

**Rittman City Council Met in a
REGULAR MEETING via Zoom
Monday, June 8, 2020
7:00 p.m.**

Members Present: Melissa Shows, Josh Carey, Dave Williams, Philip Decker, Leah Weirick and Amanda Nelson
Members Absent: None
Presiding: Mayor William Robertson

The invocation was given by Philip Decker followed by the Pledge of Allegiance.

Approval of Minutes – May 11, 2020

Williams moved to approved. All Yeas upon roll call and **motion carried.**

Approval of Minutes – May 28, 2020, Special Meeting

Shows moved to approved. All Yeas upon roll call and **motion carried.**

Citizens Forum

Bill Goebel – 449 Rufener Street. Wanted to commend Council, the Mayor and Councilman Williams for the hard work on the reserve. Councilman Williams has taken me for a walk over the acreage and has shown all the work that is being done. Very proud of the City and Council.

Old Business

None

New Business

a. **Ord. No. 8174 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Amending the Annual Appropriation Ordinances No. 8141, as Amended According to the Attached Sheets(s) and Declaring an Emergency. Three Readings.** Ord. No. 8174 was read on first reading. Weirick moved to suspend the rules, all Yeas on roll call and **motion carried.** Weirick moved to adopt, all Yeas on roll call and **motion carried.**

b. **Ord No. 8176 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Amending Section 171.197 Compensatory Time of the Codified Ordinances of the City of Rittman. First Reading.** Ord. No. 8176 was read on first reading. Carey moved to place on second. Discussion was had regarding the compensation time of 40 hours for non-union. Service has 80 hours and police have 120. Instead of taking overtime in cash it would be time and a half in time. Also discussed was the option of taking flex time instead. All Yeas on roll call and **motion carried.**

City Manager's Remarks

Trash bids came in last Friday. The lowest and best bidder appears to be Kimble however, our Law Director will review the bids and I will let Council know for certain if they will be awarded the contract. Also, I'm looking to go with the 5-year fixed rate, as we had in the past, however I would like input from Council on whether to go with a weekly collection cycle vs bi-weekly.

General Liability insurance was awarded to the Ohio Plan on June 1st for a one-year period based on their very comprehensive coverage. The Ohio Plan is governed by a board of directors comprised of 11 members who are city/village managers, safety service directors, township administrators, special district CFO's and fiscal officers. Joel Montgomery, Wooster City Manager sits on the board. We did ask in the quotes we received from the Hummel Group and the Ohio Plan for cyber insurance and the Ohio Plan did provide this to us through the insurance policy. Hummel's intent was to quote us separately, however, when you review all the benefits, we will receive with the Ohio Plan, we believe this was the best fit for our city. The Ohio Plan also provides credits to help stabilize our pricing each year that we are members and is based on consecutive years that we purchase the plan. I've sent to each of you the member Benefits Brochure provided by our broker. Please let me know if you have any questions. Thank you to Mitch Pertee and the Hummel Group for the excellent service that was provided to the City of Rittman.

Recently two very well written articles regarding our Nature Preserve and the Opportunity Zone have been highlighted in the Daily Record and in the bargainhunter.com so thank you to Emily Morgan of the Daily Record and Elizabeth Shuster of bargainhunter.com for capturing some very exciting times for Rittman.

From Lisa Barno, Executive Director of the NEO Mayors and City Managers, of which Rittman is a member, that Senate Bill 310, the Ohio Coronavirus Relief Fund, passed the Ohio House last week and included several amendments. The Senate is unlikely to concur in the changes and send the bill to conference this week. The legislation as passed in the House appropriates \$350 million of Federal CARES Act dollars to local governments. The distribution is essentially based on the proportion of Local Government Fund revenue allocated to local governments in 2019 and excludes local governments that received direct federal CARES money i.e. Cuyahoga, Summit. When we receive the final amount we will be receiving, either Matt or I will share the information with you.

I'd like to discuss with Council on which roads we could move forward with this year and also would like to add that in order for us to have resurfacing of Grant Street, a new waterline will have to be installed first. The cost of the waterline is approximately \$179,000 based on the engineer's estimate. Front and Grant Streets will cost, if done together, \$270,000. Matt, Mike Brown and I have had many conversations on which way to go and if we can afford a loan. Thanks to Amanda for driving around with Chuck and I as we reviewed our roads.

Finance Director's Remarks

Bubp wanted to mention the grant that we received. It is a Wayne County Community Foundation Grant out of the Andy Berkey fund it is \$9,022.00. It is to go to equipment replacement and rubber flooring for the Recreation Center.

We will be working on the 2021 tax budget. Look for that to be on next month's Agenda so we can get to the County on time. I will be looking at the Capital Plan. The whole point of the plan is to serve the City. If at any time we need to scrap everything that

is on it and redraw out the next five years, great. I am all for it and happy to work with all the department heads and Council and anywhere else. I also wanted to mention about the City Hall project. That is starting to see a little bit of movement. We were kind of in a holding pattern with the engineers. We will hopefully be seeing the project drawings be able to get a final project cost estimate.

One of the biggest issues in supporting the Ohio Plan was that the Ohio Plan has a replacement cost for everything. With the plan that we had if a vehicle, say an ambulance, was totaled we would only get what that vehicle is worth at the time. The Ohio Plan has a feature where they will give you enough to replace the vehicle. Beshara spoke with Joe Bender from the Ohio Plan after the fact you can also buy 25% more insurance on that vehicle. Which is a real unique plan. Plus, it's a member's company. A lot of different Cities have the Ohio Plan.

Council Remarks

Williams – thank you Bobbie for looking at the trash contracts and getting the comp time issue out there. It seems like we are dealing with issues we've been putting on the back burner, so thank you for that. I think it is critical that we do get the cyber insurance with the ransom ware and everything out there. I wanted to thank Amanda Nelson for riding along and researching with the City the importance of the streets, I value her opinion and what needs to be addressed. I was interested if Garrick could inform us on how the re-opening of the rec center has gone?

Garrick – it has gone fairly well. We have it set up to where they come in and we use a clothes pin system. They are color coded for different rooms. If the weight room is max 25 there are 25 clothes pins. Obviously when they leave, they bring it out to us. We write down the time in and the time out. We have not been close to the max in any of the rooms as of yet. We have a steady flow of people who come in throughout the day. A lot of regulars came back. The cleaning is going very well. We have certain times in the morning, in the afternoon we close for an hour and a half and we do a lot of disinfecting spraying and cleaning up, changing trash cans, doing all of that stuff. Every two hours we do the same thing, we let our members know that we are going to be spraying some of the equipment. We so the same thing in the evening. Everything has been working very well. It looks like they have changed some of the guidelines for the June 10th public recreation centers reopening. I spoke with Bob Anderson the Environmental Health Director at Wayne County; he is happy with everything that we have done. Everything has been going well.

Williams – Wednesday is the park openings, where does that leave the baseball diamonds, softball diamonds at? Garrick replied that it was you to you (Council) to decide. As of this moment I still have a piece of paper that says they are closed by City Manager Beshara and himself. Williams inquired what category they might be defined in? I don't have any proper knowledge on how parks are defined. Garrick stated that the hard thing is that the day after they make a decision the Governor changes policies. Williams inquired if there was a way that they could access someone from the State or Wayne County Health Department that they could give us a little bit more, clearer definition on what constitutes a playground vs. a ball diamond? Garrick stated that the playground was obviously the structure and the diamond is the field itself. As of this point if Council wishes you can open it, I guess.

Shows – her thoughts on the diamonds being closed is for that organized large mass and large group. That was just a decision that was made that I supported. I don't think that that was necessarily was meant to apply to somebody who wants to go into the outfield and throw balls with their kids. Their family unit is smaller, those that reside together. There is a difference in going out and letting your five-year-old and 10-year-old run the bases and bat a couple of balls vs having a large group of people congregating at that facility. Two totally different situations. To say the diamonds are officially closed that means we are not putting out equipment and we are not holding large groups.

Nelson – I get the mass gathering and baseball and everybody in there, but it the Governor released regulations and how people are supposed to do their thing. It is just like everything else that is opening, you have to open with social distancing in mind and your masks in mind even though masks don't exist for players. I don't understand how we can open parks with social distancing criteria and still not allow organized baseball to be played on our fields.

Weirick – I was at a game this evening and I thought everyone was doing a good job of social distancing. Families were sitting away from each other. I think that where we were at is probably a more confined space than down at the ball fields.

Decker inquired of Law Director Simpson what kind of liability does the City take on by allowing a youth baseball or football league to use the City parks.

Simpson – it is not a situation that has been litigated to my knowledge, ever. My guess is it is going to be difficult to trace back and prove that someone got the coronavirus because they came and played baseball or watched baseball. As long as we do our due diligence. If we keep up with the necessary sanitizing requirements then in best practices, I think we are probably pretty well in the clear. I can't say that with any certainty because it's something entirely novel.

Decker – to Garrick and the City Manager – I am not familiar with the process that these leagues go through. Do they enter a contract with the City, do they make application to the City that must be approved? How is permission specifically granted to these leagues to use the City's parks?

Garrick – about five years I presented to Council a non-exclusive lease agreement and in that agreement, there were a bunch of guidelines set forth. Basically, a contract between youth baseball. The contract never went anywhere for multiple reasons. Right now, we have nothing.

Decker – you say it didn't go anywhere because Council did not approve it? Garrick – yes.

Simpson – Garrick sent me over that lease agreement, I made a couple of tweaks to it and I really like it. I think it is something that we should be using. If Council would consider it again, I would encourage Garrick to put it before them. There are certainly some good things in there that I think we should have in writing. To address your concern about liability with kids playing on the field in general.

Decker – I don't recall if I was on Council then or not, if I was and voted against it then that was unwise of me at the time. We now see what something like this may be beneficial. I think something like that gives the City a leverage that it does not currently have. We can then state when a league comes to us in the middle of a pandemic and wants to use our fields giving them certain requirements that must be met in order for the City to sign our side of that contract. If there isn't something like that in existence, I whole heartedly support something like that. As far as opening the playgrounds, I am quite grateful for that. I was hoping to address that issue tonight. I see the playgrounds, I see the ballfields, the Rec Center as amenities that our citizens pay taxes for and should have access to. While I completely agree that a family should be able to go to the playground and play and play on the ballfields, a league should have access to that if they are meeting the terms of the agreement that the City has with them. Those are my thoughts.

Carey – I feel like at the time of the closings with the information that we had; the closings were justified. Like Garrick had said that the following day the Governor relaxed the restrictions. I have spoken at length with the Commissioner of the League with the Rittman Youth Baseball and Softball that is a member of. He assured me that if a certain park has stricter rules than other that those rules must be followed. Any team that does not follow them will forfeit the rest of the season. One strike and you are out type of policy. I also spoke at length with Rittman Youth Baseball and Softball President and he also assured me that the coaches would make sure that they abided by the rules. I feel that we don't need to be closing things that have been allowed to be opened by the Governor at this point. At the beginning I felt like it was justifiable with the information that we had had. As Director DiSalvo said, things change day to day in this realm.

Shows – I think having an agreement and an accountability piece would have that much easier moving forward. Knowing these guidelines are going to be whatever, it is a contract and we didn't have that going into it. Having it in place in the future we can avoid this kind of situation again. I supported the closing I still supported the closing; my child was personally going to play up until I went to the parent meeting. As the information was discussed I was very disturbed and unsettled by it and made the personal decision that it was not being done in safe way. The way things were being addressed it was the right decision. I am not going to go any further into that in this forum, but know I do formally support that decision. I think moving forward it can be reconsidered as everything through this, as time has gone on, we need to reevaluate things and the rules change every day.

Weirick – Garrick I'd like to present that if given to us I think we should have it, Covid or not, it is something that we should have going forward throughout everything.

Garrick – I missed the first part of that, I am sorry.

Weirick – I would like you to present to us the Agreement that you have at our next meeting.

Beshara – Matt, Council has to approve that Agreement or is that something the City Manager can show Council; we are not meeting again for another month, I'm not sure if I could....

Weirick – I would like to have it done sooner than later.

Simpson – it is not something that has to go before Council. When Garrick explained to me the process that he went through previously, it sounds like their opinion was requested and there was some opposition to it. So, it kind of failed to gain traction. I am not totally sure why the decision of Council previously. I never say that it is a bad idea to put something before Council, just so everybody's got eyes wide open on it. I don't think that it is something that necessarily needs to go through. I think that Garrick and his discretion as the Director would have the ability to implement something like that.

Beshara – everything that I do and I think that you guys can see that I am very cautious and it's for the safety of residents, the kids, the grandparents coming to games, our community. My job is to protect the most vulnerable and that is why I am taking such slow steps in re-opening City Hall. If we can help to flatten the curve one person at a time, I've done my job to keep Rittman safe. I stand behind my decision but I also will do what Council would like me to do regarding baseball. I've talked to Matt Simpson about this, I have talked to Garrick about it. I talked to the Mayor, I struggle with the decision like this and the Governor is opening things up more and more. We have to open up our life, I understand that that. I just think that I made a decision based on the safety of our community and again I stand behind it, but I will comply with whatever Council would like on this.

Shows – I like the idea with staying with the... to the leagues and the larger groups stayed until we have that kind of agreement in place. We have to have a contract to rent the First Street pavilion but there hasn't been one to utilize the parks like this. We are not gathering over the whole summer. Moving forward maybe we open it up to families and small groups. But until those contracts are entered, we don't do any large group type thing.

Williams – I can live with that.

Weirick – I think if they get an Agreement and they sign it and they are going to abide by the requirements then we could open it. But they have to sign it that are going to follow what is in place.

Carey – I believe the league has a waiver too. Commissioner Butcher was telling me that is definitely a waiver I have actually read the same waiver. The leagues that I have played in before they emailed me the same waiver.

Garrick – I think we need a waiver from the City. Before you put anybody on the field, if you choose to put anyone on the field, you need a waiver.

Beshara – the hard thing is it is still 10 people in other gatherings that make this so difficult. The Governor has not changed is position on that. But again, I do whatever Council would like on this. Families right now until there is a waiver, is that what I am hearing from everybody? Regarding league use of the fields.

Nelson – I think it should be open but the league can't play unless they sign a waiver.

Beshara – unless we have this Waiver.

Williams – I think that I have heard from most of the Council and I am not singling people out, I think the consensus was like Josh said, we made the best decision as a City we could with the facts in front of us at the time. I don't besmirch Bobbie for making that decision. Doing what was in the best interest for the health and welfare of the City. Bobbie, I don't want you to take that personally. I think that you acted on behalf on what was best for the welfare of the City.

Garrick – I just wanted to thank Bobbie. I have been here 13 years as Parks and Recreation Director, and she stood behind me, had great backbone. I really appreciated it. In the past, there's a lot of times where I make a decision and people don't like that decision and they run to the City Manager and it ends up with me working in mud for 3 ½ hours to get a ballfield ready only to have it rain 30 minutes after I finish. It's hard in Parks and Recreation. You can't tell the Police Chief you are going to sell something illegal out of your car and expect him not to come get you. You can't tell the Fire Chief you're going to burn trash in your backyard. You can't tell them that. But you can tell the Park Director we are not going to do this, or we are just going to do this or we are going to do that. It's been hard and do not get me wrong, Larry Boggs and Derek Feuerstein are two excellent guys that I have learned a lot from. But I thank City Manager Beshara for standing behind me throughout this whole process. It was a number of people that talked about parks opening and closing throughout. It means a lot to me and I wanted Council to know that.

Mayor – does somebody from Council want to put that in a form of a Motion just so we have something documented to go forward?

Shows – a Motion to open the parks to small groups, small gatherings, individual use. No formalized large gatherings or leagues until the Contract and Waivers are in place. All Yeas on roll call and **motion carried.**

Williams – they always ask me what which way do I decide to stir the pot sometimes. It's been looming over us and I think it is kind of an elephant in the room. We just have to put it out there and deal with it. Thank you for taking a couple of extra minutes to work with this. I appreciate it.

Decker – if you were stirring the pot Dave, I'll serve it. I want to make it clear to you Bobbie, I never questioned your intention in making a decision that had the safety of the citizens of Rittman in mind. In the apology that I gave to you that was never in question. I simply disagreed with the conclusion. I appreciate that we are able to move forward with this and allow the citizens of Rittman access to some of the amenities and things that I know they want access to. To be able to take my kids to the park and play on swings, those are things that I am looking forward to doing and I am grateful to the rest of Council for seeing that they should be opened and to the Governor for doing so as well. I also want to commend those from the City of Rittman who took time over the last couple of weeks to gather to protest as well as to pray in the wake of the murder of George Floyd. My hope is that history will look back and see that this was a time when it was a critical turning point in our nations development and that we will be able to tell our kids that we were part of the solution rather than make things worse. I think in order to do that we need to remember that we can also be part of the problem sometimes. We need humility and charity and compassion if a change is going to happen. So, to any citizen that did participate thank you, if you can also go one step further and do a service to your neighbor by getting a test for the virus if you were out in large groups. I think that would be wise to do and ensure that you are safe.

Nelson – nothing. Everything that I wanted to address has already been addressed.

Carey – thank you to our Safety Services for all that they do for us. They went out and made a lot of kid's birthday's very special over the last few months. That's a really cool thing. I also wanted to say thank you to Director DiSalvo and his staff for all his hard work getting the Rec Center up and running and according to code. And congratulations on the grant for the flooring equipment, that will be a nice addition to that area. I also want thank him and his staff for all the work they did on the ball fields today. My understanding is that all three are ready for playing once that is allowed. It is a lot of work I know as someone

who has played ball for a very long time getting a field ready from scratch is a lot of work. Thank you, guys.

Shows – thank Mr. Goebel for coming and the others that have come to listen. Mr. Goebel for speaking and addressing us and thank everybody else for their time and efforts.

Weirick – I don't have much to add. Thank Garrick and the City Manager, I don't always agree I guess sometimes but I do respect your decision that you made. Hopefully, things change obviously and with the new Agreement I hope that people are using the fields and they sign that Agreement and Waiver and abide by the guidelines set forth and we don't have any issues with that.

Approval of Voucher #'s 12301 thru 12470 and Memo Expense #'s M52004 thru M52009. Weirick moved to approve, all yeas on roll call and **motion carried.**

a. **Motion to go into Executive Session to Consider the Purchase of Property for Public Purposes, the Sale of Property at Competitive Bidding or other Disposition of un-needed Obsolete or Un-fit for Use Property in Accordance with Section 505.10 of the Ohio Revised Code and to Invite the Mayor, Law Director, Finance Director, City Manager and the Rec Director – 8:27 p.m.** Weirick so moved. Shows seconded the motion, all Yeas on roll call and **motion carried.**

b. **Motion to Come Out of Executive Session – 8:50 p.m.** Nelson so moved, all Yeas on roll call and **motion carried.**

Adjourn: - 8:52 p.m. Decker moved to adjourn, all Yeas on roll call and **motion carried.**

Mayor

Clerk of Council