conformance to all applicable laws of the State of Ohio and the City of Riverside.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Riverside, Ohio:

- Section 1: That this Council hereby finds and determines that the property listed in Exhibit ‘A’, is no longer needed for municipal purposes and is hereby declared to be surplus.
- Section 2: Accordingly, the City Manager is hereby authorized to dispose of said items in the most appropriate manner in conformance to all applicable laws of the State of Ohio and the City of Riverside.
- Section 3: The Clerk is hereby authorized and directed to forward a copy of this Resolution to the City Manager, Finance Director, and Police Chief.
- Section 4: This Resolution shall take effect and be in force from and after the date of its passage.

ATTEST:

APPROVED:

CLERK

MAYOR



CERTIFICATE OF THE CLERK

I, _____, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. 24-R-2931 passed by the Riverside City Council on _____.

IN TESTIMONY WHEREOF, witness my hand and official seal this day of _____.

CLERK

Exhibit A

- | | |
|--------------------------|------------------------|
| 1) 2015 Ford Interceptor | VIN# 1FM5K8AR6FGC07824 |
| 2) 2015 Ford Interceptor | VIN# 1FM5K8AR8FGC07825 |
| 3) 2015 Ford Interceptor | VIN# 1FM5K8AR4FGC07823 |
| 4) 2016 Ford Interceptor | VIN# 1FM5K8ARXGGD31709 |
| 5) 2018 Ford Interceptor | VIN# 1FM5K8AR5JGA37433 |



MEETING DATE: May 2, 2024

AGENDA ITEM: New Business

TO: Riverside City Council

FROM: Kim Baker, Finance Director

SUBJECT: **Resolution No. 24-R-2932** – A resolution declaring certain property owned by the City to be surplus and no longer needed for city purposes and authorizing its disposition this second quarter of FY2024..

EXPLANATION

The attached exhibit lists surplus items that have no remaining service utility to the City of Riverside. All listed items are confirmed to be outdated or replaced. City of Riverside's Govdeals account will be used to sell all items with anticipated remaining value.

RECOMMENDATION

It is respectfully recommended that the Mayor and City Council approve the attached legislation.

FISCAL IMPACT

N/A

SOURCE OF FUNDS

N/A

EXHIBITS

Exhibit A

RESOLUTION NO. 24-R-2932

PASSED: _____

A RESOLUTION DECLARING CERTAIN PROPERTY OWNED BY THE CITY TO BE SURPLUS AND NO LONGER NEEDED FOR CITY PURPOSES AND AUTHORIZING ITS DISPOSITION THIS SECOND QUARTER OF FY2024.

WHEREAS, the City Manager does report that various capital property belonging to the City is no longer needed for municipal purposes and should be declared surplus; and,

WHEREAS, the City Manager does recommend that said items be disposed of in the most appropriate manner in conformance to all applicable laws of the State of Ohio and the City of Riverside.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Riverside, Ohio:

Section 1: That this Council hereby finds and determines that the property listed in Exhibit 'A' for the Second Quarter of FY2024 is no longer needed for municipal purposes and is hereby declared to be surplus.

Section 2: Accordingly, the City Manager is hereby authorized to dispose of said items in the most appropriate manner in conformance to all applicable laws of the State of Ohio and the City of Riverside.

Section 3: The Clerk is hereby authorized and directed to forward a copy of this Resolution to the City Manager, Finance Director, and Department Heads who have items listed on Exhibit 'A'.

Section 4: This Resolution shall take effect and be in force from and after the date of its passage.

ATTEST:

APPROVED:

CLERK

MAYOR

CERTIFICATE OF THE CLERK

I, _____, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. 24-R-2932 passed by the Riverside City Council on _____.

IN TESTIMONY WHEREOF, witness my hand and official seal this day of _____.

CLERK

Surplus Items

Community Development Department

- One (1) HP DesignJet T850 Large Format 36-inch Color Plotter Printer; Serial #CN37J1M09C

Fire Department

- Three (3) Air Hawk Condor, 110-volt indoor air scrubber units. No serial number or manufacturer date on the units.
- Ramfan Turboventilator 1 ½ HP Model 18849; RFD# 2404
- GFE Mfg. Inc Quartz Light PL500 Serial #44538; RFD# 0193
- Two (2) Auto Crib-It Model AC-17
- Porter Cable Tiger Saw (reciprocating) Model 737 Serial #339977 A8940
- Two (2) Squeegee heads 30”
- 100’ Electrical Cord 12/3 300V 20 amp twist lock plugs
- Two (2) Corded work lights
- Battery flares, five flares, eight weighted bases, eight magnetic flare posts
- Milwaukee hose strap
- Two (2) Wellington Leisure Products PFD Model 100W Whitewater vest Adult L/XL Type V PFD Lot# C-71976300 9/19/2000
- Ferno EZ Glide Stair Chair Model 5AT Serial 3N-359536
- Large bolt cutters x 3
- Small bolt cutters
- 3’ Drywall hook
- Wood handle scraper
- 50’ Rope throw bag
- Seven (7) computers – 2375 is the only asset tag number
- Five (5) monitors – 0585 is the only asset tag number
- Two (2) printers – 1305 is the only asset tag number
- Two (2) PA systems – 0153 is the only asset tag number
- Old engine appliances: two hydrant valves, one monitor base, two 1.75” gate valves, two 2” gate valves

Finance Department

- One (1) Printronix greenbar printer, Model P5205B, Serial #380042815340
- One (1) Laser Jet Pro M402N, Serial #PHBHF22720
- One (1) Royal Scriptor Electric Typewriter, Model AX-150, Serial #E52783
- One (1) HP Photo Smart 7760, Model #SDG0A-0377, Serial #MY5212M1QH
- One (1) HP Laser Jet P1505, Product #CB412A, Serial #CNBK422556



MEETING DATE: May 2, 2024

AGENDA ITEM: New Business

TO: Riverside City Council

FROM: Frank Robinson, Chief of Police

SUBJECT: Resolution No. 24-R-2933 - A resolution authorizing the city manager to enter into an addendum agreement with Mad River Local Schools to establish and appoint a School Resource Officer.

EXPLANATION

This legislation amends the MOU originally established with Resolution No. 22-R-2787 between the City of Riverside and Mad River Local Schools regarding the funding sources for the School Resource Officer (SRO). This addendum lists the sources and clarifies the processes how the SRO is funded for the continued maintenance of this program. The SRO position is funded by a differing award amount given yearly by the State of Ohio Drug Use Prevention (DUP) grant. The remaining balance of the SRO salary including benefits is then shared equally by the City of Riverside and the Mad River School District.

RECOMMENDATION

The Riverside City Manager, Police Chief and the Superintendent of the Mad River School District collaborated on the Memorandum of Understanding, it is therefore respectfully recommended that the Mayor and City Council approve the attached legislation.

FISCAL IMPACT

SOURCE OF FUNDS

Ohio Attorney General (OAG) Drug Use Prevention grant monies, Mad River School District, Montgomery County Educational Service Center, and the City of Riverside.

RESOLUTION NO. 24-R-2933

PASSED: _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ADDENDUM AGREEMENT WITH MAD RIVER LOCAL SCHOOLS TO ESTABLISH AND APPOINT A SCHOOL RESOURCE OFFICER.

WHEREAS, the City Manager and Police Chief do report that a partnership between the City of Riverside and the Mad River Local Schools has been formed to fund the position for a School Resource Officer; and,

WHEREAS, the City and the School District entered into a Memorandum of Understanding (MOU) agreement in 2022 regarding School Resource Officer services; and

WHEREAS, additional clarifications regarding how the School Resource Officer position will be funded by both the City and the School District are necessary for the continued maintenance of the program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Riverside, Ohio:

Section 1: That the City Manager is hereby authorized to enter into an addendum agreement with Mad River Local Schools modifying the terms of the 2022 MOU.

Section 2: The Clerk is hereby authorized and directed to forward a copy of this Resolution to the City Manager, Finance Director, and Police Chief.

Section 3: This Resolution shall take effect and be in force from and after the date of its passage.

ATTEST:

APPROVED:

CLERK

MAYOR

CERTIFICATE OF THE CLERK

I, _____, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. 24-R-2933 passed by the Riverside City Council on _____.

IN TESTIMONY WHEREOF, witness my hand and official seal this day of _____.

CLERK

Memorandum of Understanding (MOU)

This Memorandum of Understanding (MOU) is being executed on August 23, 2022 by the below listed entities:

- **Mad River Local School District**
- **City of Riverside Police Department**

This document will serve as the written agreement between **Mad River Local Schools** and the **City of Riverside Police Department**. This agreement establishes the needed commitment and support from both institutions. This document also provides a series of guidelines and policies relevant to the performance of the School Resource Officer, and will be the guiding document officers, school administrations, city administration, and students and their caregivers look to for structure and accountability. This document shall be reviewed, updated, and endorsed annually and takes into account input from all community stakeholders, including caregivers, students, and teachers. Nothing in this MOU should be construed as limiting or impeding the basic spirit of cooperation, which exists between the participating entities listed above and all community stakeholders.

I. Purpose

This MOU establishes and delineates the mission of the School Resource Officer Program, herein referred to as the SRO Program, as a joint cooperative effort. Additionally, the MOU clarifies roles and expectations and formalizes relationships between the participating entities to foster an efficient and cohesive program that will build a positive relationship between police officers, school staff, and the students, promote a safe and positive learning environment and decrease the number of youth formally referred to the juvenile justice system.

II. Mission

The mission of the SRO Program is to promote school safety by building a positive school climate in which everyone feels safe and students are supported to succeed. The SRO Program also seeks to reduce violent crime committed by and against youth in our community. The SRO Program accomplishes this mission by supporting safe, secure, and orderly learning environments for students, teachers and staff. SROs will establish a trusting channel of communication with students, parents, and teachers and establish regular feedback opportunities. The role of the SRO is not to enforce school discipline or punish students. SROs will serve as positive role models to instill in students good moral standards, good judgment and discretion, respect for other students, and a sincere concern for the school community. SROs will provide information on community resources available to students and parents. Goals and objectives are designed to develop and enhance rapport between youth, families, police officers, school administrators, and the community in order to promote overall student achievement and success.

III. Goals of the SRO Program

SRO program goals include:

1. To ensure a safe learning environment for all children and adults who enter the building.
2. To prevent and reduce potential harm related to incidents of school violence.
3. To foster a positive school climate based on respect for all children and adults in the school.
4. To create partnerships with behavioral health and other care providers in the community for student and family referral.

This SRO program is unique to the community, based on input from the school administration, teachers, faculty, students, families and community members. The program is designed to fulfill three overall roles:

- 1) Law Enforcement
- 2) Fostering Positive School Climate /Crime Prevention
- 3) Education

Law Enforcement Role – SROs are responsible for the majority of law enforcement activities occurring at the school during school hours but not general student discipline. A determination of whether an activity raises to the level of a law enforcement activity shall be made in consultation with a school administrator. Parents, students, teachers and other school personnel should bring complaints about student misbehavior to the school principal and/or designee, rather than the SRO.

While the enforcement is the role of SROs, alternatives to arrest should be used whenever possible, and arrest of students should be a measure of last resort. The SROs discretion to act remains the same as that of any other police officer/sheriffs deputy.

Fostering Positive School Climate /Crime Prevention – One of the primary roles SROs fulfill is fostering a positive school climate through relationship-building and crime prevention. Officers will engage in various activities, in consultation with school administration, teachers, and students, and should strive to build a school culture of open communication and trust between and among students and adults by focusing on officers getting to know students at the school, serving as a role model, and working with teachers and administrators to identify students who may be facing challenges and need additional resources or attention to be successful in school. Crime prevention activities include foot patrols, monitoring previous crime locations, speaking to teachers about reducing the opportunity for crimes to occur, analyzing possible crime patterns, investigating crimes, and patrolling the parking lots. Officers may also complete security surveys analyzing the physical safety of school property and facilities.

Education –SROs should participate in the school community by becoming a member of the educational team where appropriate, and by representing the law enforcement community to build positive relationships with youth, their families, and school staff.

Whether talking to students in the hallway or delivering a presentation in the classroom, SROs are embedded in the education fabric within the school. SROs are expected to be proactive in creating

and taking advantage of educational situations, and school administrators are encouraged to leverage this resource.

IV. Organizational Structure

A. **Composition**

The SRO Program will consist of full time/part-time Police Department Personnel that are certified Peace Officers for the State of Ohio and meet all requirements as set forth by the **Mad River Local School District** and **Riverside Police Department's** Rules and Regulations.

B. **Officer Recruitment & Selection**

School officials and the police department's office shall agree on guidelines for the selection of officers to serve as SROs. The ultimate selection process and appointment of the SRO is completed by the law enforcement agency.

SROs should meet three general criteria:

- 1) **College or degree coursework** – SROs are in an educational atmosphere and will be instructing in elementary/ middle/ high school classes. To increase credibility in this area a college education would be beneficial and preferred.
- 2) **Experience as a police officer and commitment to student well-being** – SROs must have a minimum of two years' experience as a patrol officer, be at least 21 years of age and have extensive experience with juvenile assignments. Experience working with youth and an interest in student success, juvenile justice, child and adolescent development and psychology, and creating a positive school climate are essential.
- 3) **Successful performance** – All candidates should have proven performance as reflected by prior performance evaluations. Candidates should be free of significant disciplinary action.

C. **Training Requirements**

Prior to entering service as an SRO, officers shall complete a minimum of 40 hours of initial training that covers responsibilities or and limitations of SROs, Ohio school laws, MOUs, child development, conflict resolution, developmentally informed de-escalation and crisis intervention techniques, working with youth in a school setting and integrating SROs into a positive school environment. In addition, it is recommended that SROs receive additional training each year on topics such as trending school based law enforcement topics, child development, adolescent psychology, trauma, conflict resolution, mental health and addiction, children with disabilities, juvenile and education law and policy, PBIS, and cultural competence.

V. Operational Procedures

Chain of Command for SROs: The SRO will be ultimately accountable to the **Riverside PD** chain of command. However, while at the school, the SRO will be additionally accountable to the principal or their designee. The SRO is expected to cooperate with the school officials, including administrators and faculty. The SRO will abide by school policy and respond to the requests of school officials.

The SRO's activity in the school is guided by the following procedures and supervision and evaluation shall be provided by the **local school district designee** to effectively support SROs efforts and monitor their progress:

A. Duties

The primary functions of the SRO are to help provide a safe and secure learning environment, foster a positive school climate, reduce/ prevent crime, serve as an educational resource, and serve as a liaison between the school and the police department. Specific daily assignments to accomplish this function will vary by school. The SRO and school principal or designee will meet on a regular basis to discuss plans and strategies to address specific issues or needs that may arise. As required by law, SROs should never be assigned to duties within schools in place of or in lieu of a certified teacher.

Basic responsibilities of the SRO will include but will not be limited to:

- 1) To enforce criminal law and protect the students, staff, and public at large against criminal activity.
- 2) Foster mutually respectful relationships with students and staff to support a positive school climate.
- 3) Provide information concerning questions about law enforcement topics to students and staff.
- 4) Provide classroom instruction on a variety of topics including, but not limited to, safety, public relations, occupational training, leadership, and life skills.
- 5) Coordinate investigative procedures between police and school administrators.
- 6) Handle initial police reports of violent crimes committed on campus.
- 7) Take enforcement action on criminal matters when appropriate and after consultation with school administrators.
- 8) Attend school special events as needed.
- 9) Prepare lesson plans as necessary for the instruction provided.
- 10) Collect data on SRO activities (arrests, citations, etc.)

B. Uniform

Normally, the SRO is in uniform.

C. Daily Schedule

To be determined by the commanding officer and the school administrators consistent with the MOU.

D. Absence/ Substitution

The school district and police department should develop and agree on a protocol for assigning and using substitute SROs when regular SROs are unavailable. Substitute SROs should, at a minimum, have the same requisite experience as regular SROs and, ideally, should have had some training in child development, trauma, and conflict resolution in the school environment.

E. Special Events

To be determined by the commanding officer and the school administrators consistent with this Agreement.

F. Summer Activity

SROs should accomplish as much of the required training as possible during the summer months when school is not in session. SROs may still be involved in some summer projects with the school district, however, they will spend the majority of this time on **Riverside Police Department** assignments.

G. Role in Responding to Criminal Activity

One of the roles of SROs, as law enforcement officers, is to engage in traditional criminal investigation and report taking. As a police officer, SROs have the authority to issue warnings, make arrests and use alternatives to arrest at their discretion. SROs, however, perform their duties mindful of the parties' common goal of supporting student success. The following procedures will help SROs be as effective as possible in this role:

- 1) School staff will contact SROs to inform them of all violent or other criminal activity that creates a safety risk that occurs on the school campus. SROs and school officials shall discuss and agree in writing on what levels of violent activity would prompt school officials to notify the SROs. This information will be conveyed to all school staff. In turn, SROs will inform school administration of all criminal activity they observe on the school campus.
- 2) For any offense on school property, the SRO, working cooperatively with the school administration, will endeavor to avoid arrest and criminal involvement for misdemeanor activity. Certain offenses (felonies), such as sex offenses, weapons offenses, and any offenses of violence, will normally require the filing of charges in consultation with school officials, but should be evaluated on a case-by-case basis. The SROs powers to arrest will be governed by the Ohio Revised Code.

- 3) The SRO and school officials shall put into place plans, such as de-escalation techniques, conflict resolution and restorative justice practices, to serve as an alternative to arrest, which will be distributed to school staff.

H. Role in School Policy Violations

SROs are not school disciplinarians and violations of the student code of conduct or schools rules that are not criminal matters should always be handled by school faculty and staff, not SROs. SROs should not directly intervene unless the situation directly affects an imminent threat to the health, safety, and security of the student or another person in the school and will employ de-escalation techniques as appropriate. School discipline is the responsibility of the appropriate school administrator and clear guidelines on SRO involvement should be developed and distributed to school staff. The SRO, as a staff member, will report school policy violations through the proper channels to be handled by school administration. It is the responsibility of the SRO to become familiar with the Student Handbook or Student Code of Conduct, but it is not the responsibility of the SRO to enforce the rules in these documents.

I. Data Collection

SROs should submit a monthly activity report to the Superintendent of Schools, building principals, and his/her Chief of Police. The report should include descriptions of all activities engaged in by the SRO, including incidents or calls for service, names of students and/or staff involved, student searches, arrests, citations and/or summons issued, and other referrals to the juvenile justice system (contact the Ohio School Resource Officers Association for sample reports). See J. 1. below.

J. Sharing of Information

Communication and information sharing is essential to the success of the SRO program.

1. Sharing of information will be governed by the Ohio Revised Code, the Ohio Administrative Code, Ohio's Public Records Law, and relevant **Riverside PD** and **Mad River Local School District** policies.
2. The sharing of arrest related information by the SRO with school administration upon request or at the direction of the SRO will involve the dissemination of arrest reports and calls for service filed with the **Riverside PD** or from other Police agencies coming into contact with students from **Mad River Local School District**.
3. Juvenile fingerprints and photos as part of the arrest record will not be shared by the SRO
4. If the SRO is aware of information on a student that is officially obtained by the **Riverside PD**, which reflects that the student is in violation of school policies (Student Handbook or Athletic Code), the SRO may forward that information to school administration. **Riverside PD** and **Mad River Local School District** will collaborate to develop appropriate guidance for the SRO regarding what and when information should be shared under this section.

5. If a Juvenile is an uncharged suspect in a crime, his/her information will not be released unless authorized by the **Chief of Police or his/her designee at the PD.**
6. Information which the SRO obtains from school personnel which deals with criminal or possible criminal intelligence will be maintained by the SRO as a criminal justice file. This file may be shared with other Division personnel and Criminal Justice Agencies, but will not be part of the student's school record.
7. Hearsay information or rumors will alone, not be the basis for any formal action by the **Riverside PD.** It can be used in an intelligence capacity or to validate the need for further investigation.
8. Any information that is obtained by the SRO that pertains to criminal activity occurring outside the city limits shall be relayed to the police department of jurisdiction.
9. When any felony occurs or any crime that prompts a Public Information Officer response from the schools or the City or if a school building is evacuated the SRO shall contact his immediate supervisor as soon as possible.
10. The SRO shall have access to any public records maintained by the school to the extent allowed by law. Law enforcement officials may need confidential information in emergency situations based on the seriousness of the threat to someone's health or safety, time sensitivity, and the direct relationship of the information to the emergency.

K. Role in Locker, Vehicle, Personal, and Other Searches

SROs may participate in a search of a student's person, possessions, locker, or vehicle only where there is probable cause to believe that the search will turn up evidence that the student has committed or is committing a criminal offense. SROs will not ask a school employee to conduct a search for law enforcement purposes.

Unless there is a serious and immediate threat to student, teacher, or school safety, the Superintendent of Schools in concert with the building principals shall have final authority in the building.

The SRO may perform searches independent of the school administration only during emergency situations and where criminal activity is suspected.

- i. Strip searches of students by SROs are prohibited.
- ii. Unless there is a serious and immediate threat to a student, a teacher, or public safety, SROs shall not initiate or participate in other physically invasive searches of a student.

Limits on Interrogations and Arrests

1. **Interrogations** –SROs may participate in the questioning of a student about conduct that could result in criminal charges only after informing the student of his or her Miranda rights in age-appropriate language and informing the student’s parent(s) or guardian(s). Parents/guardians should be allowed sufficient time to arrive at school to be present for interrogation.
2. **Arrests** –Incidents involving public order offenses, including disorderly conduct, profanity, and fighting that do not involve serious physical injury or a weapon, should be considered school discipline issues to be handled by school officials rather than criminal law issues warranting formal law enforcement intervention.
 - i. Building principals and the Superintendent or his/her designee shall be consulted prior to an arrest of a student when practical.
 - ii. The student’s parent(s) or guardian(s) shall be notified of his or her arrest immediately or as soon as practical and in a timely manner.
 - iii. Unless there is a serious and immediate threat to student, teacher, or public safety, SROs shall not use physical force or restraints on students.

L. Role in Critical Incidents

The SRO will be familiar with the emergency operations manual of the **Mad River Local School District**. During critical incidents occurring when the SRO is present, the SRO will normally act as a liaison between school administration, police personnel, and other emergency resources if practical.

M. Role in Truancy Issues

Truancy will be handled by school personnel. The SRO will not take an active role in the tracking of truants. The SRO will act as a liaison between the school and police personnel should police involvement become necessary due to safety concerns.

VI. School District Responsibilities

The **Mad River Local School District** shall provide the SRO of each campus and any SRO supervisor the following materials and facilities, which are deemed necessary to the performance of the SRO’s duties:

- 1) Access to a properly lighted private office, which shall contain a telephone, a secure computer and printer, which may be used for general business purposes.
- 2) A location for files and records which can be properly locked and secured.
- 3) A desk with drawers, chair, work table, filing cabinet, and office supplies.
- 4) The opportunity for SROs to address teachers, school administrators and student families about the SRO program, goals, and objectives.
- 5) The opportunity to provide input regarding criminal justice problems relating to students.

- 6) The opportunity to address teachers and school administrators about criminal justice problems relating to students during in-service workdays.
- 7) The District Emergency Operations Manual, Crisis Plan, Student Handbook/Code of Conduct and other related materials as deemed appropriate.
- 8) School staff designee for referrals for counseling and other school-based and/or community based supportive services for students and families.
- 9) SROs shall respect the sensitive nature of student privacy and shall abide by all applicable confidentiality, privacy policies, and applicable laws.
- 10) Encourage attendance for secondary Assistant Principals at NASRO Basic SRO training.
- 11) Provide training to teachers, administrators, staff and SROs about when to directly involve SROs with student misconduct and about available alternatives to arrest.

VII. CRISIS PLANNING

Mad River Local School District and the **City of Riverside Police and Fire Departments** will coordinate Crisis Planning and training. Each entity will be involved in updates and creation of new Crisis Plans. It is understood by both entities that the SRO should be included in the crisis planning and training process. Consistency throughout the district should be adhered to.

Lock down drills shall be included as part of the District's preparedness plan. **Riverside's Police Department** shall be included in the creation of lock down procedures so that first responders are familiar with procedures. Lock down procedures should be trauma-informed and consistent throughout the district.

VIII. Reviewing the MOU and SRO Program

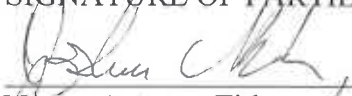
The assigned parties shall review the MOU/SRO Program annually and make adjustments as needed. Any revisions will be reflected in an updated MOU.

Complaints against the SRO shall follow the normal complaint process of the **Riverside Police Department** and include notice to the appropriate school administrators. This process will be made known to parents and students through the **district mass communication tool**.

IX. PROBLEM RESOLUTION

Unforeseen difficulties or questions will be resolved by negotiation between the Superintendent of the **Mad River Local School District** and the **Riverside Police Department** or their designees.

SIGNATURE OF PARTIES & SIGNATURE DATE

	City Manager City of Riverside	8/23/22
Name, Agency, Title		Date

Name, Agency, Title		Date

ADDENDUM TO Memorandum of Understanding (MOU)

The below is an addendum to the Memorandum of Understanding (MOU) entered into by the following parties on August 23, 2022:

- **Mad River Local School District**
- **City of Riverside Police Department**

This addendum addresses and clarifies funding sources for the school resource office (SRO) program as established by the MOU. All provisions of the MOU shall remain in full force and effect. This addendum serves only to clarify funding and does not alter the responsibilities of the parties in any way pursuant to the original MOU.

1. Funding Sources

The SRO is funded in part by a grant and in part by Mad River Local Schools/Montgomery County Educational Service Center (ESC). The below sources and processes clarify how the SRO program is funded and by what entities:

- The Ohio Attorney General (OAG) issues Drug Use Prevention (DUP) grant monies on a school calendar year basis directly to the City of Riverside. The grants are paid out in equal quarterly installments throughout the school year. The City applies for the grant in late March and the application is based on base wages only. Forecasting the exact grant amount is not possible based on fluctuating factors. The grant amount received is used directly for the SRO program, with the remaining costs split in half when determining the proper amount to invoice Montgomery County ESC and Mad River Local Schools.

2. Application and Allocation of Funding and Costs

- Montgomery County ESC issues payment based on their available budget for the year. Upon invoicing from the City, Montgomery County ESC issues payment for the SRO program to the City.
- Mad River Local Schools agrees to reimburse City for half the costs of the total compensation package, less the OAG DUP Grant received, to retain the SRO program.
- Montgomery County ESC acknowledges that the amount it pays is used to offset the total amount due from the school district.
- The City agrees to pay the balance due on the total compensation package for the SRO. The total compensation package the City budgets for this position includes base wages, longevity pay, pension pickup, and various insurance coverages.

3. Cooperation in Facilitating Payment

In the spirit of the original MOU, the parties to the MOU agree to cooperate in facilitating the application of grant monies and other budgeted amounts to cover the costs of the SRO program to ensure the program continues school year to school year without interruption. The parties agree to collaborate to ensure budgetary issues are addressed expeditiously and pursuant to the spirit of cooperation as set forth in the MOU. Budgetary issues will be brought forth immediately for collaborative resolution to ensure the SRO program continues uninterrupted.

SIGNATURE OF PARTIES & SIGNATURE DATE

Name, Agency, Title

Date

Name, Agency, Title

Date

MEETING DATE: May 2, 2024

AGENDA ITEM: New Business

TO: Riverside City Council

FROM: Joshua Rauch, City Manager

SUBJECT: 24-R-2934- A resolution authorizing the city manager to enter into a contract with Belgray Inc. as the lowest and best bidder for the SR 201, 202 & 835 ADA Compliance Upgrade.

EXPLANATION

The FY2024 Paving Program includes mill & overlay improvements along state routes 201, 202, and 835. However, before the program can commence, infrastructure upgrades to Americans with Disabilities Act (ADA) infrastructure along each of the state highways must be performed. If ADA upgrades are not completed, the City risks legal liabilities as well as undermining the integrity of the repaving efforts that will follow later this year.

The City's engineering firm, CMT, conducted a bid process and recommends Belgray, Inc. as the lowest and best bidder for this work, with a bid amount of \$141,432. The attached resolution accepts Belgray's bid and authorizes the City Manager to execute contracts to ensure the work is performed.

RECOMMENDATION

It is respectfully recommended that the Mayor and City Council approve the attached legislation.

FISCAL IMPACT

Funds for this work are already appropriated in the FY2024 Budget. We do not anticipate additional appropriations will be necessary based on the bid amount.

SOURCE OF FUNDS

Because the work involves state highways, we will use the State Highway Fund to support the work. Account 2205-240-350-554151 will be used to pay for the contract.

EXHIBITS

Exhibit A – Recommendation Letter from CMT

RESOLUTION NO. 24-R-2934

PASSED: _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BELGRAY, INC. AS THE LOWEST AND BEST BIDDER FOR THE STATE ROUTE 201, 202, AND 835 ADA COMPLIANCE UPGRADE.

WHEREAS, the City of Riverside has advertised for bids for the State Route 201, 202, and 835 ADA Compliance upgrade; and

WHEREAS, upon review of the bids that were received on March 28, 2024, it was determined that Belgray, Inc. was the lowest and best qualified bidder.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Riverside, Ohio:

Section 1: That upon review and consideration of the bids that have been submitted, and in accordance with the recommendations of the City Manager, this Council does herewith determine that Belgray Inc. is the lowest and best bidder for the SR 201, 202 & 835 ADA compliance in accordance with its bid in an amount not to exceed \$141,432.00. Accordingly, the City Manager is authorized to enter into said contract and said contract, together with all bid documents and specifications shall constitute the entire agreement between the parties. Said amounts shall be paid from account 2205-240-350-554151.

Section 2: That the Clerk be and is hereby authorized and directed to forward a certified copy of the within resolution to the City Manager and Finance Director.

Section 3: This Resolution shall take effect and be in force from and after the date of its passage.

ATTEST:

APPROVED:

CLERK

MAYOR

CERTIFICATE OF THE CLERK

I, _____, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. 24-R-2934 passed by the Riverside City Council on _____.

IN TESTIMONY WHEREOF, witness my hand and official seal this day of _____.

CLERK



April 16, 2024

Mr. Joshua Rauch
City Manager
City of Riverside
5200 Springfield Street, Suite 100
Riverside, OH 45431

Re: SR 201, 202 & 835 ADA Compliance Upgrade
Bid Opening Results

Dear Mr. Rauch:

Bids were received for the above referenced project at 10:00 AM, Thursday, March 28, 2024. Three bids were received at this time – Belgray, Inc., Fillmore Construction, LLC, and A&B Asphalt Corporation.

We have reviewed the bids for accuracy and have confirmed that the lowest and best bidder is Belgray, Inc. Belgray's base bid grand total amount is One Hundred Forty-One Thousand Four Hundred Thirty-Two and 00/100 dollars (\$141,432.00). A&B Asphalt did not acknowledge Addendum No. 1 in their response package, causing their response to be invalid.

Recommendation is to award the base bid to Belgray, Inc. in the amount of \$141,432.00.

Please contact me at (937) 701-6577 or via email at sringle@cmtengr.com if you have any questions or concerns.

Sincerely,

Crawford, Murphy & Tilly, Inc.

A handwritten signature in black ink that reads "Shelby R. Ingle".

Shelby R. Ingle, P.E.
Project Manager

cc: File

BUCKLEY KING
ATTORNEYS

April 22, 2024

Jacqueline DeGenova, Superintendent
Ohio Department of Commerce
Division of Liquor Control
6606 Tussing Road
P.O. Box 4005
Reynoldsburg, Ohio 43068

Re: Objection to the Renewal of Liquor Permit No: 8177928
Held by: Carr and Tamara Simpson
d/b/a: Christy Club
2623 Valley Pike
Riverside, Ohio 45404

Dear Superintendent DeGenova:

At a regular meeting held on May 2, 2024, pursuant to Section 4303.271(b) of the Ohio Revised Code, the Council of the City of Riverside voted to object to the renewal of the above-referenced liquor permit.

As chief legal officer for the City of Riverside, it is my opinion that the objection is based upon substantial legal grounds within the meaning and intent of Division (A) of Section 4303.292 of the Ohio Revised Code.

Sincerely yours,

BUCKLEY KING LPA


James D. Miller
Law Director, City of Riverside

110 NORTH MAIN STREET
SUITE 1200
DAYTON, OHIO 45402

(937) 223-1201 (VOICE)
(937) 223-5100 (FAX)
www.buckleyking.com(WEBSITE)

JDM/jkp

8300-088

A RESOLUTION BY THE COUNCIL OF THE CITY OF RIVERSIDE, OHIO TO OBJECT TO LIQUOR PERMIT NUMBER 8177928 HELD BY CARR & TAMARA SIMPSON DOING BUSINESS AS CHRISTY CLUB, LOCATED AT 2623 VALLEY PIKE AND DECLARING AN EMERGENCY.

WHEREAS, City Council desires to object pursuant to sections 4303.271 and 4303.292 of the Ohio Revised Code to the liquor permit number 8177928 held by Carr and Tamara Simpson, doing business as Christy Club, located at 2623 Valley Pike, Riverside, Ohio 45404; and

WHEREAS, evidence from the Riverside Police Department, Riverside Community Development and the Ohio Casino Commission was presented to City Council as to the suitability of this permit holder and establishment to maintain liquor permit number 8177928; and

WHEREAS, the City of Riverside hereby affirms its objection to the D1, D2, D3, D3A, and D6 permits issued by the Division of Liquor Control under permit number 8177928 to Carr and Tamara Simpson, DBA Christy Club, located at 2623 Valley Pike, Riverside, Ohio 45404; and

WHEREAS, an emergency exists in the usual daily operation of City Council, in that it is immediately necessary to object to the renewal of this liquor permit prior to May 15, 2024 to meet state regulatory requirements, all to preserve the public health, peace, property, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Riverside, Ohio:

Section 1: That the Riverside City Council desires to object pursuant to state statute to the liquor permit number 8177928 held by Carr and Tamara Simpson, doing business as Christy Club, located at 2623 Valley Pike, Riverside, Ohio 45404.

Section 2: That the City Council, based on evidence provided by the Riverside Police Department, Riverside Community Development and the Ohio Casino Commission hereby finds that the permit holder at such premises has operated the liquor permit business in a manner that demonstrates a disregard for the law, regulations or local ordinances of this state and city, which is a basis to refuse the renewal of a liquor permit under Section 4303.292(A)(1)(b) of the Ohio Revised Code; and further, the Council finds that the permit premises is so located with respect to the neighborhood that substantial interference with public decency, sobriety, peace or good order would result from the renewal of the permit and operation thereunder by the applicant, which also is a basis to refuse a liquor permit renewal under Section 4303.292(A)(2)(c) of the Ohio

Revised Code; and based upon the above findings the City Council hereby objects to the renewal of this liquor permit

Section 3: That the City Clerk be and hereby is directed to forward a certified copy of this resolution to the director of the Ohio Department of Commerce, Division of Liquor Control, and with said resolution the City Law Director shall express their opinion regarding the basis for this resolution as required by Section 4303.271(B) of the Ohio Revised Code. The Clerk shall advise the City Law Director regarding the notice of any hearings pursuant to the objection.

Section 4: That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this resolution is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

ATTEST:

APPROVED:

CLERK

MAYOR

CERTIFICATE OF THE CLERK

I, _____, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. 24-R-2935 passed by the Riverside City Council on _____.

IN TESTIMONY WHEREOF, witness my hand and official seal this day of _____.

CLERK

MEMORANDUM

TO: City of Riverside, OH City Council
Joshua Rauch, City Manager

FROM: Nia Holt, Community Development Director
Frank Robinson, Chief of the Riverside Police Department

DATE: May 02, 2024

SUBJECT: **Objection to Permit #8177928, DBA Christy Club**

The following investigation was conducted concerning the business known as the Christy Club located at 2623 Valley Pike, Riverside, OH 45424 under the ownership of Tamara Simpson. The numerous calls for service and code violations have led to objection of liquor permit #8177928. After reviewing the Ohio Department of Public Safety, Riverside Police Department, and Riverside Community Development Department records regarding the above liquor permit establishment, the following information has been compiled to support the objection to the renewal of the aforementioned permit issued by the State of Ohio.

The above listed liquor establishment has been issued D1, D2, D3, D3A, and D6 permits by the Division of Liquor Control. These permits grant the permit holder the private to sell alcoholic beverages at the above listed address.

A formal complaint sent through an anonymous source to Ohio Investigative Unit alleged that the above business was permitting underage drinking and there were gambling machines inside the building. This led to investigation headed by the Ohio Department of Public Safety which concluded with the below charges pending:

- 7 charges - Gambling - Acquire, Possess, Control Or Operate A Gambling Device;
- 7 charges - Gambling - Electronic Video Gambling Device
- 7 charges - Gambling - Game Of Chance For Profit Or Scheme Of Chance
- 7 charges - Gambling - Operating A Gambling House
- 3 charges - Gambling - Recklessly Permitting Public Gaming
- 1 charge - Insanitary Conditions (Fixtures, Equipment, Tables, Counters, Coolers/Refrigerators, Or Utensils Not Clean Or Sanitary)
- 1 charge - Insanitary Conditions (Alcoholic Beverages Not Maintained In Potable Condition)

A review of the Riverside Police Department records revealed that the RPD have responded to 203 calls and created 37 official police reports concerning incidents at the listed liquor establishments between January 01, 2021, and April 19, 2024. These reports referenced improper handling and illegal possession of a firearms on the property by patrons, felony assault, disorderly conduct and theft, including:

August 28, 2021

Improperly Handling Firearms

September 01, 2021

Felonious Assault

May 15, 2022

Illegal Possession of Firearm in Liquor Establishment

April 08, 2022

Felonious Assault

April 11, 2024

Assault (by bouncer)

In April 2023, the Riverside Community Development Department declared the business a public nuisance on due to the above activity (Case No. 2300144). The future of the business and the permit has not yet been finalized. This location has received many community complaints.

Respectfully submitted,

Nia Holt, AICP
Riverside Community Development

Chief Frank Robinson
Riverside Police Department



MEETING DATE: May 2, 2024

AGENDA ITEM: New Business

TO: Riverside City Council

FROM: Joshua Rauch, City Manager

SUBJECT: 24-R-2936 – A resolution authorizing the renewed employment contract of Mr. Joshua Rauch for performance of duties as City Manager for Riverside, Ohio.

EXPLANATION

My current contract term is for three years, beginning in October 2021 and ending in October 2024. Pursuant to the terms of our agreement, we (myself and Council) began negotiating a renewal contract at least six months prior to the expiration of the current contract. The attached renewal contract includes the substantive provisions that were negotiated.

I am grateful to the City Council for their continued confidence and support. We have come a long way over the last three years, and I'm optimistic that we'll continue to see transformative success in the years to come.

I'm also extremely appreciative and humbled by the tremendous work of our staff, without whom we would not be successful as a community.

It is our efforts, collectively, that continue to move Riverside forward. It is an honor and a privilege to serve, and I'll continue to do my best in all things.

RECOMMENDATION

It is respectfully recommended that the Mayor and City Council approve the attached legislation

FISCAL IMPACT

Elements included in this contract are already incorporated in the FY2024 Budget. There is no need for additional appropriation at this time.

SOURCE OF FUNDS

General Fund – Department 150 – Personnel lines

EXHIBITS

Exhibit A – City Manager Employment Contract

RESOLUTION NO. 24-R-2936

PASSED: _____

A RESOLUTION AUTHORIZING THE RENEWED EMPLOYMENT CONTRACT OF MR. JOSHUA RAUCH FOR PERFORMANCE OF DUTIES AS CITY MANAGER OF RIVERSIDE, OHIO.

WHEREAS, in October 2022, the City Council approved an employment agreement with Joshua Rauch for the performance of duties as City Manager for a three-year term as set forth in Article VI of the Charter; and

WHEREAS, Mr. Rauch has capably discharged his duties as City Manager and received favorable performance reviews from the City Council; and

WHEREAS, pursuant to Section 2(A) of the current employment agreement, the employment agreement shall be subject to negotiation at least six (6) months prior to the end of the contract term; and

WHEREAS, the Council and City Manager have engaged in mutual good-faith negotiations regarding the employment agreement and seek to amend the terms of said agreement; and

WHEREAS, pursuant to Section 4.07 of Article IV of the Charter, the Mayor is authorized to “perform all other duties prescribed for said office by this Charter and such other duties as may be imposed by any ordinance or resolution of the Council,” and as such the Council authorizes the Mayor to sign the City Manager employment agreement according to the provisions set forth in this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Riverside, Ohio:

Section 1: That the Council hereby authorizes the re-appointment of Joshua Rauch to the position of City Manager as set forth in Section 6.01 of Article VI of the Charter; and

Section 2: That the Council hereby authorizes the City to enter into a renewed employment contract with Joshua Rauch to be signed by the Mayor, on the terms and conditions materially similar to those set forth in the contract attached as Exhibit A as set forth in Section 6.07 Article VI of the Charter; and

Section 3: This Resolution shall take effect and be in force from and after the date of its passage.

ATTEST:

APPROVED:

CLERK

MAYOR



CERTIFICATE OF THE CLERK

I, _____, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. 24-R-2936 passed by the Riverside City Council on _____.

IN TESTIMONY WHEREOF, witness my hand and official seal this day of _____.

CLERK

EMPLOYMENT CONTRACT

This Contract made and entered into this day _____, by and between the City of Riverside, Ohio, a municipal corporation, with governmental offices located at 5200 Springfield Street, Suite 100, Riverside, Ohio, hereinafter referred to as "City," and Joshua Rauch, hereinafter referred to as "City Manager."

WHEREAS, Section 6.01 of the Charter of the City of Riverside, Ohio, hereinafter the "Charter", provides that Council, by a five out of seven vote of all members of Council shall appoint a Manager and shall fix compensation, benefits, allowances, and severance pay upon removal; and

WHEREAS, Section 6.07 of the Charter provides that Council may by a five out of seven vote of all its members, enter into an employment agreement with the Manager fixing compensation, benefits, allowances, and severance pay upon removal; and

WHEREAS, by Resolution No. 24-R-2938 passed by an affirmative vote of at least five members of Council on the 2nd day of May, 2024, the appointment of Joshua Rauch as the City Manager of Riverside, Ohio was approved; and

WHEREAS, a copy of the Employment Agreement was attached to said Resolution No. 24-R-2938 and said Resolution was conditioned upon the execution of the same by Joshua Rauch and a duly authorized representative of the City.

NOW, THEREFORE, in consideration of the foregoing recitations, the mutual covenants and agreements herein contained, the parties hereto agree as follows:

Section I. Duties

The City agrees to employ and appoint Joshua Rauch as City Manager to perform the functions and duties and exercise the powers of City Manager as described in the Charter, Code of Ordinances, and general laws of Ohio, and to perform such other duties and functions as the City Council shall from time to time lawfully assign.

Section 2. Terms

- A. The City Manager's term of employment shall be indefinite from the date of execution of this Contract, subject to the separation and termination clauses contained herein. Additionally, this Contract shall be subject to renegotiation upon 60 days written notice of either the City Manager or the City Council.
- B. Nothing in this Contract shall prevent, limit, or otherwise interfere with the right of the City Council to terminate the services of the City Manager at any time, subsection only to the provisions set forth in Section 3 of this Contract and the Charter.

- C. Nothing in this Contract shall prevent, limit, or otherwise interfere with the right of the City Manager to resign at any time from his position with the City, subject only to the provisions set forth in Section 3, of this Contract.
- D. The City Manager agrees to remain in the exclusive employ of the City as its City Manager and will neither accept, nor become employed by any other employer unless the City Council is notified of outside work subject to the provisions of Section 13, or this agreement is first terminated as hereinafter provided.

Section 3. Termination

- A. The City may remove the City Manager in accordance with the provisions of Section 6.06 of the Charter and retains its right, in its sole discretion, to determine any reason or reasons for removal. In the event the City Manager is terminated from his position by the City Council for any reason, except the commission of an immoral or criminal act, or other act involving moral turpitude or failure to comply with the residency requirements set forth in Section 6.02 of the Charter, the City agrees to pay City Manager severance pay in the amount equal to twelve (12) months' salary, in addition to any unpaid balance of salary due on or before the next scheduled pay date as referenced in Section 4 hereof.
- B. In the event the City Manager becomes entitled to the severance payment made under the provisions of this Section, the City shall also continue in effect all insurance coverage then being provided for Manager and Manager's dependents for a period of twelve (12) months. Said insurance coverage shall be continued by the City depositing with the carrier or carriers of such insurance the amount of money necessary to continue such coverage. Further, the City will pay any employer contribution into the Ohio PERS system due as a result of the severance payment.

Section 4. Compensation

- A. The City Manager's compensation shall be One Hundred Sixty Thousand Dollars (\$160,000.00) annually payable in installments at the same time as other salaried officials and employees of the City are paid. The City and the City Manager shall each be responsible for paying their respective contributions to the Ohio PERS system.
- B. Council shall not reduce the City Manger's salary, unless such reduction is consistent with a City-wide salary reduction plan for all full-time employees.
- C. The City Manager shall be entitled to any automatic salary increases given to other non-bargaining staff, such as Cost of Living Adjustments (COLAs). The City Manager shall also be entitled to merit pay increases, including increases to base pay or lump-sum bonuses, as may be provided by Council following annual performance evaluations.

Section 5. Performance Evaluations

- A. The City Manager shall receive a performance evaluation each year at such times as Council shall deem appropriate. Said review shall be in accordance with specific criteria developed jointly by the Council and the City Manager. The City Manager shall be provided a copy of Council's performance review and shall have a reasonable opportunity to discuss it with Council.

- B. Annually, the Council and City Manager shall define goals and performance objectives which they determine necessary for the proper operation of the City and in the attainment of the Council's objectives. The Council and the City Manager shall further establish a relative priority among those various goals and objectives and said goals and objectives shall be generally attainable within the time limitations as specified and the annual operating and capital budgets and appropriations provided.

Section 6. Hours of Work

The City Manager acknowledges that the proper performance of his duties will often require the performance of necessary services at varying times and exceeding forty (40) hours per week. The City Manager agrees to devote such time as is necessary for the full and proper performance of his duties and that the compensation herein provided includes compensation for the performance of all such services.

Section 7. Automotive Allowance

The City Manager's duties require that he shall have the exclusive and unrestricted use of an automobile in the course of his employment. The City shall provide and maintain an automobile allowance during City Manager's employment which shall entitle him to receive the sum of Five Hundred Dollars (\$500.00) per month from City, beginning on his hire date until his last day of employment.

Section 8. Cell Phone Allowance

The City Manager's duties require that he have access to, and be accessible by, cellular telephone during normal business hours, as well as after-hours, including on weekends, evenings, and holidays as duties shall require, for the purpose of conducting City business with other City officials, employees, and constituents. City Manager shall receive the sum of one hundred Dollars (\$100.00) per month from City for a cell phone allowance, beginning on his hire date until his last day of employment.

Section 9. Leave and Holidays

- A. Upon the effective date of this agreement, the City Manager shall receive vacation at a rate of 176 hours per year. The City Manager shall also be eligible to carry over two hundred (200) hours of vacation per year. In addition, the City Manager shall accrue sick leave for each year of employment as provided in the Personnel Policies Manual and relevant statute. Accrued vacation and/or sick leave shall be converted upon termination of the City Manager's employment as provided by applicable statute, ordinance and/or the Personnel Policies Manual.
- B. The City Manager shall be entitled to all holidays, personal days, and other leaves as described in the Personnel Policies Manual.

Section 10. Memberships and Dues

The City Manager shall receive payment for his International City Manager's Association and Ohio City Manager's Association dues. Membership dues for local professional groups such as the Dayton Area City Managers and the Mayor's and Manager's Association shall be paid by the City together with the dues for at least one local service club.

Section 11. Professional Development

The City agrees to consider in its budget process the cost of travel and reasonable expenses of City Manager for professional and official travel, meetings and occasions adequate to continue the professional development of City Manager to adequately pursue necessary official functions for the City. The amount of such expenditures shall be determined each year by Council and included in the Annual Budget and Appropriations Ordinance.

Section 12. Insurance

- A. The City agrees to provide dental, hospitalization, surgical and medical insurance for City Manager and his dependents to the extent provided by the City to other full-time employees and to pay the premiums for said coverage to this extent that said premiums are paid on behalf of other full-time employees of the City. If the City Manager declines health insurance coverage, he shall be entitled to a health insurance waiver, if applicable, under same the provisions as other full-time employees.
- B. The City agrees to purchase and pay the premiums on a term life insurance policy on City Manager's life in an amount equal to the lesser of two times his annual base compensation, or the maximum amount offered by the City's insurance provider. City Manager shall have the right to designate the beneficiary or beneficiaries on the policy.

Section 13. Outside Employment

The City Manager shall not undertake nor accept any outside employment or consultation without the prior consent of the Council and the opinion of the Law Director that such employment is lawful. The term “employment” shall not be construed to include occasional teaching, writing, or consulting performed outside of normal business hours, provided that the City is advised in writing of all such occasions in advance.

Section 14. Residency

The City Manager shall reside within the corporate limits of the City of Riverside during his term of office.

Section 15. Other Terms and Conditions of Employment

- A. The Council may fix such other terms and conditions of employment, as it may determine from time to time, relating to the performance of the City Manager, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Contract, the Charter, or other applicable law.
- B. Except as provided in this Contract, all provisions of the Charter, Ordinances, rules and regulations of the City relating to leaves, holidays, other fringe benefits, and working conditions as they now exist or hereafter may be amended, shall also apply to the City Manager as they would to other employees of the City.
- C. Per Article VII, Section 7.09 of the City Charter of Riverside, Ohio, the employee shall serve, in addition to the position of City Manager, as Director of Public Safety and have administrative oversight of the Police and Fire Departments and be considered as an administrative member of such departments.

Section 16. Indemnification

The City shall defend, indemnify and hold harmless the City Manager from and against any and all claims, demands, suits, actions or other proceedings of any kind of nature arising out of the performance of his duties and responsibilities as City Manager as provided in Chapter 2744 of the Ohio Revised Code. Further, the City will provide for and pay all costs required of the City Manager pursuant to law.

[SIGNATURES ON THE FOLLOWING PAGE]

CITY OF RIVERSIDE. OHIO

By: _____

Peter J. Williams, Mayor

By: _____

Joshua C. Rauch, City Manager

ATTEST:

By: _____

Katie Lewallen, City Clerk

APPROVED AS TO FORM:

By: _____

Dalma Grandjean, Law Director



MEETING DATE: May 2, 2024

AGENDA ITEM: New Business

TO: Riverside City Council

FROM: Joshua Rauch, City Manager

SUBJECT: 24-R-2937 – A resolution authorizing the appointment of and an employment contract for performance of duties of City Law Director for the City of Riverside, Ohio.

EXPLANATION

The City has historically contracted with a law firm for legal services. Given the opportunity to continue building new culture among senior leadership, and a desire by the City Council to increase collaboration between elected officials and legal staff, the City is interested in bringing Law Director services in-house.

The attached resolution affirms the appointment of James D. Miller as Law Director pursuant to personnel conversations with the City Council. Mr. Miller brings a wealth of experience and has already worked for the City as an attorney over the last several years alongside Ms. Dalma Grandjean.

Mr. Miller will work exclusively for the City as its Law Director pursuant to the attached agreement, and will be responsible for coordinating the City's approach to legal services, drafting legislation, and other legal matters as described by the City Charter and applicable laws.

Staff are tremendously excited to welcome Mr. Miller to our team.

RECOMMENDATION

It is respectfully recommended that the Mayor and City Council approve the attached legislation.

FISCAL IMPACT

Elements included in this contract are already incorporated in the FY2024 Budget. There is no need for additional appropriation at this time.

SOURCE OF FUNDS

General Fund – Department 250 – Personnel lines

EXHIBITS

Exhibit A – Law Director Employment Contract

RESOLUTION NO. 24-R-2937

PASSED: _____

A RESOLUTION AUTHORIZING THE APPOINTMENT OF AN AN EMPLOYMENT CONTRACT FOR PERFORMANCE OF DUTIES OF CITY LAW DIRECTOR FOR THE CITY OF RIVERSIDE, OHIO.

WHEREAS, pursuant to Section 7.03 of the City Charter the Department of Law shall be headed by a Director of Law who shall be an attorney-at-law qualified to practice in the State of Ohio, and said Director of Law may be either an individual or a law firm; and

WHEREAS, after many years of utilizing a law firm for Law Director services, the City Council wishes to solicit the services of an in-house attorney through an employment contract; and

WHEREAS, the Council has determined that James D. Miller has the qualifications to perform the duties of Law Director as set forth in the Charter; and

WHEREAS, pursuant to Section 7.01 of the Charter, the Council has determined that it is in the best interests of the City to appoint James D. Miller to fill the position of City Manager, and to enter into an employment agreement with Mr. Miller to perform the duties of Law Director; and

WHEREAS, pursuant to Section 4.07 of Article IV of the Charter, the Mayor is authorized to “perform all other duties prescribed for said office by this Charter and such other duties as may be imposed by any ordinance or resolution of the Council,” and as such the Council authorizes the Mayor to sign the Law Director employment agreement according to the provisions set forth in this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Riverside, Ohio:

Section 1: That the Council hereby authorizes the appointment of James D. Miller to the position of Law Director as set forth in the Charter; and

Section 2: That the Council hereby authorizes the City to enter into an employment contract with James D. Miller, to be signed by the Mayor, on the terms and conditions materially similar to those set forth in the contract attached as Exhibit A; and

Section 3: This Resolution shall take effect and be in force from and after the date of its passage.

ATTEST:

APPROVED:

CLERK

MAYOR



CERTIFICATE OF THE CLERK

I, _____, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. 24-R-2937 passed by the Riverside City Council on _____.

IN TESTIMONY WHEREOF, witness my hand and official seal this day of _____.

CLERK

EMPLOYMENT CONTRACT

This Contract made and entered into this day, _____, by and between the City of Riverside, Ohio, a municipal corporation, with governmental offices located at 5200 Springfield Street, Suite 100, Riverside, Ohio, hereinafter referred to as “City”, and James D. Miller, hereinafter referred to as “Law Director”.

WHEREAS, Section 7.01 of the Charter of the City of Riverside, Ohio, hereinafter the “Charter”, provides that Council shall appoint a Director of the Department of Law as created by Section 7.03 of the Charter to serve as the City Law Director who shall perform the duties as set forth in Section 7.04 of the Charter; and

WHEREAS, Section 7.03 of the Charter provides that the Department of Law shall be headed by a Director of Law who shall be an attorney-at-law qualified to practice in the State of Ohio as appointed by Council pursuant to Section 7.01 of the Charter; and

WHEREAS, by Resolution 24-R-2937, passed by a majority of the members of Council on the 2nd day of May, 2024, the appointment of James D. Miller, an attorney-at-law qualified to practice in the State of Ohio, as the City Law Director of Riverside, Ohio was approved; and

WHEREAS, a copy of the Employment Agreement was attached to said Resolution No. 24-R-2937, and said Resolution was conditioned upon the execution of the same by James D. Miller and a duly authorized representative of the City.

NOW, THEREFORE, in consideration of the foregoing recitations, the mutual covenants and agreements herein contained, the parties hereto agree as follows:

Section 1. Duties

City agrees to employ and appoint James D. Miller as City Law Director to perform the functions as City Law Director and to perform the functions and duties and exercise the powers contained in the Riverside Charter, Code of Ordinances, general laws of Ohio and to perform such other duties and functions as the City Council shall from time to time lawfully assign.

Section 2. Terms

- A) The City Law Director term of employment shall be three (3) years, starting within thirty (30) days of the date of selection, and subject to negotiation of a new or renewal agreement at least six (6) months prior to the end of this Contract term.
- B) Nothing in this Contract shall prevent, limit or otherwise interfere with the right of the City Council to terminate the services of the City Law Director at any time, subject only to the provisions set forth in Section 3 of this Contract and the Charter of the City of Riverside.

- C) Nothing in this Contract shall prevent, limit or otherwise interfere with the right of the City Law Director to resign at any time from his position with the City, subject only to the provisions set forth in Section 3, of this Contract.
- D) City Law Director agrees to remain in the exclusive employ of Riverside as its City Law Director and subject to the provisions of Section 13 hereof, neither to accept, nor to become employed by any other employer unless this agreement is first terminated as hereinafter provided.

Section 3. Termination

- A) The City may remove the City Law Director in accordance with the provisions of Sections 7.01, 7.03, and 7.04 of the Charter, and retains its right, in its sole discretion, to determine any lawful reason or reasons for removal. In the event the City Law Director is terminated from his position by the City Council for any reason, the City agrees to pay City Law Director severance pay in the amount equal to six (6) months' salary, in addition to any unpaid balance of salary due on or before the next scheduled pay date as referenced in Section 4 hereof.
- B) In the event the City Law Director becomes entitled to the severance payment made under the provisions of this Section, the City shall also continue in effect all insurance coverage then being provided for Law Director and Law Director's dependents for a period of six (6) months. Said insurance coverage shall be continued by the City depositing with the carrier or carriers of such insurance the amount of money necessary to continue such coverage. Further, the City will pay any employer contribution into the Ohio PERS system due as a result of the severance payment.

Section 4. Compensation

- A) The City Law Director's compensation shall be One Hundred Thirty Thousand Dollars \$130,000.00 annually payable in installments at the same time as other salaried officials and employees of the City are paid. The City and the City Law Director shall each be responsible to pay their respective contributions to the Ohio PERS system. The City Law Director may contribute to the Ohio Deferred Compensation Plan at his own discretion.
- B) Council shall not reduce the City Law Director's salary, unless such reduction is consistent with a City wide salary reduction plan for all full time employees.
- C) This Agreement shall be automatically amended to reflect any salary adjustments or deferred compensation option that are provided as a result of any performance evaluation or required by the Employer's compensation policies to include all salary adjustments on the same basis as applied to the executive classification of employees.

Section 5. Performance Evaluations

- A) City Law Director shall receive an initial performance evaluation by the Council after six (6) months of employment. Subsequently, the City Law Director shall receive a performance evaluation each year during his anniversary month and at such other times as Council shall deem appropriate. Said review shall be in accordance with specific criteria developed jointly by the Council and City Law Director. The City Law Director shall be provided a copy of Council's performance review and shall have a reasonable opportunity to discuss it with Council.

- B) Annually, or at other times, the Council and City Law Director shall define goals and performance objectives, or discuss compensation or salary adjustments, which they determine necessary for the proper legal representation of the City and consistent with the duties of Law Director as set forth in Section 7.04 of the Charter. Said goals and objective shall be generally attainable within the time limitations as specified and the annual operating and capital budgets and appropriations provided.

Section 6. Hours of Work

City Law Director acknowledges that the proper performance of his duties will often require the performance of necessary services at varying times and in excess of forty (40) hours per week. City Law Director agrees to devote such time as is necessary for the full and proper performance of his duties and that the compensation herein provided includes compensation for the performance of all such services.

Section 7. Automotive Allowance

City Law Director's duties require that he shall have the exclusive and unrestricted use of an automobile for use in the course of his employment. City shall provide and maintain an automobile allowance during City Law Director's employment which shall entitle him to receive the sum of Five Hundred Dollars (\$500.00) per month from City, beginning on his hire date until his last day of employment.

Section 8. Cell Phone Allowance

City Law Director's duties require that he have access to, and be accessible by, cellular telephone during normal business hours, as well as after-hours, including on weekends, evenings, and holidays as duties shall require, for the purpose of conducting City business with other City officials, employees, and parties engaged in legal business with the City. City Law Director shall receive the sum of One Hundred Dollars (\$100.00) per month from City for a cell phone allowance, beginning on his hire date until his last day of employment.

Section 9. Vacation and Sick Leave

Upon the effective date of this agreement, the City Law Director shall be awarded one hundred fifty-four (154) hours of vacation leave and shall accrue vacation leave for each subsequent year of employment under this Contract at the rate of one hundred fifty-four (154) hours per year with carryover and such accrual shall be subject to the provisions as set forth in the Riverside Personnel Policies Manual as it may be amended from time to time. In addition, the City Law Director shall accrue sick leave for each year of employment as provided in the Personnel Policies Manual and relevant statute. Accrued vacation and/or sick leave shall be converted upon termination of the City Law Director's employment as provided by applicable statute, ordinance and/or the Personnel Policies Manual.

Section 10. Memberships and Dues

City Law Director shall receive payment for his biannual registration with the Supreme Court of Ohio as an attorney-at-law in the State of Ohio with active status. Membership dues for state and local professional groups such as the Ohio State Bar Association, Dayton Bar Association, and Ohio Municipal Attorneys' Association shall be paid by the City together with the dues for other reasonable professional memberships relevant to the duties of Law Director and in accordance with the Law Department's operating budget.

Section 11. Professional Development and Continuing Legal Education (CLE)

City agrees to consider in its budget process the cost of travel and reasonable expenses of City Law Director for professional and official travel, meetings and occasions adequate to continue the professional development of City Law Director to adequately pursue necessary legal functions for the City, including but not limited to City Law Director's annual twelve (12) hours of Continuing Legal Education (CLE) credit required by the Supreme Court of Ohio to maintain active status as a qualified attorney-at-law in the State of Ohio. The amount of such expenditures shall be determined each year by Council and included in the Annual Budget and Appropriations Ordinance.

Section 12. Insurance

- A) The City agrees to provide dental, hospitalization, surgical and medical insurance for City Law Director and his dependents to the extent provided by the City to other full time employees and to pay the premiums for said coverage to this extent that said premiums are paid on behalf of other full time employees of the City.
- B) The City agrees to purchase and pay the premiums on a term life insurance policy on City Law Director's life in an amount equal to two times his annual base compensation. City Law Director shall have the right to designate the beneficiary or beneficiaries on the policy.

Section 13. Outside Employment

City Law Director shall not undertake nor accept any outside employment without the prior consent of the Council and the attestation of City Law Director that such employment is lawful. The term “outside employment” shall not be construed to include occasional teaching, writing or participation in professional presentations performed on City Law Director’s time off, provided that the City is advised in writing of all such occasions, in advance.

Section 14. Residency Exemption

The City Law Director shall not be subject to the residency requirement within the corporate limits of the City of Riverside during his term of office pursuant to Section 7.01 of the Charter.

Section 15. Other Terms and Conditions of Employment

- A) The Council may fix such other terms and conditions of employment, as it may determine from time to time, relating to the performance of the City Law Director, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Contract, the Charter, or other applicable law.
- B) Except as otherwise provided in this Contract, all provisions of the Charter, Ordinances, rules and regulations of the City relating to vacation, sick leave, holidays, other fringes and working conditions as they now exist or hereafter may be amended, shall also apply to the City Law Director as they would to other employees of the City.
- C) Per Section 7.04 of the City Charter of Riverside, Ohio, City Law Director shall not be authorized, nor obligated to perform any duties with regard to or on behalf of the officers or employees of the Mad River Local School District, if the District establishes itself as a city school district.

[SIGNATURES ON THE FOLLOWING PAGE]

CITY OF RIVERSIDE, OHIO

By _____
Peter J. Williams, Mayor

By _____
James D. Miller, City Law Director

ATTEST:

Katie Lewallen, Clerk



MEETING DATE: May 2, 2024

AGENDA ITEM: New Business

TO: Riverside City Council

FROM: Joshua Rauch, City Manager

SUBJECT: 24-R-2938 and 2939 – Resolutions related to reaffirming creation and purpose of CIC and CIC Code of Regulations.

EXPLANATION

Over the last several years, the City of Riverside's CIC has lapsed and has effectively become inactive. There is significant interest in re-establishing the CIC to help with economic development and associated revitalization efforts in our community. These resolutions re-affirm the creation and purpose of the CIC and adopt a new code of regulations governing how the CIC will operate.

If these resolutions are adopted, an initial meeting of CIC trustees will be convened. The trustees will then adopt bylaws and elect any officers needed to run the CIC. The trustees will begin working on the most effective way to capitalize and operate the CIC going forward. Additional Council action will likely be required to complete that process.

RECOMMENDATION

It is respectfully recommended that the Mayor and City Council approve the attached legislation

FISCAL IMPACT

There is no direct cost associated with these resolutions.

SOURCE OF FUNDS

N/A

EXHIBITS

Each resolution includes an exhibit which more fully explains and documents the CIC.

A RESOLUTION REAFFIRMING THE CREATION AND PURPOSE OF THE COMMUNITY IMPROVEMENT CORPORATION OF RIVERSIDE, OHIO, AND APPROVING AN AMENDMENT TO THE ARTICLES OF INCORPORATION.

WHEREAS, the Community Improvement Corporation of Riverside, Ohio (the “CIC”) was incorporated August 5, 2005, “to advance, encourage and promote the industrial, economic, commercial, and civic development of the City of Riverside, Ohio, by acting as a designated agency of the City, for the industrial, commercial, distribution, housing, and research development in such political subdivision in accordance with Section 1724.10 of the Ohio Revised Code”; and

WHEREAS, City Council hereby intends to reaffirm the creation and purpose of the CIC of Riverside, Ohio; and

WHEREAS, the City Manager recommends that the Articles of Incorporation of the CIC of Riverside, Ohio, be amended to expand the duties, responsibilities, and functions of the CIC for the betterment of the community and to protect and promote the health, safety, and welfare of the citizens of Riverside.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Riverside, Ohio:

Section 1: That City Council hereby reaffirms the creation and purpose of the Community Improvement Corporation of Riverside, Ohio (the “CIC”), which CIC was established “to advance, encourage and promote the industrial, economic, commercial, and civic development of the City of Riverside, Ohio, by acting as a designated agency of the City, for the industrial, commercial, distribution, housing, and research development in such political subdivision in accordance with Section 1724.10 of the Ohio Revised Code.”

Section 2: That City Council hereby authorizes the City Manager, or his designees, to take any and all action necessary to amend the Articles of Incorporation, which action includes but is not limited to the submission of the Attachment to Certificate of Amendment, a copy of which is attached hereto as Exhibit A, to the Ohio Secretary of State.

Section 3: This Resolution shall take effect and be in force from and after the date of its passage.

ATTEST:

APPROVED:

CLERK

MAYOR



CERTIFICATE OF THE CLERK

I, _____, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. 24-R-2938 passed by the Riverside City Council on _____.

IN TESTIMONY WHEREOF, witness my hand and official seal this day of _____.

CLERK



**Attachment to Certificate of Amendment
of
Community Improvement Corporation of Riverside, Ohio**

FIRST: The name of the corporation shall be Community Improvement Corporation of Riverside, Ohio.

SECOND: The principal office of the corporation is located in Riverside, Montgomery County, Ohio.

THIRD: The purpose for which the corporation is formed

- A. To advance, encourage and promote the industrial, economic, commercial, and civic development of the City of Riverside, Ohio, by acting as a designated agency of the City, for the industrial, commercial, distribution, housing, and research development in such political subdivision in accordance with Section 1724.10 of the Ohio Revised Code;
- B. To facilitate the reclamation, rehabilitation and reutilization of vacant, abandoned, tax-foreclosed, or other real property within the City;
- C. To promote economic and housing development within the City; and
- D. Said corporation is organized exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or the corresponding section of any future federal tax code.

FOURTH: No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its members, directors, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes as set forth in Article Third hereof. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.

FIFTH: In the event of any voluntary or involuntary dissolution or liquidation of the corporation, or in the event of failure to reinstate these Articles of Incorporation after cancellation thereof, any remaining assets of the corporation shall be paid over and distributed by the Board of Directors with the approval of the Court of Common Pleas of Montgomery County, Ohio, to one or more political subdivisions of the State of Ohio from which on the date of the dissolution, liquidation or cancellation of the Articles of Incorporation there exists a designation of the corporation to act as agent pursuant to Article Third hereof, to be used exclusively for designated civic projects or public charitable purposes.

RESOLUTION NO. 24-R-2939

PASSED: _____

A RESOLUTION ADOPTING THE CODE OF REGULATIONS OF THE COMMUNITY IMPROVEMENT CORPORATION OF RIVERSIDE, OHIO.

WHEREAS, the Community Improvement Corporation of Riverside, Ohio (the “CIC”) was incorporated August 5, 2005, “to advance, encourage and promote the industrial, economic, commercial, and civic development of the City of Riverside, Ohio, by acting as a designated agency of the City, for the industrial, commercial, distribution, housing, and research development in such political subdivision in accordance with Section 1724.10 of the Ohio Revised Code”; and

WHEREAS, the City Manager recommends that City Council adopt the Code of Regulations of the CIC.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Riverside, Ohio:

Section 1: That City Council hereby adopts the Code of Regulations of the Community Improvement Corporation of Riverside, Ohio (the “CIC”), a copy of which is attached hereto and incorporated herein as Exhibit A.

Section 2: This Resolution shall take effect and be in force from and after the date of its passage.

ATTEST:

APPROVED:

CLERK

MAYOR

CERTIFICATE OF THE CLERK

I, _____, Clerk of the City of Riverside, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. 24-R-2939 passed by the Riverside City Council on _____.

IN TESTIMONY WHEREOF, witness my hand and official seal this day of _____.

CLERK

CODE OF REGULATIONS
COMMUNITY IMPROVEMENT CORPORATION OF RIVERSIDE, OHIO

Article I. Membership

- Section 1. The trustees named by the Incorporator of the Corporation shall be the first members, and all persons thereafter elected by the members, shall, upon such election, become members of the Corporation.
- Section 2. Any regular member may resign at any time by notice in writing delivered to any officer of the Corporation other than themselves. If a member misses three consecutive meetings, the member shall be deemed to have resigned. The resignation of a member shall constitute resignation by such person as a trustee and as an officer.

Article II. Meetings of Members

- Section 1. There shall be an annual meeting of the members of the Corporation within a period of four (4) months following the close of each fiscal year of the Corporation, on such date in such period as shall be designated by the Board of Trustees and at such time and place in the City of Riverside, Ohio, as shall be fixed in the notice of the meeting, provided that if the Board of Trustees does not fix such date, time and place by the last day of the third month following the close of such fiscal year, then the Chair of the Corporation shall do so.
- Section 2. Special meetings of the members may be called and the time, date and place (which shall be within the City of Riverside, Ohio) of the special meetings specified by the Chair, the Executive Committee, or any three members of the Board of Trustees.
- Section 3. A majority of the members shall constitute a quorum for the transaction of business at any meeting of the members.
- Section 4. Any action which may be taken at a meeting of the members at which a quorum is present may be taken by the affirmative vote of a majority of the members present at such meeting.
- Section 5. A written or printed notice of every annual or special meeting of the members, stating the time, place and purpose thereof, shall be given to each member entitled to vote and to each member entitled to notice as provided by law, which notice may be given to a member in person, may be mailed by first class mail to his last address appearing on the books of the Corporation, or may be sent via electronic means at least five (5) days prior to any such meeting. Any member may waive in writing, either before or after the holding of such meeting, any notice required to be given by law or under these regulations, and by attendance at any meeting without protesting the lack of proper notice, or by voting at any meeting, a member shall be deemed to have waived notice.

Article III. Board of Trustees

- Section 1. The Board of Trustees shall be the governing board of the Corporation. Trustees shall serve for one-year terms except as otherwise hereinafter provided. At any time during which the Corporation is acting as the designated agent of one or more political

subdivisions, in accordance with Chapter 1724 of the Ohio Revised Code, not less than two-fifths of the Board of Trustees shall be composed of appointed or elected officers of such political subdivision or subdivisions, and at least one officer of each such political subdivision shall be a member of the Board of Trustees.

Section 2. The Board of Trustees shall be constituted as follows and designees may be selected:

- Mayor
- City Manager
- Director of Community Development
- Finance Director or Finance Director's Designee
- Planning Commission Representative

The balance of the members of the Board of Trustees, pursuant to ORC 1724, are appointed or elected officials of the City of Riverside.

Section 3. A Trustee may be removed for good cause shown by the vote of at least ninety percent of the remaining members of the Board of Trustees or may resign at any time by notice in writing delivered to any officer of the Corporation other than themselves.

Section 4. Except in the case of death, removal, or resignation, a Trustee shall serve until his successor has been elected. In the event of any vacancy caused by the death, removal or resignation of a trustee or by the failure of the members to fill all the positions on the Board at the meeting at which the number of Trustees on the Board was fixed pursuant to Section 1 of this Article, any such vacancy may be filled by the vote of a majority of the remaining Trustees.

Article IV. Meetings of the Board of Trustees

Section 1. After each annual meeting of the members, or special meeting in lieu thereof, the newly elected Board of Trustees, if a quorum thereof be present, shall hold an organizational meeting at the same place for the purpose of electing officers and transacting any other business. Notice of such meeting need not be given. If for any reason, said organizational meeting is not held at such time, a special meeting for such purpose shall be held as soon thereafter as practicable.

Section 2. Regular meetings of the Board of Trustees may be held at such times and places within the City of Riverside, Ohio, as shall be provided for in the regulations or resolutions adopted by the Board of Trustees and no notice of such meeting need be given unless otherwise provided in the regulations or resolutions adopted by the Board of Trustees. Special meetings may be called by the Chair, Executive Committee or any three members of the Board of Trustees. The notice of any special meeting shall set forth the time, date and place thereof (which shall be within the City of Riverside, Ohio) and the person or persons calling such meeting shall cause such notice to be given. Notice of each such meeting shall be given to each Trustee in writing, by personal delivery, first class mail or email and such writing shall be delivered, mailed or emailed not less than three (3) days prior to such meeting; provided, however, that such notice shall be deemed to have been waived by the Trustees attending such meeting without protesting the lack of proper notice, or by voting at any such meeting and may be waived in writing by any Trustee either before or after such meeting. Unless otherwise limited in the notice thereof, any business may be transacted at any special meeting.

- Section 4. At any meeting of the Board of Trustees a quorum shall consist of a majority of the Trustees in office at the time.
- Section 5. Except as otherwise provided in this Code of Regulations, any action which may be taken at a meeting of the Board of Trustees may be taken by a vote of a majority of the Trustees present at such meeting, provided that a quorum is present.
- Section 6. Any action which may be authorized or taken at a meeting of the Board of Trustees may be authorized or taken without a meeting with the affirmative vote or approval of, and in a writing or writings signed by, all of the members of the Board of Trustees then in office.

Article V. Officers

- Section 1. The Board of Trustees shall elect a Chair, a Vice Chair, a Secretary, and a Treasurer and may elect an Executive Director and such other officers as the Board of Trustees may deem appropriate. Any two of the offices may be held by one person, but in any case, in which the action of more than one officer is required, no one person shall sit in more than one capacity.
- Section 2. Any officer may resign at any time by notice in writing delivered to any officer of the Corporation other than himself.
- Section 3. Except in the case of death, removal or resignation, an elected officer shall serve until his successor has been elected. In the event of death, removal or resignation of an elected officer (other than the Chair if there is a Vice Chair in office at the time), the Board of Trustees shall elect a successor for the balance of the unexpired term of such officer. In the event of the death or resignation of the Chair, (if there is a Vice Chair in the office at the time), the Vice Chair shall assume the office of Chair for the balance of the unexpired term, and shall be deemed to have resigned the office of Vice Chair.

Article VI. Duties of Officers

- Section 1. The Chair shall preside at meetings of the members of the Board of Trustees, may designate the date, time and place of meetings of the members and Board of Trustees as provided herein, may execute all authorized instruments, including, without limitation, contracts, bonds, notes, debentures, deeds, mortgages and other obligations in the name of the Corporation and shall perform such other duties as the Board of Trustees may require.
- Section 2. In case of the absence or disability of the Chair, or when circumstances prevent the Chair from acting, the Vice Chair, if any, shall perform all of the duties of the Chair and, in such case, shall have all of the powers and obligations of the Chair, and any such instruments so executed by the Vice Chair shall be as valid and binding as though executed by the Chair. The Vice Chair shall also perform such other duties as the Board of Trustees may require.
- Section 3. The Secretary shall take and keep records of the meetings of the members and of the Board of Trustees, conduct such correspondence of the Corporation as may be designated by the Chair, perform the usual duties of his office and perform such other duties as the

Board of Trustees may require.

- Section 4. The Treasurer shall be the custodian of all funds and securities in other corporations and similar property belonging to the Corporation and shall do with the same as may be ordered by the Board of Trustees. He shall keep accurate financial accounts and hold the same open for examination of the Trustees. On the expiration of his term of office he shall turn over to his successor or the Board of Trustees, all property, books, papers and moneys of the Corporation in his hands.
- Section 5. The Board of Trustees may also elect for a term of one year one or more Assistant Secretaries, and one or more Assistant Treasurers, who shall perform the duties of the Secretary and Treasurer, respectively, in the case of the absence or disability of such Treasurer together with such other duties as the Board of Trustees may from time to time prescribe. The power of such officers to execute all authorized deeds, mortgages, bonds, notes, contracts, and other obligations in the name and on behalf of the Corporation shall be coordinate with like powers of the Secretary and Treasurer, respectively, and any such instrument so executed by any Assistant Secretary or Assistant Treasurer shall be as valid and binding as though executed by the secretary or Treasurer, as the case may be. Such other officers as the Board of Trustees may elect, shall have such powers and duties as the Board of Trustees may from time to time prescribe.
- Section 6. The Executive Director, if one shall be elected, shall be the chief administrative officer of the corporation. He shall be responsible for supervising the property, business and affairs of the Corporation, subject to the direction of the Board of Trustees. He may execute all authorized instruments including, without limitation, contracts, bonds, notes, debentures, deeds, mortgages and other obligations in the name of the Corporation and shall perform such other duties as the Board of Trustees may require. If an Executive Director is not elected, the duties and powers set forth herein shall be performed by and be applicable to one or more other officers as provided in Section 7 of this Article. The Executive Director shall be a non-voting member on the Board of Trustees
- Section 7. The Board of Trustees is authorized to delegate the duties of any officer to any other officer and generally to control the action of the officers and to require the performance of duties in addition to those mentioned herein.
- Section 8. Any officer, if required by the Board of Trustees, shall give bond in such form and with such security as the Board of Trustees from time to time may require for the faithful performance of his duties.
- Section 9. The Board of Trustees shall select depositories for the safekeeping of the moneys of the Corporation and establish the procedure for deposit and withdrawal of such moneys. In lieu of such deposit, the Board of Trustees from time to time may authorize investment, of such moneys of the Corporation as are not then required, in any obligations in which a county or municipal corporation is authorized by the applicable sections of the Ohio Revised Code to invest its moneys.

Article VII. Committees

- Section 1. The Executive Committee of the Board of Trustees shall be designated in accordance with and shall be subject to the following provisions:
- 1) At any meeting of the Board of Trustees, it may designate an Executive

Committee consisting of such number of Trustees as the Board from time to time determines. The Chair shall be a member of and shall serve as chairman of the Executive Committee.

- 2) Except as otherwise provided by the Board of Trustees, the Executive Committee shall meet at such times and places it shall determine. The call of such meetings and giving of notice thereof shall be in the manner established by such Committee. At any meeting of the said Committee a quorum shall consist of a majority of the members, but the affirmative vote of a majority of all members of the Committee shall be necessary to the taking of any action by the Committee.
- 3) The Executive Committee may adopt regulations or resolutions to provide for the conduct of its affairs provided that such regulations or resolutions shall not be contrary to the regulations or resolutions adopted by the Board of Trustees, this Code or Regulations or the Articles of Incorporation of the Corporation.
- 4) The said Committee shall serve at the pleasure of the Board of Trustees and, during the intervals between meetings of the Board, shall possess and may exercise such powers of the Board as may be delegated from time to time by the Board to it, provided that the Executive Committee shall not be empowered to fill vacancies in the Board of Trustees or officers of the Corporation, nor to fill vacancies in or add to its own membership.

Section 2. The Board of Trustees may create other committees of the Board to consist of not less than three Trustees and may delegate to such committees such powers and duties of the Board as it shall deem appropriate. Except as otherwise provided by the Board of Trustees, each such committee shall regulate its own procedure.

Article VIII. Indemnification of Trustees and Officers

Section 1. The Corporation shall indemnify any Trustee, officer, agent, or employee, or a former Trustee, officer, agent, or employee of the Corporation, against expenses (including attorneys' fees) judgments, fines and amounts paid in settlement or incurred in connection with the defense or settlement of any threatened, pending, or completed action, suit, or proceeding, whether civil, criminal, administrative, or investigative, to which such Trustee, officer, agent, or employee was or is a party or is threatened to be made a party by reason of the fact that he is or was such Trustee, officer, agent, or employee, to the extent that any such expenses or amounts were actually reasonably incurred, provided:

- 1) that he acted in good faith in what he reasonably believed to be in or not opposed to the best interests of the Corporation; and
- 2) that, in any matter the subject of a criminal action, suit, or proceeding, he had no reasonable cause to believe that his conduct was unlawful.

The determination as to (a) and (b) above shall be made (i) by the Board of Trustees by a majority vote of a quorum consisting of Trustees who were not and are not parties to or threatened with any such action, suit, or proceeding, or any other action, suit or proceeding arising from the same or similar operative facts; or (ii) if such a quorum is not obtainable, or even if obtainable if a majority of such quorum of disinterested Trustees so directs; in written opinion by independent legal counsel other than an attorney, or a firm having associated with it an attorney, who has been retained by or who has performed services for the Corporation, or any person to have been so indemnified within the past five years; or (iii) by the Court of Common Pleas or the court in which the action, suit or proceeding was brought.

The termination of any claim, action, suit, or proceeding by judgment, order, settlement, conviction, or upon a plea of guilty or nolo contendere or its equivalent, shall not, of itself, create a presumption that such person did not meet the standards of conduct referred to above.

Notwithstanding the foregoing, in any action by or in behalf of the Corporation, no indemnification shall be made in respect of any claim, issue, or matter as to which such present or former Trustee, officer, agent, or employee shall have been adjudged to be liable for negligence or misconduct in the performance of his duty to the Corporation unless, and only to the extent that, the Court of Common Pleas or the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability, but in view of all the circumstances of the case, such present or former Trustee, officer, agent or employee is fairly and reasonably entitled to indemnity for such expenses as the court shall deem proper.

To the extent that any such person has been successful on the merits or otherwise with respect to any action, suit, or proceeding referred to above, or in the defense of any claim, issue, or matter therein, such person shall be indemnified against expenses, including attorneys' fees, actually and reasonably incurred in connection therewith without the determination specified above.

The Corporation may pay expenses, including attorneys' fees, incurred in connection with defending any action, suit or proceeding referred to above prior to final disposition thereof, as authorized by the Board of Trustees upon receipt of a satisfactory undertaking by such person to repay such amount, unless it shall ultimately be determined that such person is entitled to indemnification by the Corporation as herein authorized.

The indemnification provided by this Article shall not be deemed exclusive of, or in any way to limit, any other rights to which any person seeking indemnification may be entitled as a matter of law, by the Articles, regulations, agreements, insurance, or otherwise, with respect to action in his official capacity and shall continue as to a person who has ceased to be a Trustee, officer, agent, or employee, and shall inure to the benefit of the heirs, executors, and administrators of such a person.

Section 2. The Corporation may purchase and maintain insurance on behalf of any person who is or was a Trustee, officer, agent, or employee, against any liability asserted against him and incurred by him in any such capacity, or arising out of his status at such, whether or not the Corporation would have the power to indemnify him against such liability under the provisions of this Article or of the Ohio Revised Code.

Section 3. If any part of this Article shall be found, in any action, suit, or proceeding, to be invalid or ineffective, the validity and the effect of the remaining parts shall not be affected.

Article IX. Amendments to Code of Regulations

Section 1. This Code of Regulations may be amended by assent thereto in writing signed by at least two-thirds of the members, or by a majority vote at any meeting of the members, provided that the notice of said meeting stated the consideration of the amendment to be the purpose or a purpose of the meeting.

PROCLAMATION

A Proclamation Recognizing

Mental Health Awareness Month

Whereas, mental health is an essential component of overall health and well-being for all individuals, families, and communities in the City of Riverside, Ohio; and

Whereas, mental health disorders affect millions of people across the United States, with one in five adults experiencing mental illness each year, and approximately one in six children aged 6 – 17 experiencing a mental health disorder; and

Whereas, addressing the complex mental health needs of our citizens is vital to ensuring a healthy, thriving, and inclusive community; and

Whereas, Mental Health Awareness Month has been observed in the United States each May since 1949, providing an opportunity for education, support, and advocacy around mental health issues; and

Whereas, the City of Riverside recognizes the importance of mental health as a critical issue impacting our community, and is committed to supporting the efforts of local organizations, healthcare providers, educators, and advocates who work tirelessly to raise awareness, provide resources, and reduce stigma associated with mental health challenges; and

Whereas, through public education and awareness, we can encourage early identification, intervention, and access to appropriate mental health services, thereby improving the lives of those affected and contributing to the overall well-being of our community.

Now, Therefore, I, Peter J. Williams, Mayor of the City of Riverside, Ohio and the City Council, do hereby recognize May 2024 as “Mental Health Awareness Month” and encourage all citizens, government agencies, public and private institutions, businesses, and schools to recommit to increasing awareness and understanding of mental health, the steps our citizens can take to protect their mental health, and the need for appropriate and accessible service for all individuals with mental health conditions.

Signed under my hand and seal this 2nd day of May 2024.

Peter J. Williams, MAYOR

CITY MANAGER

PREVIOUS

UPDATES

MEMORANDUM

TO: Honorable Mayor and Councilmembers
FROM: Josh Rauch, City Manager
DATE: April 5, 2024
SUBJECT: Weekend Update
CC: City Clerk, Law Director, City Staff

City Manager's Office/Administration

- Kudos to the Fire Department for winning a \$9,600 grant from the Source Water Protection Board for hazardous waste materials supplies. Fire worked closely with Community Development staff on this effort. I'm glad we have a team that works so well together!
- Much of this week was devoted to media and communications for the upcoming eclipse. **Thanks to our dedicated public safety and public service personnel for all the work that's been happening behind the scenes regarding this event.** I know we're well-prepared thanks to your efforts and the collaborative relationships you've built with our neighboring communities and WPAFB.
- Thanks to Katie for all her work this week (and last week) regarding communications for the eclipse, including but not limited to daily social media posts and press releases.
- Non-essential City staff will work remotely or take personal leave on Monday, April 8th to reduce traffic along Harshman in advance of the eclipse. City offices will be closed to public access. I'll be assisting our teams on the ground as needed throughout the day.
- **Stay safe, be patient, and enjoy the eclipse next week!**

Communications/Public Relations

- Attended first online training for new website with Revize.
- Attended Zoom meeting for PRSA (Public Relations Society of America) titled, "Nuts and Bolts" of APR Process.
- Attended final staff eclipse meeting and finalized information and dissemination of information.
- Participated in online Zoom Athenian Dialogue (Part 1 of 2) to earn points toward MMC (Master Municipal Clerk).
- Created and posted the following on City Facebook page: Emergency Car Kit, video of totality path, Weather Service alert for Tuesday, Parks closed to vehicular traffic, Forbes Magazine article share, Safe driving tips, news share of article released by city on temporary emergency order, Harshman Road serves as major artery.
- Wrote and disbursed news article, "Riverside Prepares for Influx of Visitors for Total Solar Eclipse" – heard on WHIO and WYSO Radio as well as on WHIO-TV, and online and print news for DDN, WHIO, Springfield News-Sun.

Community Development Department

General Department:

- The department participated in the Canopy mapping site kick-off meeting. The online tool will allow Community Development and Public Service to quickly view to the City's infrastructure data, zoning map, and sensitive water areas. We will continue to work with CMT to build the system up with additional data over the next year.
- Lori represented the City of Riverside at this month's Source Water Protection Fund Board meeting.
- Rob will be assisting the Service Department on Monday with lane closures and other eclipse related activities.

Code Enforcement:

- There were 2 public nuisance cases opened this week.
- The department coordinated with the RPD on a public nuisance/foreclosed property case at 1189 Spinning Rd. The City received multiple reports of an unsecured house for this property. The house has been boarded up by the City contractor and the foreclosing bank contacted.
- There are 394 open code enforcement cases. The department closed 24 cases and open 14 new cases this week.

Economic Development:

- Lori and Nia met with the Ohio EPA to discuss next steps for bringing the Trey landfill into a productive use. The City needs to find a pathway for all agencies involved to legally access the property in order to obtain funding or begin remediation.
- Nia attended the CDBG Technical Meeting on Thursday.
- The demolition for the 2023/2024 ODOD funding project is moving forward. The demolition of 321 Marjorie and 2350 Forest Home have been completed this week. A septic tank was found at 528 Blue Bell which has slowed the process at this site. The other residential demolitions are progressing.

Planning & Zoning:

- The department received 56 zoning permits and 1 minor subdivision request (lot split) application in March.
- Lori and Nia met with a potential contractor for the UDO Update. Meetings with other planning firms have been scheduled for next week.
- The April Planning Commission packet was sent out today. The packet will be available online early next week.
- The Technical Review Committee held their monthly meeting this month. The TRC discussed ongoing projects and the creation of a stormwater connection permit (per the UDO/ODOT standards).

Finance Department

- No major updates this week.

Fire Department

Administration:

- Danco renumbered both front line engines so they could be rotated. We also had them add medic unit numbers to the front of our front-out medic units so they can be properly identified as they approach a scene.
- Both engines were rotated around on Monday. Engine 5 is now our sole Engine-Rescue. This was a considerable investment by the city to include apparatus upgrades, equipment procurement, and mechanical repairs. These upgrades greatly enhance the ability of RFD personnel to respond to rescue incidents of all types. These upgrades couldn't have been possible without the support of the mayor, members of council, and the city manager.
- The new prevention pick-up truck is now in-service. Inspector Ziegert will be setting the unit up for inspections, investigations, and community outreach events.
- An all-officer meeting was held on Wednesday with our new officers. The main topic of discussion was the RFD's Total Solar Eclipse response.
- We were notified that the RFD has received a Source Water Protection Area grant in the amount of \$9663.00 for hazardous materials equipment. This is for spill and containment kits, booms, pads, and drums to mitigate hazardous materials leaks from fixed and mobile sites. These items will greatly improve the RFD's ability to protect the SWPA.

Incidents and Staffing:

- Crews responded to 73 EMS incidents and 13 Fire incidents.
 - Averaged 12.28 incidents per day.
- The RFD averaged 7.57 personnel working per day.
- Battalion 5 and Medic 5 assisted Huber Heights with a structure fire with a patient burned. The crew operated for over an hour.
- Crews responded to a serious head-on motor vehicle collision on Harshman near Springfield on Tuesday evening. This was caused by a wrong way driver which caused serious injuries and trapping two people in their vehicles. RFD fire and paramedics worked to extricate the parties and began treatment. Both patients were transported to the trauma center in serious condition. Unfortunately, one patient succumbed to their injuries in the operating room. Our resources were much more effective at this incident due to our new battery-operated rescue tools that are extremely portable.
- On Tuesday night Engine 6 and Battalion 5 responded mutual aid into Beavercreek for a residential structure fire. Crews operated for over an hour prior to returning to the city.

Community Outreach:

- Orientation continues with our new part-time fire inspector. He is still working on getting our inspection reports in order so we can continue with our fire inspection program.

Training:

- Crews are conducting in-service training on the new fire equipment that we have purchased to augment our portable equipment on our fire apparatus. This will be a multiple week process.
- Crews completed advanced airway training this week with Premier Hospital staff. This training covered the eleven airway devices we carry to provide advanced life support.

Police Department

- Signed contract with Lexipol for CordicoShield (officer wellness app.)
- Phase two officer training MCSO.
- 2024 Getac cloud storage renewal.
- Received 20 new portable radio batteries in prep for the eclipse.

- The following represents the activity for the Riverside Police Department for the month of March 2024.
 - Officers generated 260 reports, made 107 traffic stops, and issued 97 violations and 65 warnings. They also had 38 crashes, and 11 were injuries.
 - Road Patrol made 31 misdemeanor and eight felony arrest.
 - Officers had 134 self-initiated dispatches and 13 Field Interviews
 - 1,234 Dispatches
- Detective stats for March 2024 - There was a total of twenty-seven (27) felony cases investigated by Detective Todd, Detective Ritchie, Detective J. Schmidt and Detective Abney.
- Officer Schmidt had a total of 30 new devices for forensics in March and received 3 new ICAC cases.
- SRO Toscani attended multiple events throughout March including the Spaghetti Fest at Stebbins and was a guest reader at Beverly Gardens. There were a total of 47 Incidents, 4 reports, and 2 charges within the Month of March.

Public Service Department

Engineering/Administration/Project

- Had a Zoom meeting with AT&T about upgrading our old copper lines to new Fiber optics in the 5200 building.
- Met with CMT Engineering for an overview/update of all current city projects.
- Staff is continuing interdepartmental preparations and plans for the April 8, 2024 eclipse event.
- Spinning Rd Phase 1 reconstruction is removing driveway aprons and curbs on the west side of the road.
- The Woodman/35 project is still on schedule.
- Staff participated in the monthly TRC meeting with CMT Engineering and other City departments.

Crews

- Installed safety fence around vacant city-owned land at Springfield St near WPAFB in preparation for the eclipse.
- Loaded trucks with signage and other traffic control devices for use during Eclipse.
- Closed City parks to vehicular traffic; Pedestrians are still welcome to use the parks over the weekend.
- Made repairs to equipment.
- Made multiple repairs to sign in the right-of-way.
- Picked up dead animals.
- Cleared City owned storm drains of debris after heavy rains.

- Port-A-Johns were delivered to the parks this week; We secured them to the concrete foundations to prevent tipping by wind or vandalism.
- Locked down the picnic tables at Rohrer Park; these tables are being tipped, moved, and stacked to use as ladders to get on the roof and tear the shingles off at the shelter.
- Replaced the glass (again) at an RTA shelter on Valley St.
- Cleaned the parks at the beginning and end of the week.

MEMORANDUM

TO: Honorable Mayor and Councilmembers
FROM: Josh Rauch, City Manager
DATE: April 19, 2024
SUBJECT: Weekend Update
CC: City Clerk, Law Director, City Staff

City Manager's Office/Administration

- This week I filed our quarterly SS4A report and held two very productive meetings with the Montgomery County TID and Woolpert regarding our SS4A project. We have moved the tentative date for public meetings regarding how folks experience the Woodman Corridor to June 4th. The meetings will be hosted by Mad River Local Schools. More information will begin to be distributed in the coming weeks.
- I attended the MVRPC TAC meeting Thursday morning.
- I attended the MVRPC Annual Dinner Thursday evening. The event was very well attended and it was a great opportunity for Riverside to make our presence known among our regional colleagues. Congratulations to Councilmember Lommatzsch on her role as Chairperson and for kicking the evening off with opening remarks.
- I held a kickoff meeting with Energy Systems Group regarding Wright Point and the potential to pursue energy efficiency/capital improvement projects that will help us position the buildings for redevelopment. We'll begin the process of identifying specific projects and scope/costs over the next month or so.

Communications/Public Relations

Communications/Public Relations

- This week I spent a lot of time on the new website working to upload information that did not transfer over on the initial migration done back in February. This will be ongoing until we go live as I am fitting it in between typing minutes and packet creation. Permissions to edit on website have been given to Nia Holt and Andrea Rachelson for their respective departments and the training videos have been shared. Photos need to be formatted for proper size on the new website. I sent reminders to council who have not yet had their new headshots taken. Website go live is anticipated for some time in May, barring any delays.
- Attended online Zoom Meeting through PRSA (Public Relations Society of America), "Boost Your News Writing Skills" on Wednesday, April 17, 2024.
- Attended quarterly OMCA (Ohio Municipal Clerks Association) meeting in Cambridge, OH, where I serve as a city chair on the state board on Thursday, April 18, 2024.
- Posted upcoming road closure on Facebook for Spinning Road between Burkhardt and Bayside beginning Monday, April 22.

Community Development Department

General Department:

- The search for a 2nd Code Enforcement Officer is underway. Nia will attend the Stebbins High School Career Fair with April Davis, the HR Manager, to promote this position on May 3rd.
- Planning for the Children's Water Festival is gearing up. The information packets for the participating teachers were delivered this week. Mara helped to redesign the program for the annual luncheon and Taryn will assist during the actual event.

Code Enforcement:

- Rob took part in the Code Enforcement Roundtable on Friday. The event was hosted in the City of Vandalia.
- Trash removal was completed at 1189 Spinning
- 128 Atwood was found unsecured while posting a grass violation. PD responded to clear the house and the house was secured.

Economic Development:

- Lori presented to the ED/GE Grant Committee on Monday. She will be working with MSD to secure funding for their new administration building on Springfield St.
- The Riverside Chamber of Commerce met this Thursday. Lori attend this meeting as the City of Riverside representative.

Planning & Zoning:

- Nia attended the 2024 National Planning Conference this week in Minneapolis.
- The Planning Commission continued the waiver on Harshman to its June meeting and approved the waiver on Union Schoolhouse Rd.
- Both Planning Commission and the Board of Zoning Appeals will meet in May.

Finance Department

- No major updates this week.

Fire Department

Administration:

- Staff continue to work on the operational manual for the fire department.
- The old signage at 1791 Harshman was removed by our Public Works Department on Monday. This will make way for our new signage that is in the final stages of production. Once the new concrete pad is poured, crews will install the new LED sign.
- Crews have begun to start our spring fire hydrant servicing. This includes flowing, greasing, and pumping hydrants. Lt. Ledford heads up our hydrant program for the city. BC Wenzler also picked up hydrant paint from the Montgomery County Water Department. This will be used by community volunteers to paint our most distressed hydrants.

Incidents:

- The RFD responded to 91 EMS incidents and 12 fire incidents.
- Averaged 14.71 incidents per day.

- The RFD averaged 7.14 personnel working per day.
- On Saturday, RFD units responded with the RPD for a serious roll-over accident with a person ejected in front of Shellabarger Park. RFD medics quickly stabilized and transported the patient in serious condition to the trauma center.

Community Outreach:

- Staff is continuing to work on our fire inspection files so we can ensure we are hitting all properties within the city.

Training:

- Staff continues to work on the 2024 Protocol testing. This is both an online test and in-house skills testing.
- Crews continue training on the new equipment additions to the engines. We are awaiting a vehicle to be delivered for our winch in-service.
- Chief Miller attended the Fire Department Instructors Conference this week in Indianapolis, Indiana. This is the largest fire service conference in the country. Several essential lectures were attended as well as several vendor meetings.

Police Department

- New Cruiser 123 had some mechanical issues and will be getting a new transmission.
- Kickoff meeting with Lexipol regarding building out the Lexipol Cordico officer wellness app.
- Multiple news media contact regarding fatal accidents and the leaving the scene of a fatal accident (14-year-old).
- Signed the statement of work for P&R regarding the upcoming 2024 cruiser build.
- Completed update for Justice web – and security enhancement.
- Working on request for Bullying and internet safety program
- Working with Montgomery County Criminal Justice Outreach on CIT and pink slips
- Participated in the Montgomery County Drug Free Coalition Blitz – RT 4, 70, and 75 – and target areas in Montgomery County

Public Service Department

Engineering/Administration/Project

- CMT Engineering has surveyed our building at 1791 for design work to hook up to the county sewer system.
- Service Department staff held interviews this week for part-time seasonal workers.
- The contractors on the Spinning Rd Phase 1 Project have been installing the resident's driveway aprons.
- There will be multiple temporary road closures during the day next week with the Barrett/Bayside water main replacement project.

Crews

- Continued street sweeping on main thoroughfares.
- Removed winter plowing/salting/brining equipment for dump trucks in preparation for summer use.
- The staff made repairs to multiple pieces of equipment.
- Made multiple repairs to signs throughout the City.
- Removed the aging sign at the entrance to Riverside from Dayton on Valley Pk.
- Removed the City marquee sign in front of the PD/FD5 in preparation for the new digital sign to be installed soon.
- Crews did right of way and park mowing.
- Began pesticide applications in the right of way and parks.
- The crews applied over 2 tons of asphalt addressing citizen pothole complaints.
- Pulled bushes and installed 2 concrete walkways near the employee parking area at City Hall.
- Replaced tattered flags throughout the City.
- We removed the RTA shelter near Taco Bell on Harshman Rd after being severely damaged by a hit-and-run driver.
- Crews worked overtime to remove a downed tree at Ellendale and Gramercy; this large tree filled 3 dump trucks.
- Re-installed a grill at Rohrer Park after being removed by vandals; we were able to reuse the original grill.
- Picked up several dead animals.
- Cleaned the parks at the beginning and end of the week.