

**Rittman City Council Met in  
A REGULAR MEETING  
on Monday, March 26, 2012 at 7:00 p.m.**

**Members Present:** Lynn Beaumont, Steve Johnson, Glen Russell, Darrell Carey,  
and Rick Hanlon

**Members Absent:** Richard Lapehn

**Presiding:** Mayor William Robertson

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

**Approval of Minutes – March 12, 2012**

Beaumont moved to approve, upon roll call; Carey-Yes, Hanlon-Abstain, Russell-Yes, Beaumont-Yes, Johnson-Yes and **motion carried.**

**Council Member Richard Lapehn arrived at 7:02 p.m.**

**Workshop** – None

**Citizens Forum**

Chris Schmeltzer of Overlook Drive advised she was present to request Council consider passing an ordinance to allow golf carts on the city streets. She advised she provided copies of what Fairfield County in southern Ohio passed along with a list of what the Ohio recommendations are to make them street legal.

Mayor Robertson thanked her for providing the information for Council to review. He inquired if they were currently prohibited (in Rittman).

Chief Burg advised they would be required to have headlights, taillights and brake lights. He advised they would have to be pretty much like a car.

Council Member Steve Johnson inquired if this would apply to the big ATV's that have all the turn signals and windshields.

City Manager Boggs advised he felt the difference was it (the golf cart) would be classified as an under speed vehicle that goes 20 mph tops and an ATV certainly goes faster. He advised probably ten years ago or more there was a request from a family for a lady who was handicapped to allow her to be able to use a golf cart and they (city) didn't have any provisions to allow it, but he wasn't against it.

Robertson inquired if it was for a special reason or just fuel economy.

Schmeltzer advised it was for fuel economy and her husband works at Morton Salt and a lot of the local employees would be interested with the price of gas. She advised the electric ones are much more efficient to run versus a \$40,000 Volt car so, they are more economical in that way also and they are eco-friendly.

A Scout present advised he was working on his Communications Merit Badge.

The Mayor thanked everyone for their attendance at the meeting.

**Old Business**

a. **Ord. No. 7699 An Ordinance of the Council of the City of Rittman, Ohio, Determining to Proceed with Improvements to Douglas Drive by Removal of the Existing Cement Surface and Replacing it with Full Depth Asphalt Altogether with the Necessary Appurtenances Thereto and Declaring an Emergency. Third Reading.** Ord. No.7699 was read on third reading. Carey moved to adopt, upon roll call; Carey-Yes, Hanlon-Yes, Russell-No, Johnson-Yes, Lapehn-Yes, Beaumont-Yes and **motion carried.**

b. **Ord. No. 7701 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Amending Section 981.08 Billing; Delinquent Accounts and Repealing Section 981.09 Rubbish Collection Rates of the Codified Ordinances. Second Reading.** Ord. No. 7701 was read on second reading.

Russell confirmed the residents were currently paying \$16.25 and advised with the new contract (WM charges per household) was reduced to \$11.00 or \$12.00 and he inquired if we (city) were going to use those additional monies for leaf pickup and so forth (brush pickup). He inquired if that was what was being done here.

Boggs advised this ordinance was correcting two sections that were contradictory.

Russell inquired if there would be another ordinance.  
Boggs advised yes, there was another ordinance coming which specifies (an Enterprise Fund).

Lapehn moved to place on third, all Yeas on roll call and **motion carried.**

### New Business

a. **Ord. No. 7702 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Amending Section 191.07 (a) City Resident Subject to Income Tax in Other Municipality of the Codified Ordinances. First Reading.** Ord. No. 7702 was read on first reading.

Discussion included when this ordinance would be effective.

Law Director Bower advised this ordinance would become effective 30 days after its final reading if that was the way Council chooses.

Hanlon advised he was wondering at what point they want this to go into effect. He inquired if they want it to be at the beginning of the calendar year. He inquired if it should be after April 16<sup>th</sup>, the filing deadline for taxes or midway in July 1. Hanlon advised as a business owner the 30 day thing seemed like he wouldn't know where he was at with this credit thing if we just throw it out there effective whenever it passes.

Bower advised as it now stands it would be effective next year for the 2012 taxes.

Hanlon inquired if he meant January 1, 2012.

Bower advised yes because it wouldn't be enacted in time for this year (filing). Bower advised if they want an effective date he could add such.

Hanlon advised he files taxes every quarter although some companies might file monthly.

Lapehn inquired if this (legislation) was effective thirty days after passage then when you file your 2012 taxes in March or April (2013) it would have been in effect the last seven months or so.

Bower advised when you file your taxes in 2013 the people would only get the 1% credit for 2012.

Carey and Rissland advised they believed it would be for half or so months of 2012.

Lapehn advised he agreed it would be for 7 ½ months or whatever.

Bower advised he didn't believe that was the intent of Council because he felt that would really confuse a lot of people and it wouldn't generate the revenue we need for the 2013 budget.

Lapehn inquired if this would be in arrears of January 1 of 2012.

Bower advised yes.

Lapehn advised but it wouldn't go into effect until 30 days after its passage and it would be retroactive.

Bower advised when they file their tax return next year (2013) it would be in effect.

Hanlon inquired if it would be in effect only up to the point of its passage say from June (2012) on. He advised if it goes through two more readings in April and adopted on April 23<sup>rd</sup> then May 23<sup>rd</sup> effectively we were saying we would start the credit on May 23<sup>rd</sup> due and payable next April.

Bower advised no, there would be a 1% credit for 2012.

Hanlon inquired if it would be for the entire year.

Bower advised yes because if this takes effect, in your example June or July, it is past the 2011 income tax filing date so, the next applicable tax year would be the 2012 tax year, which is filed in 2013.

Rissland advised she thinks she would prefer to see July 1<sup>st</sup> or a quarter end date.

Carey advised he (Bower) was talking about individual filing and he (Hanlon) was talking about withholding. He advised withholding in the city was not going to change.

Hanlon inquired that it wasn't going to change.

Carey advised no because your employees work here and that wasn't changing. He advised it was only after they file their tax return after the end of the year that it was going to make a difference for people that live here that worked outside the city. Carey advised they had to decide if they were going to give the 1.5% credit the first six months and 1% credit the last six or make it retroactive to the first of January.

Hanlon advised that was what he wondering as to where they were at with it.

Carey advised he agreed it would be more complicated if it was done from July (forward) although he doesn't really like those retroactive things. He advised he works with them all the time and hates them.

Bower advised it would be a headache for tax (filing) for people (if it is 2 credit rates in one year).

Carey advised he agreed it would be more difficult for people to figure out. He advised he didn't know if they were going to be unhappier trying to figure it out or (reducing their credit for the whole year).

Hanlon advised if you have a W-2 from a job you work in Akron your W-2 doesn't reflect what you earned from July to the end of the year.

Carey advised it was considered to be earned evenly over the course of a year so it would be split. He advised it wasn't that hard if they make it July, but it would be hard (to figure) if it was May 23<sup>rd</sup>.

Hanlon advised we would have to have a form for them to fill out.

Carey advised there would have to be a change in the form.

Lapehn advised next year's tax forms picked up in the city office would simply say those working in another city would receive a credit up to 1% and what would be filed and it would include the whole year (2012).

Carey advised that was what Kevin (Bower) was talking about it would go back and use up the whole year.

Lapehn advised he was in agreement about the retroactive business.

Carey advised for the ease of the preparer and the individual it would be simpler to use the whole year.

Bower advised he would be happy to amend Section Two that it would go into effect January 1, 2013 for tax year 2012.

Robertson advised or goes into effect in May 23<sup>rd</sup> (2012) for tax year 2012.

Hanlon advised he believed that answers his question.

Carey advised the way it was written it is effective Jan. 1, 2012.

Bower advised that was correct.

Rissland requested the language be put in stating this ordinance shall be effective January 1, 2012.

Robertson inquired if it would be clearer to say tax year January 1, 2012.

Rissland advised the taxes people are paying now are for 2011 and the credit is in effect for 2011 clearly at the full 1.5%. She advised it may be confusing to people who say it wasn't passed until later and it doesn't say it was effective January 1, 2012 and they might get into that discussion. Rissland suggested making it effective January 1, 2012 for taxes due and payable in 2013. She advised she felt they needed to put a date.

Carey inquired if there is a corporation that operates on the fiscal year that ends in the middle of 2012 and pays taxes to another entity and now they have a fiscal that spans the first of the year. He inquired if they were going to give a 1.5% credit for half of the year and 1% for the second half.

Rissland advised a company would split their profits.

Carey advised but with a fiscal year, they would have six months in 2011 and 6 in 2012.

Rissland advised it should not impact them as it would impact the residents she believed more than it would on a company for profit taxes.

Robertson advised if a company comes to Rittman and performs work they pay the full 1.5%.

Rissland advised there wages would be allocated according to where they work.

Carey advised oh that was right.

Robertson advised Rissland made a suggestion and inquired if any on Council wished to make an amendment.

Hanlon advised he would like to see an effective date in the ordinance although he wasn't sure where.

Bower inquired how about in Section Two, this ordinance shall go into effect for tax year 2012 for filings due after January 1, 2013.

Hanlon moved to amend and include the language in Section Two *This ordinance shall go into effect for tax year 2012 for filings due after January 1, 2013*, all Yeas on roll call and **motion carried**.

Lapehn moved to place on second as amended, upon roll call; Carey-Yes, Hanlon-Yes, Beaumont-Yes, Lapehn-Yes, Russell-No, Johnson-Yes and **motion carried**.

**b. Ord. No. 7703 An Ordinance of the Council of the City of Rittman, Ohio, Authorizing the Municipal Manger to Accept the Best Rates for Errors and Omissions Coverage, for All Members of the Fire Department, Property and Casualty, Auto, General Liability, Ambulance Malpractice Insurance, Law Enforcement Liability and Public Officials Insurance for a Period of One (1) Year Commencing June 1, 2012, and Declaring an Emergency. First Reading.** Ord. No. 7703 was read on first reading. Lapehn moved to place on second, all Yeas on roll call and **motion carried**.

**c. Ord. No. 7704 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties, Ohio, Authorizing the Municipal Manager to Purchase Two Medtronic-Physio Control LifePak 15 Monitors and Related Equipment from Medtronic-Physio Control Corporation of Redmond, WA for a Sum Not to Exceed \$56,946.64 Pursuant to the Ohio Cooperative Purchasing Act and Declaring an Emergency. Three Readings.** Ord. No. 7704 was read on first reading. Carey moved to suspend rules and have second and third reading, all Yeas on roll call and **motion carried**. Ord. No. 7704 was read on second and third reading. Carey moved to adopt, all Yeas on roll call and **motion carried**.

**City Manager's Remarks**

City Manager Larry Boggs had no remarks.

**Finance Director's Remarks**

Finance Director Rissland had no remarks.

**Council Remarks**

Council Member Lynn Beaumont had no remarks.

Council Member Steve Johnson had no remarks.

Council Member Darrell Carey thanked everyone who came to the meeting and for the good discussions.

Council Member Glen Russell thanked everyone for coming (to the meeting) especially the young scout and advised he hoped (the scout) would give a report of the meeting and he invited people to come back.

Council Member Richard Lapehn had no remarks.

Council Member Rick Hanlon thanked everyone for coming. He advised he thought it would be a good idea if they look at this under speed motorized vehicle thing. He advised most of the golf carts are electric and people could save a little bit toward a green community. Hanlon advised he guessed he would like to ask that Kevin look at putting something here in ordinance form for us to review.

Mayor Robertson advised the Fire Department pancake breakfast was this Saturday (3/31) morning from 7a-noon and the Easter Bunny will be present and proceeds go to offset the fireworks display for the Fire Departments 100 Year Anniversary this summer. He advised it would be great if you could get out and help support the Fire Department. Robertson advised the Historical Society is having their Spaghetti Dinner Saturday night (3/31) and Bob Frase has tickets for sale.

**a. Approval of Vouchers 56757 thru 56813 w/Then and Now Certificates**

Questions were asked regarding #'s 56785, 56804 & 56810

Hanlon moved to approve, all Yeas on roll call and **motion carried.**

**Adjourn: 7:32p.m.**

Lapehn so moved, all Yeas on roll call and **motion carried.**

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**Mayor**

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**Clerk of Council**