# Rittman City Council Met in
# A REGULAR MEETING
# on Monday, February 13, 2012 at 7:00 p.m.

**Members Present:** Steve Johnson, Glen Russell, Richard Lapehn, Lynn Beaumont and Rick Hanlon
**Members Absent:** Darrell Carey
**Presiding:** Mayor William Robertson

Invocation was given by Barbara Brooks, clerk followed by the Pledge of Allegiance

**Darrell Carey arrived at 7:02 p.m.**

**Approval of Minutes – January 23, 2012**
Lapehn so moved, all Yeas on roll call and **motion carried.**

**Workshop**

**a. Discussion of the Pool Pak at the Recreation Center**

City Manager Boggs advised there was a photograph at their Council desks displaying the coils in the Pool Pak system at the recreation center. He advised a leak was discovered in those coils and were advised it could not be repaired. Boggs advised three leaks were discovered so far and the rust was so bad on the coil at the bottom that it cannot be soldered and sealed. He advised they were first told it was a $40,000 part as it was 1,000# of copper tubing. Boggs advised the cost is reduced to $20,000 if they go with aluminum coils instead of copper. He advised aluminum is not projected to last as long, but indicated if it lasts 8-10 years that would buy them time to pay off the recreation center debt. Boggs advised without the Pool Pak unit that helps regulate the humidity in the pool area, especially during the summer, they would be doing damage to the interior roofing. He advised the rec center has seen quite an increase in membership just from those who have signed up for the Silver Sneakers program, many of whom use the pool for the aquatics classes. Boggs advised they were hopeful that (increased membership) would help the budget situation for the recreation center. He advised he believed they put approximately $160,000 of General Fund monies into the recreation center last year and he wanted Council to be aware of this large expense. Boggs advised his intention was to fix the problem using the aluminum coils unless Council has other ideas of how they want it done or not done.

Garrick DiSalvo, Recreation Director advised the problem wasn't something you notice right now by walking into the pool area because it isn't as humid now as it will be in the summertime. He advised it brings up the issue of just how much humidity were they putting in that room along with the chlorine in the air he would hate to see issues with the roof they had previously.

Council Member Rick Hanlon advised his only comment would be that 1000# of copper coil should have some scrap value and he suggested that be considered before it was hauled away in someone's pickup truck without us getting some kind of credit for it.

Boggs advised that has been discussed. He indicated they would move forward with the repairs unless Council had some objections.

**b. Discussion of New Water Meter Installations**

Boggs advised they have been slowly replacing the water meters and recently found out for a few dollars more they could have the better system. He advised instead of having a meter reader walking to each residence they could have a system that reports directly to City Hall for approximately $20-$30 more per household. Boggs advised they have decided to go with the (upgraded system) and they will have to do some change overs with software and it will be a process to complete this change using the same company. He advised the new system can help pinpoint where water breaks are located and it could alert the billing clerk if there is a leak at a house. Boggs advised it was also capable of detecting theft of water. He advised the Utilities Director and himself were going to shift the 5-year plan a bit and add this change immediately. Boggs advised one of the things they were considering was if they purchase the units or inventory for the entire city for a 3.2% discount. He advised the Finance Director has been doing some analysis an may recommend to Council to do that (appropriate that expense) at the next meeting, but he wanted to "touch base" with Council that they have shifted from the comprehensive plan and they do have the funding for this project, but it was just something that he wanted to report to them.

**c. Discussion of Ice Cream Truck Vendors**

Boggs advised he was asked to bring some discussion of whether or not Council wished to change the ordinance to allow ice cream trucks to operate in Rittman. He advised currently the ordinance doesn't prohibit ice cream trucks from going around in residential areas with their vehicle, but the ordinance prevents any vendor from playing music or any type of amplified sound to attract attention for the purpose of sales. Boggs advised it has been his experience over the years that ice cream vendors can't make enough money without attracting attention (through their music) and the reason they don't come here (to Rittman). He advised there has been some discussion on whether to allow them or not and he was opening the floor for discussion.

Council Member Beaumont advised he hired an ice cream truck for his granddaughter's party and it was brought to his attention that they would like to work in Rittman. He advised he checked the ordinance and talked to Kevin (Bower, Law Director) and he would like to try it. Beaumont advised obviously if there was no money to be made here they were not going to come back. He advised for him it was a small town thing and something that could be beneficial and obviously if the citizens don't like it we could change the ordinance again, but he would like for us to try it.

Hanlon inquired if they change the ordinance to allow them to play through their loud speakers if there was anything on the books requiring them to register.

Law Director Bower advised he believed it could be put in the Chapter 15 section of the code where the tree cutters and snow plowers in our business regulations sections. He advised maybe it would require an inspection by the police department and insurance requirements.

Hanlon advised he believed they would need to require a registration if our tax department would have any chance of tracking these people down.

Beaumont advised he talked with Larry about the various towns that allow these vendors. He advised one town requires background checks on the drivers. He advised if that was what needed to be required then that was what we would do.

It was noted that this should be considered a formal request to the Law Director to draft legislation for Council's consideration.

**d. Discussion of 2013 Budget**

Finance Director Barbara Rissland advised you asked for it. She advised there were a couple different spreadsheets, one she did a couple years ago dealing with the 2008 wages. She advised on that (spreadsheet) they evaluated the different scenarios like increasing the income tax rate through the voters or reducing the credit or capping the credit. Rissland advised the final page basically (explains) that if they (voters) increase the income tax rate from 1.50 to 1.75% it would probably generate based upon 2008 numbers approximately $300,000 additional income tax dollars. She advised of that $300,000, 53% would be paid by Rittman city residents and $142,000 would be paid by people who work in the city, but live elsewhere. Rissland advised if they raise it to 2% obviously that number would double. She advised if they give 100% credit after .25% it would generate approximately $150,000. Rissland advised to keep in mind 50% of that goes to the General Fund 25% for Water Fund and 25% Capital projects. She advised these numbers were slightly lower in 2010 and if they look at the sheet that was highlighted they could see overall wages reported went from $93 million in 2008 down to almost $88 million in 2010. She advised something interesting was that 91% of our income revenues were in the 20 taxing districts including Rittman. Rissland advised 1/3 comes from the City of Rittman, 51% come from those other 19 districts and of those (19) we (Rittman) do not receive anything from 13 of those entities. She advised for example in Akron we (Rittman residents) have $8.5 million earned in Akron and we (Rittman) receive no monies on that (income). Rissland advised she did a little more analysis on the credit issue and if they add the credit after the first .25% (earned) meaning when people file their income tax we (Rittman) would tax all wages earned outside the city of Rittman for the first .25% and give credit for what was withheld in other communities after that point. She advised that would generate approximately $142,000 and almost $71,000 would come into the General Fund. Rissland advised another option was if you capped the credit at 1%. She advised for example someone who lives in Rittman and works in Wadsworth right now pays 1.3% to Wadsworth and an additional .2% (the difference in the 1.5% Rittman rate) to the City of Rittman. Rissland advised someone who works in Akron (and lives in Rittman) pays 2.25% (to Akron) and we (Rittman) receive nothing from them. She advised so if you (Council) capped it (credit) at 1% a person (Rittman resident who works) in Wadsworth would be paying an additional .3% (for a total of .5%) to the City of Rittman and a person (living in Rittman and) working in Akron would be paying .5% (to Rittman). Rissland advised the total percentage paid to Rittman from just about everyone on this list would pay .5% (except for those living and/or working in Rittman who already pay 1.5% to Rittman) and that option generates approximately $188,000 in additional taxes of which $94,000 goes into the General Fund. She advised as far as those who live here and work elsewhere and no tax dollars come to Rittman there were two different ways to look at it: (with either of these changes) the .25% initial dollar coming to Rittman or capping it (the credit). Rissland advised with capping it, it equalizes the sole percentage paid to Rittman across the board and if you tax the first .25% there was some inequity in the sole percentage paid to Rittman. She advised it just depended on which way they wanted to look at it. Rissland advised they were both viable options and she felt it was probably simpler for people to understand capping (the credit given for

what you pay another city [where you work]) at 1%. She advised any community that is in excess of 1% income tax had to go to the voters to get that increase. Rissland advised she believed there were only 2 communities that were under 1% so that would equalize it a bit and also if any of our surrounding communities would go to the voters to increase their tax rate. She advised if Wooster were to put a 1.5% income tax on the ballot that would hurt us (Rittman) if it in fact passed. Rissland advised if we capped (the credit given) at 1% it (such a change by Wooster) would have no impact on us (Rittman). She advised those were a couple different options. Rissland advised things that generate substantial funds they were limited to half of it going into the General Fund however, since they have been taking some money that used to be in the General Fund and paying it out of Permissive Tax ie Street Maintenance and Repair; some of the tax dollars they could put in the capital projects to supplement our streets. She advised it was kind of a give and take. Rissland advised she would be happy to answer any questions or provide more information if they would like.

Mayor Robertson advised what this boils down to was an increase in tax of .25%, which would take a vote of the residents, but they would also have to change the credit.

Rissland advised that would depend because if we give 100% credit up to our tax rate then you would be in the same spot.

Robertson agreed and indicated they would need to cap the credit given to taxes paid another city.

Rissland advised that would be more of an impact, but she assumed giving 100% credit even if they increased the tax rate. She advised on the down side sometimes it discourages economic development and there were pluses and minuses to all of it. Rissland advised with reducing the credit since it generates approximately $93,000 for the General Fund they would have to have some of the other items discussed like the inside millage and not filling positions until we see what was going to happen and give the economy a chance to turn around. She advised we don't know what is happening with the Caraustar redevelopment as yet. Rissland advised income tax revenues were up in January and that was a good sign and was basically in the withholding area so that was positive.

Boggs advised he would like to remind Council that they were trying to make up a deficit of approximately $300,000 (over the next two years 2013, 2014). He advised it doesn't take a math wizard to realize we have only had approximately a $5,000 carryover balance the last couple of years and in two years that carryover balance would be depleted if we don't do anything. Boggs advised we have to do something either raise revenues or make more cuts in the city services.

Rissland advised we are mitigating some of the impact of that $300,000 by some of the steps taken thus far like shifting expenditures from the General Fund for Street Maintenance & Repair. She advised if we keep deferring maintenance it will catch up to you too. Rissland advised that was one of the positives of increasing the tax revenues as .25% would go to Capital Projects and can be spent for maintaining our streets. She inquired if this was the type of information that (Council) wanted to see.

Beaumont advised this was exactly what he wanted to see.

Hanlon advised his only comment would be that whatever decision was made he felt it needed to be a long term decision rather than to just to fix our 2013 budget, but rather to at least look at it for 5 years. He advised if a neighboring city increases their tax base it was going to affect us a lot.

Council Member Russell advised he read in the paper where Wooster planned on raising their income tax.

Rissland advised in answer to a question posed by Beaumont that the way the ordinance was written it states that .25% goes to Water Fund and .25% to the Capital Fund and the balance (.50%) to the General Fund. She advised she would have to go back and research how and where that was defined whether in the Charter or the ordinances and who would have to change it.

Bower advised he believed it was changed by Council some years ago. He advised Glen (Russell) was on Council then and he (Bower) believed they did it by ordinance. Bower advised he believed they (Council) would have to change the ordinance.

Rissland advised maybe when the last increase was approved in order to change it, it would have to go back to the voters to change the allocation. She advised it was her understanding that you can't change it except by how it was implemented.

Beaumont advised when Wadsworth raised their (tax rate) they designated the increase for road repairs and they committed that for the next 20 years they would not come back for additional funds for road repair and we (Rittman) don't have that luxury to earmark it. He advised we need this money to operate.

Rissland advised everyone is feeling the same pinch that we are feeling from the state. She advised there were a lot of communities going through this same issue, which is why there was a good chance they would see other entities increasing taxes, which means an increased loss to us if they are (currently) under 1.5%.

Hanlon inquired since we already have an ordinance could they say 100% of the increase would go to the General Fund.

Robertson advised an increase in tax would go to the voters. He advised a change in the credit was still affecting an existing tax.

Rissland advised she would agree as all they would be doing is reducing the credit they give. She advised whatever monies received would still have to be according to how our ordinance is written.

Robertson advised it would be worth looking into to make sure it was (designated) that way.

Russell advised for example if Wooster takes 2% and we are at 1.5% now he inquired as to what was she saying if they raised it then Wooster would keep all their money or how does that operate. He inquired if we raised the credit they we would get the money Wooster was paying for example.

Rissland advised no, we wouldn't get anything. She advised a lot of people think the money changes hands (what you pay another city [where you work] stays in that city) between cities and it doesn't. Rissland advised if someone lives in Rittman and works in Wadsworth the monies that are withheld (for Wadsworth) from their pay for local taxes stay in Wadsworth. She advised Rittman (currently) gives them credit (up to our rate of 1.5%) for what they paid elsewhere or not that was a Council decision. Rissland advised for example if Wadsworth would go from 1.3% to 2% and we capped our credit at 1% the people who work in Wadsworth (and live in Rittman) would pay the new 2% (to Wadsworth) and then they would pay an additional .5% to the City of Rittman. She advised according to the Census Bureau our average income for a household was approximately $43,000 and she estimated an increase of .5% was slightly over $200 a year for the average family in the median income. Rissland advised so, they would pay their withholding tax, which is where they work and they file income tax (where they live) of an additional .5% to the City of Rittman.

Russell inquired if that was the 2% she was talking about.

Rissland advised no, that would be leaving it at 1.5%, but adjusting the credit (from 100% max of 1.5% [Rittman's rate] for taxes paid to other cities) to 1% (and the taxpayer who lives in Rittman would pay Rittman the .5% difference).

Robertson advised if we drop the credit to 1% (max) then everyone would be paying at least .5% (to Rittman). He advised if you live and work in Rittman you pay the full 1.5% to Rittman.

Rissland advised or if you live in Rittman and work outside of Rittman you would still pay .5% (to Rittman).

Russell inquired if they would pay the rate wherever they are working and then they would still pay…?

Rissland continued .5% to Rittman.

Robertson thanked (Rissland) for the helpful information. He advised they were given a lot of information regarding cuts and ways to generate revenue. Robertson advised they had tough decisions moving forward as to which route they were going to take.

**Citizens Forum**

A Boy Scout in the audience advised he was working on his citizenship and communications badges.

Bruce Brainard of Cheyenne Drive advised he read Mr. Beaumont's perspective of the city from the last Council meeting and he agreed that he hit the nail on the head. He advised he has lived here for ten years and he agreed with pretty much everything he (Beaumont) said about the recreation center and the new school and everything. Brainard advised he was disappointed when the city and rec center decided to eliminate softball and throw away baseball. He advised he didn't know if that was precedent of what the cost cutting moves were going to be in the city by starting with the youth, but he felt it brings a negative impact on the city when neighboring communities are calling parents to see if their kids want to play with them. Brainard advised he knew Mr. Beaumont's son brought a name to Rittman years ago. He advised he understood the economics of it and how it was a money losing proposition for the rec center, but he was disappointed when a neighboring community was calling to see if our kids want to play over there was kind of embarrassing. Brainard advised the parents have stepped up to the plate and there would still be a team, but this was late notice and embarrassing to hear of neighboring communities to see if our kids want to play over there.

Robertson advised it was his understanding that there would still be a program with parents taking the lead on it.

Brainard advised yes, but it was kind of last minute and it was explained to him that it was a money losing proposition for the youth at the rec center. He advised it seemed the cuts were starting with our kids who live here. Brainard inquired if the approach the city was going to take was starting with the kids and working its way up to the adults or what was the plan. He advised he understands, but was disappointed that this was where the city was going to start. Brainard advised he understood the economics of the city, but where they decided to start was a disappointment.

Boggs asked DiSalvo to give Council a "run down" of how the program was going to work now as he didn't believe Council was aware.

DiSalvo advised the program would be run pretty much like our youth football program in the city where it will be run by the parent's organization and have already elected a commissioner. He advised he did some research over the last month and Rittman was one of the few city's that ran their youth organization of baseball and softball through the recreation center. DiSalvo advised when he contacted surrounding communities they are not running their baseball and softball program through the recreation centers in their community. He advised most of them are outsourced to Wadsworth

Youth Sports and the same with Brunswick. DiSalvo advised many communities don't have a rec center and when it comes to other teams in the league boys of Norwayne and Northwestern, they have their own organization and the same with the girl's softball league. He advised the Lodi Recreation Center does not run theirs (youth ball programs) through there (center). DiSalvo advised he still planned on being involved as much as he could and they were still going to let them use the fields, the concession stands and he would be there to help walk them through (the process) and help them get started.

Robertson inquired as to how long the rec center ran the program.

DiSalvo advised to the best of his knowledge they have run it for the past 5 years, as he believed it was started one year prior to him becoming director. He advised before that it was run by the parents.

Russell inquired as to what kind of money did it cost per year to operate like that.

DiSalvo advised those two weeks were the most expensive weeks and the reason being was because there were association fees and uniforms and the balls and tournament fee and the trophy's. He advised when everything was added up from last year it was around a $2,000 loss, which was not monumental, but it was a lot for one person to run. DiSalvo advised he wasn't saying that he can't do it because he has done it for the past 4 years, but it has also been a big process to overtake every summer. He advised we (rec center) were still keeping Tee-ball, Coach Pitch and the Adult leagues as well.

Brainard advised Garrick (DiSalvo) has definitely helped out during the transition and he was not debating that at all. He advised his concern was with how extreme last minute it was as there were people going to the rec center to sign up and all there was available to sign up was Tee Ball and Adult Softball and everyone was in limbo and no one knew what was going on. Brainard advised when you see that you think there is no baseball in Rittman and those were the rumors going around. He advised he felt like the little kids and the adults were profitable so that was the reason they were kept and to wait until the last minute and have the neighboring communities call was embarrassing and everything was in limbo for so that they were thinking there was no baseball in Rittman.

Don Sweigert of Grandview Blvd advised he was representing the Rittman Firefighter's Association. He advised they recently held their Reverse Raffle and he thanked the Mayor for Emcee'ing the event and for those who came out to support it. Sweigert advised they have reached 80% of their goal of $15,000 to fund the fireworks show and the reverse raffle helped that considerably. He advised the placed a down payment and signed a contract for July 27th, the Friday night of the Sleepwalker Festival, and they have a site picked out and Orrville Firefighters will be shooting off the fireworks and hopefully it would all go well without rain. Sweigert advised he wanted to give Council an update and they were 80% of the way there and they were having a few more fundraisers and it has all been through private donation. He advised the firefighters association had t-shirts for sale $12 and there was a motorcycle poker run scheduled for May 19th as well as a bicycle poker run using the rails to trails TBA. Sweigert advised there would also be the pancake breakfast with the Easter Bunny he believed would be held 2 Saturdays before Easter.

Mayor Robertson thanked Don for all his work and he knew he was really excited about the fireworks display and advised it should be a good time this summer and he was looking forward to it.

Ray Martinez of FirstEnergy advised he had responsibilities in Stark, Wayne and Portage Counties and he has a wonderful working relationship with Larry (Boggs) and he keeps him in line and lets him know when he is out of line. He advised Rittman should feel fortunate that they have someone at the helm like Larry (Boggs). Martinez advised he just wanted to stop by and say hello and see if there were any questions or concerns they might have and thanked them for using FirstEnergy.

**Old Business**

**a. Res. No. 7687 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, to Oppose the State of Ohio Assuming Control Over the Collection of Municipal Income Taxes. Third Reading.** Res. No. 7687 was read on third reading. Carey moved to adopt, all Yeas on roll call and **motion carried.**

**b. Ord. No. 7691 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties, Ohio, to Enact Section 513.18 of the Codified Ordinances of the City of Rittman to Prohibit and Regulate Clandestine Drug Laboratories and Declaring an Emergency. Second Reading.** Ord. No. 7691 was read on second reading.

Hanlon advised there was a lot of language in the amendment that does not really…"I'm just not happy with it". He advised someone could pull into your driveway and you (the property owner) would be held responsible for the cleanup of a meth lab and that was what he was uncomfortable with. Hanlon advised he would like to somehow make some clarifications through Kevin's (Bower) office. He advised he didn't want it to die, but he would just like to see an amendment before it is passed.

Johnson advised he felt along those same lines and some things were brought to his attention and he understood if it was a rental and different things where things were going on, but for someone to come along and stop in the parking lot of one of the churches and pull out a portable lab and it

would become the churches responsibility (he didn't agree with). He advised where Morton Salt has all the salt and even though there were no trespassing signs and there were gates, it still didn't keep someone from going in there and if they do he inquired if that was "the Salts" responsibility. Johnson advised drugs and meth labs were a societal problem and he didn't feel they ought to push it off on someone inadvertently by someone doing something stupid. He advised on the other hand if he had a rental and someone was cooking meth in his rental he should be charged with what was going on in his rental and he could see himself being assessed those costs.

Robertson advised like the car wash…

Johnson agreed and advised that (property owner) didn't ask for that and was his theory as he read the legislation.

Boggs advised Councilmen Hanlon called him and discussed this (issue) and he concurred there probably should be some language to give us some discretion on these types of situations. He advised he knows he commented to the press recently regarding the car wash incident that it would be the car wash owners responsibility for that cleanup and indicated after some thought, even before his conversation with Hanlon, he would retract that statement. Boggs advised a lot of times, as a police officer they flip on the overhead lights and if they were near a public parking lot a good portion of the time people will pull into those parking lots. He advised if they've got a mobile meth lad he agreed it wasn't fair to make those property owners in those situations pay for it. Boggs advised he wasn't sure how to word it (this legislation). He advised he would have to get with Kevin (Bower, Law Director) and he guessed what (Hanlon) and Steve (Johnson) were saying was that they want some discretionary clauses in there and he didn't have a problem with that personally.

Police Chief Mike Burg advised the only thing he would add is that if they (police) find a meth lab that someone has to pay for it (to be cleaned up) and they were expensive as the last one cost the city $1800.00.

Boggs clarified that he believed it was a little over $1000.00.

Burg advised they were getting more and more (prevalent) and he knew Wooster had 3 and Orrville had 2 and now they (Rittman) have had 1 and if they were cooking labs the cost was even higher. The one we (Rittman) had here was inactive in a car, but the $1000 cleanup was still going to hurt us and if we get a few of them and someone had to pay for them and if they (the property owner) don't the city will.

Johnson advised the interview was very good, Larry and he understood what the chief was saying, but his thought was that if someone trespasses on my land and sets up a meth lab by just pulling in my driveway he wasn't sure that should become the private property owner's burden as it was a societal problem.

Boggs advised he believed the majority of the intent of this ordinance was for property owners such as landlords. He advised he thinks landlords have to have some responsibility as they were in business and sometimes there was risk in business. Boggs advised he didn't think it was fair to ask the Rittman taxpayers to pick up the dime for cleaning up all these clandestine labs. He advised at the same time he agreed if someone just pulls into a driveway or parking lot or those kinds of situations where it was trespassing there should be some discretion.

Hanlon advised that was part of his conversation with Larry in that if he has a rental property it would take 30 days to evict that person if he should be made aware of such a problem and in the meantime they were cooking meth and he evicts them for finding hazardous chemicals. He advised a phone call to his insurance company should reimburse him for his costs because he protected himself with insurance as part of doing business. Hanlon advised as far as the car wash (owner) who probably has insurance being held liable when he really did nothing wrong and what they really needed to do was go after the criminals although it was hard to get money out of someone who is in jail. He advised he believed the intent (with this legislation) was to go after more of the property owner who should be aware rather than innocent people. Hanlon advised with Larry's law enforcement background he was sure he would apply it the right way, but the next City Manager may not. He advised he would like it worded to protect innocent people. Hanlon advised he didn't want to see the city pick up the tab for every meth lab they find, but he didn't want someone having a $10,000 tax assessment against their property when they did absolutely nothing wrong.

Burg advised using Councilman Johnson's analogy and if a property is in violation of junk and that sort of thing the city wouldn't pay to have those removed. He advised this just happens to be hazardous material.

Beaumont advised he felt they had to be careful if they were going to draft any legislation that imposes upon a property owner that it references "know or should have known". He advised those were buzz words that every lawyer hates because what is the definition of that (phrase). Beaumont inquired if it meant every landlord would have to inspect his properties. He advised they would have a right to do so with a 24 hour notice, but inquired if we wanted to impose on the landlords to do that. Beaumont advised he felt they had to be careful if they start putting the onus on the property owner and they needed to make very strict language. He advised he agreed with Mike (Burg) that junk tires and meth labs were the same analogy wise and it would be the property owner and at some point they were going to have to say it was one of the hazards of owning the property as far as a rental property was concerned. Beaumont advised he understood the church properties

situation and that was an issue they would have to deal with on a case by case basis as opposed to imposing strict language and it was a criminal violation and you can't commit a crime by accident.

Boggs advised this (legislation) was copied from Norton and Kevin (Law Director) tweaked it a little to (coincide) our sections of the code. He advised Norton copied it from Cuyahoga Falls.

Hanlon advised his biggest concern was the mobile issue. He advised if someone was in a high speed chase and they end up in your driveway, this ordinance would make you (property owner) responsible for the cleanup. Hanlon advised he agreed with the situation of dumping tires or anything on someone's property that they (property owner) would be responsible to have it cleaned up. He advised but in a situation where a vehicle ends up on your property and you have done nothing wrong and you get a bill for $10,000 for cleanup of hazardous materials and your make a claim on your insurance he inquired if they would cover such a claim.

Bower advised the agent he spoke with said no because it was illegal activity and they don't pay out to cover illegal activity.

Beaumont advised he believed that was correct because if someone steals your car and is in an accident then you were out of luck.

Hanlon advised your vehicle would be covered.

Beaumont advised but you are not and that was the problem.

Bower advised clarified they were looking for a definition for mobile.

Hanlon advised he felt whoever was committing the illegal act should be held responsible first and foremost for all costs and then the owner of the property where the activity was found. He inquired if that would be all they would need from a legal standpoint when it would go to court.

Bower advised yes. He advised it doesn't go to court it goes to the auditor. Bower advised the owner doesn't necessarily get a trial.

Boggs inquired if the person who committed the crime, the person who put the chemicals together to make it a clandestine lab, if there was any enforceable action they should be putting in this ordinance to make it easier for us to collect from them (the criminal). He advised although most often in those situations those people don't have any funds to collect, but hopefully they were headed for prison after convicted. Boggs advised often we don't recover much from people in those situations, but…

Hanlon advised (once the sentence was served) in 5 to 10 years hopefully they would get a real job and he inquired as to the statute of limitations to be able to collect.

Russell inquired as to who would pay in the meantime.

Boggs advised the city would have to pay initially.

Hanlon advised the city would pay initially whether they assess it to the property owner's taxes or whatever.

Bower advised realistically speaking we would probably not see a penny.

Beaumont inquired if we could couch the penalty against the wrongdoer as a wrongful act so it couldn't be discharged in bankruptcy.

Bower advised you could do that.

Hanlon moved to table, upon roll call; Carey-Yes, Hanlon-Yes, Russell-No, Johnson-Yes, Lapehn-Yes, Beaumont-Yes and **motion carried.**

**New Business**

**a. Ord. No. 7693 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Levying Special Assessments for the Sideawalk Improvement Project from DeCourcey Along W. Sunset to N. Metzger (North Side Where Developed and South Side), N. Metzger (West Side) to Rittman Avenue, Rittman Avenue to Pleasantview (North Side), Saurer, Willard, Warren, Pleasantview and N. Hickin by Replacing Sidewalks in Disrepair or Installing Sidewalks Where Necessary All Together with the Necessary Appurtenances.** Ord. No. 7693 was read on first reading. Lapehn moved to place on second, all Yeas on roll call and **motion carried.**

**b. Res. No. 7694 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Approving the Report of the Assessment Equalization Board for the Douglas Drive Street Improvement Project and Declaring an Emergency.** Res. No. 7694 was read on first reading. Carey moved to suspend the rules and have second and third reading, all Yeas on roll call and **motion carried.** Res. No. 7694 was read on second and third reading.

Russell inquired as to how many met with the assessment committee.

Bower advised two.

Russell inquired if due to the budget crunch if the city should go to the expense of doing this (project) this year.

Bower advised we received approximately $147,000 from Issue 2 grant funds and we would lose those funds if the project were postponed.

Russell inquired as to how much per property owner was it going to cost.

Boggs indicated he didn't have those figures with him.

Russell inquired as to how much was the city going to have to pay for this project.

Boggs advised the total cost of the project was approximately $347,000 so the city was approximately $200,000, which was part of our capital improvement plan.

Rissland advised the portion that was non enterprise funded was from the Capital Improvement Fund and had to be spent for capital. She advised we can't go back to the General Fund because of the limitations from the income tax allocation. Rissland advised we have to spend it for capital and it wouldn't help the operations budget.

Russell inquired if we don't spend it, the $147,000 would go back, right.

Boggs advised yes, it would go back to the state (Issue 2).

Russell advised then the rest of it we wouldn't have to spend, the $300,000 they were talking about.

Rissland advised you couldn't spend it for operating you would still have to spend it for capital.

Russell advised he knew, but if we didn't do the street itself then you could turn the $147,000 back and it really wouldn't be hurting us any, but agreed the street would still be bad.

Boggs advised it doesn't help our budget situation because it (the capital funds) can't go back in the General Fund.

Rissland advised it can't be used for operating, it has to be used for capital. She advised if we don't spend it on that street we would have to spend it on another street or another capital improvement project.

Russell advised his point was…could the city really afford to spend the money we are talking about out of the budget due to the budget crunch.

Rissland advised yes because it was designated for capital improvements. She advised it doesn't help our budget crunch in the operating side (General Fund).

Johnson advised and don't forget .50¢ on the dollar to help our fund and if we took the $200,000 capital funds and used it for another project we weren't going to get that help (Issue 2 funds designated for this specific project) and we wouldn't get as much bang for our buck.

Robertson advised we have a deteriorating road and a bad water (line) problem.

Hanlon moved to adopt, upon roll call; Carey-Yes, Russell-No, Hanlon-Yes, Johnson-Yes, Lapehn-Yes, Beaumont-Yes and **motion carried.**

**c. <u>Ord. No. 7695 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties, Ohio, to Adopt a Hazards Mitigation Plan for the City of Rittman and Declaring an Emergency.</u>** Ord. No. 7695 was read on first reading. Lapehn moved to suspend the rules and have second and third reading, all Yeas on roll call and **motion carried.** Ord. No. 7695 was read on second and third reading.

Beaumont inquired as to what exactly was a Hazards Mitigation Plan that is formed to protect the people and property immensely affected by the natural hazards problems in the City of Rittman.

Lapehn advised it allows them to apply for relief.

Boggs advised tornadoes, flooding and other severe weather.

Beaumont advised he understood all of that, but inquired as to what was a hazards mitigation measure, what do we do physically. He advised he understood about all of the federal stuff.

Lapehn advised the plan was we put (this legislation in place) and apply for federal funds (when needed).

Russell moved to adopt, all Yeas on roll call and **motion carried.**

**d. <u>Ord. No. 7696 An Ordinance Authorizing the Municipal Manager to Make Application to the Ohio Department of Development Local Government Innovation Fund (LGIF) to Acquire Funding to be Used for Preparation of a Feasibility Study in Conjunction with Guilford Township and the City of Rittman to Explore Projects that will Promote Efficiency, Shared Services and Co-Production of the Provision of Fire and Emergency Medical Services and Authorizing the Municipal Manager to Enter into a Participation Agreement or Letter of Understanding with Guilford Township and the City of Rittman for the Division of Any Matching Costs and Declaring an Emergency.</u>** Ord. No. 7696 was read on first reading.

Boggs advised if Council agrees he would like (emergency) three readings tonight as the grant application was due by the end of the month.

Hanlon moved to suspend the rules and have second and third reading, all Yeas on roll call and **motion carried.** Ord. No. 7696 was read on second and third reading. Russell moved to adopt, all Yeas on roll call and **motion carried.**

**e. <u>Ord. No. 7697 an Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Creating Chapter 521.10, Criminal Activity Nuisances, of the Codified Ordinances of the City of Rittman, and Declaring an Emergency.</u>** Ord. No. 7697 was read on first reading. Carey moved to place on second, all Yeas on roll call and **motion carried.**

**f. <u>Motion to Approve a Conditional Sign Permit for Laria Chevrolet at 112 East Ohio Avenue</u>** Russell moved to approve, all Yeas on roll call and **motion carried.**

**City Manager's Remarks**

City Manager Boggs had no remarks

**Finance Director's Remarks**

Finance Director Rissland had no remarks.

a. **Approval of Financial Report for January**
Carey moved to approve, all Yeas on roll call and **motion carried.**

**Council Remarks**

Council Member Richard Lapehn advised he would be interested in the results of the Innovation Funds study of the area. He advised one thing he believed we do very well in this community was our police, fire, EMS provisions for the citizens. Lapehn advised he would never want to have us walk back from the great services we do offer for a very reasonable cost to the citizens and then offer less of a service whether speed or whatever quality of service we now offer and have to charge more for worse service. He advised he would be interested to see what the findings are for the innovation study, although he voted to have the study done, because he was fearful of getting so far down the road that it becomes something that has to be done, but he was interested to see what happens.

Council Member Darrell Carey had no remarks.

Council Member Glen Russell thanked everyone for coming and invited them to come back.

Council Member Steve Johnson had no remarks.

Council Member Lynn Beaumont advised inquired if the Recreation Director still had all of the ball equipment.

DiSalvo advised yes, and he would hate for it not to be used so they were going to have a sign in and sign out system.

Beaumont inquired if this was equipment the city bought.

DiSalvo advised some of it they (city) purchased and some, such as the helmets for example, were purchased through grants.

Beaumont inquired as to what would be the responsibility of and to the city as far as the fields and equipment were concerned.

DiSalvo advised we (city/rec ctr) were going to provide them the equipment this year and probably the next couple of years to help get them started. He advised they (city/rec ctr) were still going to be running the Tee-ball and Coach Pitch leagues. DiSalvo advised as far as the fields they would not be maintaining the fields for game day preparations except for Tee-ball, Coach Pitch and the Adult leagues.

Beaumont asked for clarification that we would not be maintaining the fields for the other leagues.

DiSalvo advised for the youth travel leagues, no.

Beaumont inquired if they (rec ctr) were still going to provide dirt for the field. He advised they were our (city) fields. Beaumont advised he was just trying to…He advised Darrell (Carey) could relate to this as we did it for years as parents and the parents took care of the fields, but the city always provided the dirt. Beaumont advised he feels bad this has all been dumped on these parents with short notice as they really need a number of months to a year to put this together. He advised he would just like us to help as much as we can. He advised he knew he (DiSalvo) would, but he didn't envy what they (parents) were trying to do and that wasn't even considering the weather that they would have to battle. Beaumont advised he just felt they should do everything they could to help.

Boggs advised regarding the dirt, he would anticipate that as long as our budget could maintain (such a cost) that they would do that (provide the dirt) and he would consider that part of the park and if we need to add dirt or whatever we'd do that. He advised it may depend on availability, but we may have a maintenance worker that can assist with dredging the field as well. Boggs advised the problem we were having previously was the recreation director was spending probably 80 hours a week during ball season and he just couldn't do that anymore.

Council Member Rick Hanlon thanked everyone for coming.

Mayor William Robertson advised the events in February included:

16th – Chamber Dinner
17th - Brian Williams Memorial Scholarship basketball games
19th – Band is hosting a clean comedy show
23rd – Drug awareness program hosted by the S.A.L.T. coalition

a. **Approval of Vouchers 56450, 56451, 56483 thru 56569, 56572 thru 56601 and Memo Expense #'s 120101 thru 120112 w/Then and Now Certificates** Hanlon moved to approve, all Yeas on roll call and **motion carried.**

**Adjourn: 8:30 p.m.**

Carey moved to adjourn, all Yeas on roll call and **motion carried.**

**Mayor**

**Clerk of Council**